

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective April 16, 2024.

CHAPTER 170

H.P. 1212 - L.D. 1891

Resolve, to Require the Office of Tax Policy to Study the Adoption of a Pass-through Entity Income Tax

Sec. 1. Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy to examine and evaluate system of taxation of business income and possible adoption of pass-through entity income tax. Resolved: That the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy shall examine and evaluate the State's current system of taxation of business income, including the current system of taxing pass-through business income at the partner or shareholder level, and the possible adoption of a pass-through entity income tax to tax such pass-through income, including the possibility of moving the taxation of that income, or some portion of that income, from the partner or shareholder level to the business entity that generated the income. The study must include examination of the impact of the adoption of a pass-through entity income tax on a mandatory and an elective basis, on a permanent and time-limited basis and on a retroactive basis. The Office of Tax Policy shall also include in the study consideration of the impact of the federal state and local tax deduction limitation on individual taxpayers in the State, and the manner and fiscal impact of how a pass-through entity income tax has been enacted and implemented in other states to, in part, address the state and local tax deduction. The Office of Tax Policy may consult with national income tax experts as appropriate. No later than January 15, 2025, the Office of Tax Policy shall submit a report based on the study to the joint standing committee of the Legislature having jurisdiction over taxation matters that includes its findings and recommendations, including suggested legislation. The joint standing committee may submit legislation related to the report to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 171

S.P. 1002 - L.D. 2289

Resolve, to Establish an Automotive Right to Repair Working Group

Sec. 1. Automotive right to repair working group. Resolved: That the Attorney General shall convene a working group to develop recommendations for legislation to establish an entity with rule-making and enforcement authority to adopt standards governing access to motor vehicle telematics systems and to otherwise implement and enforce the requirements of the Maine Revised Statutes, Title 29-A, section 1810.

1. The Attorney General or the Attorney General's designee shall participate in the working group and shall invite the participation in the working group of the following additional members:

- A. The Secretary of State or the Secretary of State's designee;
- B. Two members representing motor vehicle manufacturers, at least one of whom must represent an organization of motor vehicle manufacturers;
- C. One member representing aftermarket parts manufacturers;
- D. One member representing aftermarket parts distributors and retailers;
- E. Two members representing independent repair facilities, at least one of whom is an owner or operator of a facility;
- F. One member representing new motor vehicle dealers;
- G. One member representing a consumer advocacy organization; and
- H. One member representing a data privacy advocacy organization.

Members of the working group serve without compensation. The Office of the Attorney General shall provide necessary staffing services to the working group.

2. The working group shall develop recommendations for legislation to establish an entity to ensure cyber-secure access to motor vehicle-generated data to owners and owner-authorized independent repair facilities for maintenance, diagnostic and repair purposes. The recommendations developed by the working group must address that entity's ability to:

- A. Identify and adopt relevant standards for implementing the requirements of Title 29-A, section 1810, including standards relating to access to vehicle telematics systems;

- B. Monitor motor vehicle manufacturer compliance with standards adopted by the entity;
- C. Develop and monitor policies for the evolving use and availability of data generated by the operations of motor vehicles;
- D. Create policies for compliance with relevant laws, regulations, standards, technologies and best practices related to motor vehicle data, with consideration given to privacy and cybersecurity concerns; and
- E. Adopt rules necessary for implementation and enforcement of Title 29-A, section 1810 and to enforce the requirements of that law consistent with those rules.

3. On or before February 28, 2025, the Attorney General shall submit to the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters a report containing the findings and recommendations of the working group under this section. After reviewing the report, the committee may report out legislation relating to the report to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 172

H.P. 1323 - L.D. 2061

Resolve, Authorizing the Director of the Bureau of Parks and Lands to Convey Peacock Beach State Park to the Town of Richmond

Preamble. The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814; and

Emergency preamble. **Whereas,** acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Peacock Beach State Park is a waterfront park, including a small sand beach on Pleasant Pond, located in the Town of Richmond;

Whereas, the Town of Richmond would like to make improvements to the park prior to the summer months when the park is commonly visited by local community members; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain land known as Peacock Beach State Park. Resolved:

That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may gift by quitclaim deed without covenant, and on such other terms and conditions as the director may direct, all the State's interest in a parcel of land approximately 32 acres in size in Richmond known as Peacock Beach State Park, together with the buildings and improvements, and all the appurtenant rights and easements located on that property, which is currently the subject of a 25-year lease between the Bureau of Parks and Lands and the Town of Richmond, to the Town of Richmond.

Sec. 2. Restrictions. Resolved: That the instrument transferring the interests of the State in the property referenced in section 1 must include the following terms and restrictions:

1. The property must continue to be used and managed for noncommercial public recreational use as a public park, subject to the terms of the federal Land and Water Conservation Fund. If the property is used otherwise, title to the property automatically reverts to the Department of Agriculture, Conservation and Forestry, but only on those terms and conditions as the Director of the Bureau of Parks and Lands may direct;

2. If the Town of Richmond proposes to transfer an interest in the property, in whole or in part, to a 3rd party not affiliated with the Town of Richmond, the Department of Agriculture, Conservation and Forestry has a right of first refusal to take back the property at no cost and upon those terms and conditions as the Director of the Bureau of Parks and Lands may direct; and

3. Notwithstanding any decision by the Department of Agriculture, Conservation and Forestry not to exercise its right of first refusal, the department continues to hold the right of first refusal in perpetuity, and this right is a servitude on the property and runs with the land and is binding upon the Town of Richmond and its successors and assigns forever.