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Legislative Document

No. 2170

H.P. 1458

House of Representatives, January 20, 2026

An Act to Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

(EMERGENCY)

Reported by Representative KUHN of Falmouth for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT

Clerk

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

Whereas, acts of this and previous Legislatures have resulted in certain technical inconsistencies, conflicts and errors in the laws of Maine; and

Whereas, these inconsistencies, conflicts and errors create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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 enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 5 MRSA §3232, first ¶, as enacted by PL 2025, c. 388, Pt. D, §12, is amended to read:

The office may ~~enter into~~ make financial assistance grants under the program only to the extent that funds are available. In making grants, the office shall consider the need for planning in a municipality or multimunicipal region, the proximity of the municipality or multimunicipal region to other areas that are conducting or have completed the planning process and the economic and geographic role of the municipality or multimunicipal region within a regional context. The office shall give priority in making grants to any municipality or multimunicipal region that has adopted a local climate action plan and, if the municipality or multimunicipal region has adopted a comprehensive plan or growth management program, prepared a climate vulnerability assessment pursuant to Title 30-A, section 4326, subsection 1, paragraph L. The office may consider other criteria in making grants, as long as the criteria support the goal of encouraging and facilitating the adoption and implementation of local and multimunicipal growth management programs consistent with the procedures, goals and guidelines established in this subchapter.

Sec. A-2. 5 MRSA §4612, sub-§4, ¶B, as amended by PL 1991, c. 99, §30, is further amended by amending subparagraph (3) to read:

(3) In unlawful public accommodations discrimination, that such discrimination is causing inconvenience to many persons; and

Sec. A-3. 5 MRSA §7051, sub-§7, as amended by PL 2021, c. 601, §2, is further amended to read:

7. Dismissal and disciplinary action. Except as provided in subsection 5, an appointing authority may dismiss, suspend or otherwise discipline an employee in the classified service for cause. This right is subject to the right of appeal and arbitration of grievances set forth in the applicable labor contract, in sections 7081 to 7084 or by civil service rule; and sections 7081 to 7084 apply to any employee who has satisfactorily completed an initial probationary period. This subsection does not apply to unclassified employees listed in section 931, nor does this subsection in any way limit the collective

1 bargaining rights of classified and unclassified employees. This subsection does not apply
2 to an employee appointed to a major policy-influencing position listed in sections 932 to
3 ~~953~~ 952.

4 Notwithstanding any provision of law to the contrary, the head of any institution under the
5 control of the Department of Health and Human Services as the appointing authority may
6 suspend with pay any employee who is charged by indictment with the commission of a
7 criminal offense involving acts alleged to have been perpetrated upon any resident or
8 residents of any such institution. Any suspension with pay may be authorized by the
9 appointing authority only when to permit the employee to remain on duty at the institution
10 would be against the best interest of any one or more of the residents of the institution, and
11 authorization for suspension with pay applies only during the pendency of the criminal
12 proceedings in the trial court, but not longer than 30 working days. Sections 7081 to 7084
13 do not apply to suspension with pay ordered by the appointing authority under this
14 paragraph.

15 **Sec. A-4. 5 MRSA §7064, sub-§2**, as amended by PL 2003, c. 177, §1, is further
16 amended to read:

17 **2. Eligibility of unclassified employees for classified service.** In addition to any
18 other provisions in this chapter, unclassified employees listed in section 931, subsection 1,
19 paragraph H, and other unclassified employees, except those cited in section 931,
20 subsection 1, paragraphs A to G, and ~~paragraphs~~ I and J, and in sections 932 to ~~953~~ 952,
21 are eligible for appointment to the classified service on the same basis as other members of
22 the classified service.

23 **Sec. A-5. 5 MRSA §13056-E, sub-§2, ¶B**, as amended by PL 2025, c. 388, Pt. D,
24 §17, is further amended by amending the first blocked paragraph to read:

25 Subject to the limitations of this subsection, 2 or more municipalities that each meet
26 the requirements of subparagraph (1), divisions (a), (b) ~~or~~ and (c) may jointly apply for
27 assistance under this section; and

28 **Sec. A-6. 5 MRSA §17804, sub-§5-F**, as amended by PL 2021, c. 548, §25, is
29 further amended to read:

30 **5-F. Change of beneficiary.** If the recipient of a service retirement benefit has elected
31 an optional method of payment under subsection 3, 4, ~~5~~, 5-A, 5-B, 5-C, 5-D or 5-E and has
32 designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is
33 permitted a one-time change in the designated beneficiary except as provided in paragraph
34 D, but may not change the already elected payment option or the amount of the benefits
35 under that option, by filing a written designation of the new beneficiary, duly
36 acknowledged, with the chief executive officer on a form provided or specified by the
37 retirement system. The change of beneficiary permitted by this subsection may only be
38 made prior to the death of the prior designated beneficiary.

39 A. The benefit payable to the recipient and the new beneficiary must be paid under the
40 same payment option. The amount of the recipient's benefit may not change, and the
41 amount of the new beneficiary's benefit must be the same as the amount of the prior
42 beneficiary's benefit.

43 B. The effective date of the designation of the new beneficiary is the date the
44 designation is received by the chief executive officer. As of the first day of the month

1 following the effective date of the designation of the new beneficiary, the prior
2 beneficiary is no longer entitled to any benefit payment and, if concurrent payment
3 under subsection 5-B has been elected, the new beneficiary's benefit must become
4 effective on the same date.

5 C. The new beneficiary's entitlement to benefits ceases on the earlier of:

6 (1) The date of the new beneficiary's death; and

7 (2) The date established when the amount of the prior beneficiary's benefit was
8 established, which is the initial commencement date of benefits to the retiree
9 increased by the life expectancy of the prior beneficiary computed in years and
10 months using actuarial equivalence assumptions recommended by the system's
11 actuary.

12 Payment of benefits to the new beneficiary must cease as of the first day of the month
13 following the earlier of subparagraphs (1) and (2).

14 D. A recipient who exercises a one-time option under this subsection may revert back
15 to the original designated beneficiary, who will be treated as the new beneficiary for
16 purposes of paragraphs A to C.

17 **Sec. A-7. 5 MRSA §18404, sub-§5-F**, as amended by PL 2021, c. 548, §41, is
18 further amended to read:

19 **5-F. Change of beneficiary.** If the recipient of a service retirement benefit has elected
20 an optional method of payment under subsection 3, 4, ~~5~~, 5-A, 5-B, 5-C, 5-D or 5-E and has
21 designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is
22 permitted a one-time change in the designated beneficiary except as provided in paragraph
23 D, but may not change the already elected payment option or the amount of the benefits
24 under that option, by filing a written designation of the new beneficiary, duly
25 acknowledged with the chief executive officer on a form provided or specified by the
26 retirement system. The change of beneficiary permitted by this subsection may only be
27 made prior to the death of the prior designated beneficiary.

28 A. The benefit payable to the recipient and the new beneficiary must be paid under the
29 same payment option. The amount of the recipient's benefit may not change, and the
30 amount of the new beneficiary's benefit must be the same as the amount of the prior
31 beneficiary's benefit.

32 B. The effective date of the designation of the new beneficiary is the date the
33 designation is received by the chief executive officer. As of the first day of the month
34 following the effective date of the designation of the new beneficiary, the prior
35 beneficiary is no longer entitled to any benefit payment and, if concurrent payment
36 under subsection 5-B has been elected, the new beneficiary's benefit must become
37 effective on the same date.

38 C. The new beneficiary's entitlement to benefits ceases on the earlier of:

39 (1) The date of the new beneficiary's death; or

40 (2) The date established when the amount of the prior beneficiary's benefit was
41 established, which is the initial commencement date of benefits to the retiree
42 increased by the life expectancy of the prior beneficiary computed in years and

1 months using actuarial equivalence assumptions recommended by the system's
2 actuary.

3 Payment of benefits to the new beneficiary must cease as of the first day of the month
4 following the earlier of subparagraphs (1) and (2).

5 D. A recipient who exercises a one-time option under this subsection may revert back
6 to the original designated beneficiary, who will be treated as the new beneficiary for
7 purposes of paragraphs A to C.

8 **Sec. A-8. 6 MRSA §205, sub-§7**, as amended by PL 2009, c. 447, §4, is further
9 amended to read:

10 **7. Evidence.** The drug concentration in the defendant's blood or the defendant's
11 alcohol level at the time alleged, as shown by the chemical analysis of the defendant's
12 blood, breath or urine or by results of a self-contained, breath-alcohol testing apparatus
13 authorized by subsection 5, is admissible in evidence.

14 When a person, certified under subsection 5, conducts a chemical analysis of blood or
15 breath to determine alcohol level, the person may issue a certificate stating the results of
16 the analysis. That certificate, when duly signed and sworn to by the certified person, is
17 admissible in evidence in any court of the State. It is prima facie evidence that the person
18 taking a specimen of blood or urine was a person authorized by subsection 5; that the
19 equipment, chemicals and other materials used in the taking of the blood or urine specimen
20 or a breath sample were of a quality appropriate for the purpose of producing reliable test
21 results; that any equipment, chemicals or materials required by subsection 5 to be approved
22 by the Department of Health and Human Services were in fact approved; that the sample
23 tested by the person certified under subsection 5 was in fact the same sample taken from
24 the defendant; and that the drug concentration in the defendant's blood or the defendant's
25 alcohol level was, at the time the blood or breath sample was taken, as stated in the
26 certificate, unless, with 10 days' written notice to the prosecution, the defendant requests
27 that a qualified witness testify as to any of the matters as to which the certificate constitutes
28 prima facie evidence. The notice must specify those matters concerning which the
29 defendant requests testimony.

30 A person certified under subsection 5 as qualified to operate a self-contained, breath-
31 alcohol testing apparatus to determine the alcohol level may issue a certificate stating the
32 results of the analysis. That certificate, when duly signed and sworn to by the certified
33 person, is admissible in evidence in any court of the State. It is prima facie evidence that
34 the defendant's alcohol level was, at the time the breath sample was taken, as stated in the
35 certificate, unless, with 10 days' written notice to the prosecution, the defendant requests
36 that the operator or other qualified witness testify as to the results of the analysis.

37 Transfer of sample specimens to and from a laboratory for purposes of analysis is must be
38 by certified or registered mail and, when so made, is deemed to comply with all
39 requirements regarding the continuity of custody of physical evidence.

40 The failure of a person to comply with the duty to submit to and complete a chemical test
41 under section 204 is admissible in evidence on the issue of whether that person was under
42 the influence of intoxicating liquor or drugs. If the law enforcement officer having
43 probable cause to believe that the person operated or attempted to operate an aircraft while
44 under the influence of intoxicating liquor or drugs fails to give either of the warnings

1 required under subsection 2, the failure of the person to comply with the duty to submit to
2 a chemical test is not admissible, except when a test was required pursuant to subsection
3 11. If a failure to submit to and complete a chemical test is not admitted into evidence, the
4 court may inform the jury of the fact that no test result is available.

5 If a test result is not available for a reason other than failing to comply with the duty to
6 submit to and complete a chemical test, the unavailability and the reason are admissible in
7 evidence.

8 **Sec. A-9. 8 MRSA §272-C, sub-§1**, as amended by PL 2025, c. 390, Pt. B, §5, is
9 further amended to read:

10 **1. Establishment; deposits; rules.** A licensee conducting live racing in the State shall
11 establish a trust account for the benefit of the persons who race horses at that licensee's
12 facility. ~~Except as provided by subsection 3, funds~~ Funds distributed to or retained by the
13 licensee pursuant to sections 287, 289, 290, 292 and 298 and Title 7, section 91, less any
14 administrative assessments pursuant to section 267-A, that must be used to pay or
15 supplement harness racing purses must be deposited in that account and used exclusively
16 to pay harness racing purses. The funds in a trust account established in accordance with
17 this subsection are not considered to be property of the licensee, may not be pledged as
18 security for the debts of the licensee and are not subject to attachment or execution by
19 creditors of the licensee. The commission may adopt rules governing the handling of trust
20 accounts, providing for the reallocation of trust account funds to other licensed commercial
21 tracks in the event that a track ceases operation or cancels a significant number of race
22 days, as determined by the commission, and governing the handling of harness racing
23 purses at any commercial track that does not have a contract with a statewide association
24 of horse owners, trainers and drivers. Rules adopted pursuant to this subsection are routine
25 technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

26 **Sec. A-10. 11 MRSA §2-103, sub-§(4)** is amended to read:

27 **(4).** In addition, Article 4 1-A contains general definitions and principles of
28 construction and interpretation applicable throughout this Article.

29 **Sec. A-11. 11 MRSA §2-1103, sub-§(4)**, as enacted by PL 1991, c. 805, §4, is
30 amended to read:

31 **(4).** In addition, Article 4 1-A contains general definitions and principles of
32 construction and interpretation applicable throughout this Article.

33 **Sec. A-12. 11 MRSA §3-1103, sub-§(4)**, as enacted by PL 1993, c. 293, Pt. A, §2,
34 is amended to read:

35 **(4).** In addition, Article 4 1-A contains general definitions and principles of
36 construction and interpretation applicable throughout this Article.

37 **Sec. A-13. 11 MRSA §4-104, sub-§(4)** is amended to read:

38 **(4).** In addition, Article 4 1-A contains general definitions and principles of
39 construction and interpretation applicable throughout this Article.

40 **Sec. A-14. 11 MRSA §4-1105, sub-§(4)**, as enacted by PL 1991, c. 812, §2, is
41 amended to read:

1 (4). In addition, Article ~~4~~ 1-A contains general definitions and principles of
2 construction and interpretation applicable throughout this Article.

3 **Sec. A-15. 11 MRSA §5-1102, sub-§(3)**, as enacted by PL 1997, c. 429, Pt. A, §2
4 and affected by §4, is amended to read:

5 (3). Article ~~4~~ 1-A contains certain additional general definitions and principles of
6 construction and interpretation applicable throughout this Article.

7 **Sec. A-16. 11 MRSA §7-1102, sub-§(3)**, as enacted by PL 2009, c. 324, Pt. A, §2
8 and affected by §4, is amended to read:

9 (3). In addition, Article ~~4~~ 1-A contains general definitions and principles of
10 construction and interpretation applicable throughout this Article.

11 **Sec. A-17. 11 MRSA §8-1102, sub-§(3)**, as enacted by PL 1997, c. 429, Pt. B, §2,
12 is amended to read:

13 (3). In addition, Article ~~4~~ 1-A contains general definitions and principles of
14 construction and interpretation applicable throughout this Article.

15 **Sec. A-18. 11 MRSA §9-1102, sub-§(72), ¶(f)**, as amended by PL 2013, c. 317,
16 Pt. A, §7, is further amended to read:

17 (f). A person that holds a security interest arising under section 2-401, section 2-505,
18 section 2-711, subsection (3), section 2-1508, subsection (5), section 4-210, or ~~5-118~~
19 section 5-1118.

20 **Sec. A-19. 11 MRSA §9-1102, last ¶**, as enacted by PL 1999, c. 699, Pt. A, §2 and
21 affected by §4, is amended to read:

22 Article ~~4~~ 1-A contains general definitions and principles of construction and
23 interpretation applicable throughout this Article.

24 **Sec. A-20. 12 MRSA §11401, sub-§2, ¶C**, as enacted by PL 2025, c. 333, §12, is
25 amended to read:

26 C. Establish a 2-day youth deer hunting period, to be held on the Friday and Saturday
27 preceding the Saturday designated as an open day for residents of the State pursuant to
28 this section 11401.

29 **Sec. A-21. 14 MRSA §4426, first ¶**, as amended by PL 2021, c. 382, §3, is further
30 amended to read:

31 Notwithstanding anything to the contrary in 11 United States Code, Section 522(b), a
32 debtor may exempt from property of the debtor's estate under 11 United States Code only
33 that property exempt under 11 United States Code, Section 522(b)(3)(A) and (B), except
34 that any debtor eligible for a residence exemption under section 4422, subsection 1,
35 paragraph ~~A-1~~ B may exempt the amount allowed in that paragraph.

36 **Sec. A-22. 14 MRSA §6203-H, sub-§4, ¶A**, as amended by PL 2025, c. 92, §4,
37 is further amended to read:

38 A. An option contract for the purchase of real property or rent-to-own real property
39 may be terminated only pursuant to the eviction process set forth in chapter 709 if:

(1) The vendor has entered into not more than one contract in any calendar year or 2 contracts in any 5-year period;

(2) The option contract for the purchase of real property or rent-to-own real property does not require an initial payment of more than 4 times the monthly rent charged for the real property;

(3) The option contract for the purchase of real property or rent-to-own real property requires the vendor to maintain the real property pursuant to the provisions of section 6021, unless a waiver pursuant to the provisions of section 6021, subsection 5 has been entered into, the provisions of section 6021-A and, if applicable, the provisions of Title 10, section 9099, unless a waiver pursuant to Title 10, section 9099, subsection 4 has been entered into; and

(4) The vendor has otherwise complied with the requirements of this section.

Sec. A-23. 15 MRSA §3301, sub-§7, ¶B, as enacted by PL 2025, c. 431, §13, is amended to read:

B. The criminal violation of operating a motor vehicle under the influence of intoxicating liquor or drugs or with an excessive alcohol level, as described under Title 29-A, section 2411, and offenses defined in Title 29-A as Class B or C crimes.

Sec. A-24. 22 MRSA §1597-A, sub-§6, ¶A, as enacted by PL 1989, c. 573, §2, is amended by amending subparagraph (5) to read:

(5) That, if the court does not grant the minor majority rights for the purpose of consent to the abortion, the court should find that the abortion is in the best interest of the minor and give judicial consent to the abortion; and

Sec. A-25. 22 MRSA §1597-A, sub-§6, ¶A, as enacted by PL 1989, c. 573, §2, is amended by reallocating subparagraph (7) to 22 MRSA §1597-A, sub-§6, ¶A, sub-¶6.

Sec. A-26. 22 MRSA §1715, sub-§1, as amended by PL 2017, c. 475, Pt. A, §29, is further amended to read:

1. Access requirements. Any person, including, but not limited to, an affiliated interest as defined in former section 396-L, that is subject to the requirements of this subsection, shall provide the services listed in paragraph C to individuals who are eligible for charity care in accordance with a charity care policy adopted by the affiliate or provider that is consistent with rules applicable to hospitals under section 1716. A person is subject to this subsection if that person:

A. Is either a direct provider of major ambulatory service, as defined in former section 382, subsection 8-A, or is or has been required to obtain a certificate of need under section 329 or former section 304 or 304-A;

B. Provides outpatient services as defined in former section 382, subsection 9-A; and

C. Provides one or more of the following services:

(1) Imaging services, including, but not limited to, magnetic resonance imaging, computerized tomography, mammography and radiology. For purposes of this section, imaging services do not include:

- 1 (a) Screening procedures that are not related to the diagnosis or treatment of a
2 specific condition; or
3 (b) Services when:
4 (i) The services are owned by a community health center, a physician or
5 group of physicians;
6 (ii) The services are offered solely to the patients of that center, physician
7 or group of physicians; and
8 (iii) Referrals for the purpose of performing those services are not
9 accepted from other physicians;
10 (2) Laboratory services performed by a hospital or by a medical laboratory
11 licensed in accordance with the Maine Medical Laboratory Commission, or
12 licensed by an equivalent out-of-state licensing authority, excluding those licensed
13 laboratories owned by community health centers, a physician or group of
14 physicians where the laboratory services are offered solely to the patients of that
15 center, physician or group of physicians;
16 (3) Cardiac diagnostic services, including, but not limited to, cardiac
17 catheterization and angiography but excluding electrocardiograms and
18 electrocardiograph stress testing;
19 (4) Lithotripsy services;
20 (5) Services provided by free-standing ambulatory surgery facilities certified to
21 participate in the Medicare program; or
22 (6) Any other service performed in an out-patient setting requiring the purchase
23 of medical equipment costing in the aggregate \$500,000 or more and for which the
24 charge per unit of service is \$250 or more.

25 **Sec. A-27. 22 MRSA §1715, sub-§1**, as amended by PL 2025, c. 488, §1 and
26 affected by §8, is further amended to read:

27 **1. Access requirements.** Any person, including, but not limited to, an affiliated
28 interest as defined in former section 396-L, that is subject to the requirements of this
29 subsection, shall provide the services listed in paragraph C to individuals who are eligible
30 for charity care in accordance with a charity care policy adopted by the affiliate or provider
31 that is consistent with requirements applicable to hospitals under section 1716-A and any
32 rules adopted pursuant to section 1716-A. A person is subject to this subsection if that
33 person:

34 A. Is either a direct provider of major ambulatory service, as defined in former section
35 382, subsection 8-A, or is or has been required to obtain a certificate of need under
36 section 329 or former section 304 or 304-A;

37 B. Provides outpatient services as defined in former section 382, subsection 9-A; and

38 C. Provides one or more of the following services:

39 (1) Imaging services, including, but not limited to, magnetic resonance imaging,
40 computerized tomography, mammography and radiology. For purposes of this
41 section, imaging services do not include:

- 1 (a) Screening procedures that are not related to the diagnosis or treatment of a
2 specific condition; or
3 (b) Services when:
4 (i) The services are owned by a community health center, a physician or
5 group of physicians;
6 (ii) The services are offered solely to the patients of that center, physician
7 or group of physicians; and
8 (iii) Referrals for the purpose of performing those services are not
9 accepted from other physicians;
10 (2) Laboratory services performed by a hospital or by a medical laboratory
11 licensed by the department or licensed by an equivalent out-of-state licensing
12 authority, excluding those licensed laboratories owned by community health
13 centers, by a physician or by a group of physicians at which the laboratory services
14 are offered solely to the patients of that center, physician or group of physicians;
15 (3) Cardiac diagnostic services, including, but not limited to, cardiac
16 catheterization and angiography but excluding electrocardiograms and
17 electrocardiograph stress testing;
18 (4) Lithotripsy services;
19 (5) Services provided by free-standing ambulatory surgery facilities certified to
20 participate in the Medicare program; or
21 (6) Any other service performed in an out-patient setting requiring the purchase
22 of medical equipment costing in the aggregate \$500,000 or more and for which the
23 charge per unit of service is \$250 or more.

24 **Sec. A-28. Effective date.** That section of this Part that amends the Maine Revised
25 Statutes, Title 22, section 1715, subsection 1, as amended by Public Law 2025, chapter
26 488, section 1 and affected by section 8, takes effect July 1, 2026.

27 **Sec. A-29. 22 MRSA §2842, sub-§2-A,** as amended by PL 2009, c. 601, §25 and
28 PL 2025, c. 316, §3, is further amended to read:

29 **2-A. Medical certification.** Notwithstanding subsection 2, with respect to a person
30 who dies within the State naturally and for whom the physician, nurse practitioner or
31 physician associate was the attending health care provider, the medical certification of the
32 cause of death may be completed and signed by a physician, nurse practitioner or physician
33 associate authorized to practice at the United States Department of Veterans Affairs at
34 Togus or at another federal medical facility within the State or by a physician, an advanced
35 practice registered nurse or physician associate licensed to practice in New Hampshire,
36 Vermont or Massachusetts who, at the request of the Chief Medical Examiner, is willing
37 to do so.

38 **Sec. A-30. 22 MRSA §2843, 2nd ¶,** as amended by PL 2023, c. 676, §11, is further
39 amended to read:

40 The State Registrar of Vital Statistics or a municipal clerk may issue a permit for final
41 disposition by cremation, burial at sea, use by medical science, natural organic reduction
42 or removal from the State only upon receipt of a certificate by a duly appointed medicolegal

1 death investigator or medical examiner as specified in section 2900-A, subsection 8 or Title
2 32, section 1405 ~~or section 2900-A, subsection 8~~.

3 **Sec. A-31. 22 MRSA §7802, sub-§1-A**, as amended by PL 2023, c. 405, Pt. A,
4 §78, is further amended to read:

5 **1-A. Consolidation of functions.** All staff performing general licensing functions
6 within the Office of Child and Family Services, including the out-of-home abuse and
7 neglect investigating team when investigating pursuant to section 8354 4099-L, subsection
8 2, paragraph C, are consolidated as a single organizational unit.

9 **Sec. A-32. 24-A MRSA §1443-A, sub-§1, ¶A**, as enacted by PL 1997, c. 457,
10 §23 and affected by §55, is amended by amending subparagraph (4) to read:

11 (4) An insurer or insurance producer or consultant utilizing space in the retail area
12 of a financial institution or credit union authorized to do business in this State or
13 of a financial institution holding company or an institution listed in subparagraph
14 (1) in order to engage in the transaction of insurance when payments for use of the
15 space are made to the ~~that~~ institution pursuant to a space-sharing agreement based
16 directly or indirectly upon a percentage of the volume of business conducted by
17 the insurer, insurance agent, broker or consultant.

18 **Sec. A-33. 24-A MRSA §2003, sub-§7, ¶A**, as enacted by PL 2011, c. 331, §3
19 and affected by §§16 and 17, is amended by amending subparagraph (2) to read:

20 (2) If 100% of the insured risk is located out of the state referred to in subparagraph
21 ~~+~~ (1), the state to which the greatest percentage of the insured's taxable premium
22 for that insurance contract is allocated; or

23 **Sec. A-34. 25 MRSA §2803-B, sub-§1, ¶O**, as amended by PL 2025, c. 219, §2
24 and c. 344, §2, is repealed and the following enacted in its place:

25 O. By January 1, 2024, the confidentiality of attorney-client communications, which
26 must include, at a minimum, processes to protect and ensure confidentiality of
27 attorney-client communications and processes to be followed in the event that there is
28 a breach of attorney-client confidentiality;

29 **Sec. A-35. 25 MRSA §2803-B, sub-§1, ¶P**, as enacted by PL 2025, c. 219, §3, is
30 amended to read:

31 P. By January 1, 2026, requirements for the law enforcement agency to assist a
32 prosecuting agency in complying with the prosecuting agency's constitutional
33 obligations under Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States,
34 405 U.S. 150 (1972); ~~and~~

35 **Sec. A-36. 25 MRSA §2803-B, sub-§1, ¶P**, as enacted by PL 2025, c. 344, §3, is
36 reallocated to 25 MRSA §2803-B, sub-§1, ¶R.

37 **Sec. A-37. 25 MRSA §2803-B, sub-§1, ¶Q**, as enacted by PL 2025, c. 219, §4, is
38 amended to read:

39 Q. By January 1, 2026, requirements for the law enforcement agency to comply with
40 mandatory disclosures to the Maine Criminal Justice Academy; and

1 **Sec. A-38. 26 MRSA §683, sub-§5, ¶B**, as amended by PL 2019, c. 627, Pt. B,
2 §7; PL 2021, c. 669, §5; and PL 2025, c. 316, §3, is further amended to read:

3 B. In the case of an employee, have a blood sample taken from the employee by a
4 licensed physician, licensed physician associate, registered nurse or a person certified
5 by the Department of Health and Human Services to draw blood samples. The
6 employer shall have this sample tested for the presence of alcohol or cannabis
7 metabolites, if those substances are to be tested for under the employer's written policy.
8 If the employee requests that a blood sample be taken as provided in this paragraph,
9 the employer may not test any other sample from the employee for the presence of
10 these substances.

11 (1) The Department of Health and Human Services may identify, by rules adopted
12 under section 687, other substances for which an employee may request that a
13 blood sample, instead of a urine sample, be tested ~~instead of a urine sample~~ if the
14 department determines that a sufficient correlation exists between the presence of
15 the substance in an individual's blood and its effect upon the individual's
16 performance.

17 (2) An employer may not require, request or suggest that any employee or
18 applicant provide a blood sample for substance use testing purposes nor may any
19 employer conduct a substance use test upon a blood sample except as provided in
20 this paragraph.

21 (3) Applicants do not have the right to require the employer to test a blood sample
22 as provided in this paragraph.

23 **Sec. A-39. 26 MRSA §1192-A, sub-§1, ¶C**, as enacted by PL 2025, c. 235, §11,
24 is amended by amending subparagraph (5) to read:

25 (5) The unemployed individual is performing either a military or civil duty as
26 required by law; ~~and~~ or

27 **Sec. A-40. 26 MRSA §2066, sub-§1, ¶F**, as enacted by PL 2025, c. 396, §12, is
28 amended to read:

29 F. Conduct outreach to communities with disproportionately low enrollment in
30 unemployment insurance and reemployment assistance. The program shall provide
31 individual assistance, education and referrals for individuals applying for and making
32 ongoing claims for unemployment compensation, including offering assistance
33 connecting with department staff and coaching on self-advocacy for claimants
34 experiencing barriers to services. The program shall inform individuals about
35 provisions of law that may assist low-income and frequently unemployed individuals
36 disproportionately, including the dislocated worker benefits program under section
37 1043 1196, subsection 5, ~~paragraph B 1-A~~ and section 1191, subsection 4, paragraph
38 A, partial unemployment benefits and reemployment services; and

39 **Sec. A-41. 30-A MRSA §4326, sub-§3-A**, as amended by PL 2025, c. 388, Pt. D,
40 §34 and repealed by c. 393, §34, is repealed.

41 **Sec. A-42. 30-A MRSA §4326, sub-§3-B, ¶D**, as enacted by PL 2025, c. 393,
42 §34, is amended to read:

1 D. A future land use plan is not required to identify growth areas within the
2 municipality or multimunicipal region for residential, commercial or industrial growth
3 if the municipality or multimunicipal region demonstrates, in its comprehensive plan
4 and in accordance with rules adopted by the department pursuant to this article, that:

5 (1) It is not possible to accommodate future residential, commercial or industrial
6 growth within the municipality or multimunicipal region because of severe
7 physical limitations, including, without limitation, the lack of adequate water
8 supply and sewage disposal services, very shallow soils or limitations imposed by
9 protected natural resources;

10 (2) The municipality or multimunicipal region has experienced minimal or no
11 residential, commercial or industrial development over the past decade and this
12 condition is expected to continue over the 10-year planning period; or

13 (3) The municipality or multimunicipal region has no downtown or densely
14 developed area.

15 A municipality or multimunicipal region exercising the discretion afforded by this
16 paragraph shall review the basis for its demonstration during the periodic revisions
17 undertaken pursuant to Title 5, section 4347-A 3233.

18 **Sec. A-43. 30-A MRSA §4346**, as repealed by PL 2025, c. 388, Pt. D, §35 and
19 amended by c. 393, §§35 and 36, is repealed.

20 **Sec. A-44. 30-A MRSA §4347-A**, as repealed by PL 2025, c. 388, Pt. D, §35 and
21 amended by c. 393, §§37 to 44, is repealed.

22 **Sec. A-45. 30-A MRSA §4364, sub-§2**, as amended by PL 2025, c. 385, §4 and
23 affected by §23 and amended by c. 388, Pt. D, §36, is repealed and the following enacted
24 in its place:

25 **2. Density requirements.** A municipality shall allow an affordable housing
26 development where multifamily dwellings are allowed to have a dwelling unit density of
27 at least 2 1/2 times the base density that is otherwise allowed in that location and may not
28 require more than 2 off-street parking spaces for every 3 units. The development must be
29 in a designated growth area of a municipality consistent with Title 5, section 3234,
30 subsection 1, paragraph A or B or the development must be served by a public, special
31 district or other centrally managed water system and a public, special district or other
32 comparable sewer system. The development must comply with minimum lot size
33 requirements in accordance with Title 12, chapter 423-A, as applicable.

34 **Sec. A-46. 30-A MRSA §4364-A, sub-§1**, as repealed and replaced by PL 2025,
35 c. 385, §7 and affected by §23 and amended by c. 388, Pt. D, §37, is repealed and the
36 following enacted in its place:

37 **1. Use allowed.** Notwithstanding any provision of law to the contrary, except Title
38 12, chapter 423-A, for any area in which residential uses are allowed, including as a
39 conditional use, a municipality shall allow at a minimum:

40 A. Three dwelling units, attached or detached, including accessory dwelling units, per
41 lot; and

1 B. Four dwelling units, attached or detached, including accessory dwelling units, per
2 lot if the lot is located in a designated growth area within a municipality consistent with
3 Title 5, section 3234, subsection 1, paragraph A or B or served by a public, special
4 district or other centrally managed water system and a public, special district or other
5 comparable sewer system.

6 A municipality may allow more units than the minimum number required by this
7 subsection.

8 **Sec. A-47. 30-A MRSA §4364-E, sub-§6**, as enacted by PL 2025, c. 364, §2 and
9 reallocated by RR 2025, c. 1, Pt. A, §42, is amended to read:

10 **6. Rulemaking.** The state agency responsible for administering the Housing
11 Opportunity Program established in Title 5, section ~~13056-J~~ 3241 may adopt rules to
12 administer and enforce this section. Rules adopted pursuant to this subsection are routine
13 technical rules as defined in Title 5, chapter 375, subchapter 2-A.

14 **Sec. A-48. 32 MRSA §3270-G, sub-§4**, as enacted by PL 2019, c. 627, Pt. B, §17
15 and amended by PL 2025, c. 316, §3, is further amended to read:

16 **4. Consultation.** A physician associate shall, as indicated by a patient's condition, the
17 education, competencies and experience of the physician associate and the standards of
18 care, consult with, collaborate with or refer the patient to an appropriate physician or other
19 health care professional. The level of consultation required under this subsection is
20 determined by the practice setting, including a physician employer, physician group
21 practice, or private practice, or by the system of credentialing and granting of privileges of
22 a health care facility. A physician ~~must~~ shall be accessible to the physician associate at all
23 times for consultation. Consultation may occur electronically or through
24 telecommunication and includes communication, task sharing and education among all
25 members of a health care team.

26 **Sec. A-49. 34-B MRSA §3012, sub-§3**, as enacted by PL 2025, c. 349, §1, is
27 amended to read:

28 **3. Access to state mental health institute records.** In addition to the agency's
29 authority to access records under Title 5, chapter 511 and notwithstanding ~~subsection~~
30 section 1207, the agency contracted under subsection 2 may access medical records of
31 individuals with serious mental illness who are hospitalized in a state mental health institute
32 as defined in section 3801, subsection 9 when necessary to provide advocacy services as
33 authorized under Title 5.

34 **Sec. A-50. 34-B MRSA §3801, sub-§4-A, ¶D**, as enacted by PL 2009, c. 651, §4,
35 is amended to read:

36 D. For the purposes of section 3873-A, in view of the person's treatment history,
37 current behavior and inability to make an informed decision, a reasonable likelihood
38 that the person's mental health will deteriorate and that the person will in the
39 foreseeable future pose a likelihood of serious harm as defined in ~~paragraphs~~ paragraph
40 A, B or C.

41 **Sec. A-51. 36 MRSA §1545, first ¶**, as amended by PL 2025, c. 113, Pt. D, §81,
42 is further amended to read:

1 All timber and grass acreage forfeited under section 1544 must be held in trust by the
2 State for the benefit of the people of Maine and must be held by the Director of the Bureau
3 of Parks and Lands within the Department of Agriculture, Conservation and Forestry
4 subject to the same powers and responsibilities as apply to other lands in the director's
5 custody.

6 **Sec. A-52. 36 MRSA §1546, first ¶**, as repealed and replaced by PL 1975, c. 339,
7 §16 and amended by PL 1995, c. 502, Pt. E, §30, PL 2011, c. 657, Pt. W, §7 and PL 2013,
8 c. 405, Pt. A, §24, is further amended to read:

9 The Director of the Bureau of Parks and Lands within the Department of Agriculture,
10 Conservation and Forestry shall cause a division to be made, if found necessary from time
11 to time, of the public reserved lots ~~which~~ that have been partially forfeited, and shall set off
12 and hold the forfeited portions for the benefit of the people of Maine, as provided for in
13 section 1545.

14 **Sec. A-53. 36 MRSA §4365-F**, as amended by PL 2025, c. 367, §§16 and 17 and
15 affected by §20 and repealed by c. 388, Pt. E, §2 and affected by §6, is repealed.

16 **Sec. A-54. 38 MRSA §3107, sub-§1**, as amended by PL 2025, c. 241, §5, is further
17 amended to read:

18 **1. Commingling requirement.** If initiators of deposit enter into a commingling
19 agreement pursuant to this section, commingling of beverage containers must be by all
20 containers of like deposit value, product group, material and size. Initiators of deposit may
21 not require dealers or redemption centers to further sort containers that belong to the
22 commingling group. This subsection does not prevent further commingling of containers
23 if requested by the responsible commingling group or the cooperative. An initiator of
24 deposit required pursuant to section 3106, subsection ~~8~~ 8-A to pick up beverage
25 containers subject to a commingling agreement also shall pick up all other beverage
26 containers subject to the same agreement. A dealer or redemption center that processes
27 beverage containers using a reverse vending machine or account-based bulk processing
28 program is not required to sort material by color, in accordance with subsection 2,
29 paragraphs E to H, deposit value or size but must comply with the requirements of section
30 3106, subsection 6.

31 **Sec. A-55. 38 MRSA §3113, first ¶**, as amended by PL 2023, c. 482, §32, is further
32 amended to read:

33 A license issued annually by the department is required before any person may initiate
34 deposits under section 3103, operate a redemption center under section 3109 or act as a
35 contracted agent for the collection of beverage containers under section 3106, subsection ~~8~~
36 8-A.

37 **Sec. A-56. 39-A MRSA §309, sub-§3**, as corrected by RR 2025, c. 1, Pt. B, §10,
38 is amended to read:

39 **3. Witnesses; discovery.** All witnesses must be sworn. Sworn written evidence may
40 not be admitted unless the author is available for cross-examination or subject to subpoena;
41 except that sworn statements by a medical doctor or osteopathic physician relating to
42 medical questions, by a psychologist relating to psychological questions, by a chiropractor
43 relating to chiropractic questions, by a certified nurse practitioner who qualifies as an
44 advanced practice registered nurse relating to advanced practice registered nursing

1 questions or by a physician associate relating to ~~physician assistance~~ questions pertaining
2 to the business of a physician associate are admissible in workers' compensation hearings
3 only if notice of the testimony to be used is given and service of a copy of the letter or
4 report is made on the opposing counsel 14 days before the scheduled hearing.

5 Depositions or subpoenas of health care practitioners who have submitted sworn written
6 evidence are permitted only if the administrative law judge finds that the testimony is
7 sufficiently important to outweigh the delay in the proceeding.

8 The board may establish procedures for the prefilming of summaries of the testimony of any
9 witness in written form. In all proceedings before the board or its designee, discovery
10 beyond that specified in this section is available only upon application to the board, which
11 may approve the application in the exercise of its discretion.

12 **Sec. A-57. 39-A MRSA §309, sub-§4**, as enacted by PL 1991, c. 885, Pt. A, §8
13 and affected by §§9 to 11, is amended to read:

14 **4. Contempts before board.** A person may not, in proceedings before the board:
15 disobey or resist any lawful order, process or writ; misbehave during a hearing or so near
16 the place of hearing as to obstruct the hearing; neglect to produce, after having been ordered
17 to do so, any pertinent document; or refuse to appear after having been subpoenaed or, upon
18 appearing, refuse to be examined according to law.

19 If any person violates this subsection, the board shall certify the facts to a Justice of the
20 Superior Court in the county where the alleged offense occurred and the justice may serve
21 or cause to be served on that person an order requiring that person to appear before the
22 justice on a day certain to show cause why the person should not be adjudged in contempt
23 by reason of the facts so certified. The justice shall, upon the appearance of that person, in
24 a summary manner, hear the evidence as to the acts complained of and, if it is such as to
25 warrant doing so, punish that person in the same manner and to the same extent as for a
26 contempt committed before the justice, or commit that person on the same conditions as if
27 the doing of the forbidden act had occurred with reference to the process of the Superior
28 Court or in the presence of the justice.

29 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
30 takes effect when approved, except as otherwise indicated.

31 SUMMARY

32 Part A does the following.

33 Section 1 removes an obsolete cross-reference and makes a technical correction.

34 Section 2 makes a technical correction.

35 Section 3 corrects a cross-reference.

36 Section 4 corrects a cross-reference and makes a technical correction.

37 Section 5 corrects a cross-reference and makes a technical correction.

38 Section 6 removes an obsolete cross-reference.

39 Section 7 removes an obsolete cross-reference.

40 Section 8 makes grammatical changes.

1 Section 9 removes an obsolete cross-reference.
2 Section 10 corrects a cross-reference and makes a grammatical change.
3 Section 11 corrects a cross-reference.
4 Section 12 corrects a cross-reference and makes a grammatical change.
5 Section 13 corrects a cross-reference.
6 Section 14 corrects a cross-reference.
7 Section 15 corrects a cross-reference.
8 Section 16 corrects a cross-reference.
9 Section 17 corrects a cross-reference.
10 Section 18 corrects a cross-reference and makes technical corrections.
11 Section 19 corrects a cross-reference.
12 Section 20 makes a technical correction.
13 Section 21 corrects a cross-reference.
14 Section 22 corrects a clerical error.
15 Section 23 corrects a clerical error.
16 Sections 24 and 25 correct a clerical error and make a technical correction.
17 Sections 26, 27 and 28 make grammatical changes.
18 Section 29 makes a grammatical change.
19 Section 30 corrects a cross-reference.
20 Section 31 corrects a cross-reference.
21 Section 32 corrects a clerical error.
22 Section 33 makes a technical correction.
23 Section 34 corrects a conflict created by Public Law 2025, chapters 219 and 344, which
24 affected the same provision of law, by repealing the provision and replacing it with the
25 chapter 219 version.
26 Section 35 makes a technical correction.
27 Section 36 corrects a lettering problem created by Public Law 2025, chapters 219 and
28 344, which enacted 2 substantively different provisions with the same paragraph letter.
29 Section 37 makes a technical correction.
30 Section 38 makes grammatical changes.
31 Section 39 makes a technical correction.
32 Section 40 corrects a cross-reference.
33 Section 41 corrects a conflict created by Public Law 2025, chapters 388 and 393, which
34 affected the same provision of law, by repealing the provision.
35 Section 42 corrects a cross-reference.

- 1 Section 43 corrects a conflict created by Public Law 2025, chapters 388 and 393, which
2 affected the same provision of law, by repealing the provision.
- 3 Section 44 corrects a conflict created by Public Law 2025, chapters 388 and 393, which
4 affected the same provision of law, by repealing the provision.
- 5 Section 45 corrects a conflict created by Public Law 2025, chapters 385 and 388, which
6 affected the same provision of law, by repealing the provision and replacing it with the
7 chapter 388 version.
- 8 Section 46 corrects a conflict created by Public Law 2025, chapters 385 and 388, which
9 affected the same provision of law, by incorporating the changes made by both laws.
- 10 Section 47 corrects a cross-reference.
- 11 Section 48 makes a technical correction and a grammatical change.
- 12 Section 49 corrects a cross-reference.
- 13 Section 50 makes a grammatical change.
- 14 Section 51 corrects a reference to the Director of the Bureau of Parks and Lands within
15 the Department of Agriculture, Conservation and Forestry.
- 16 Section 52 corrects a reference to the Director of the Bureau of Parks and Lands within
17 the Department of Agriculture, Conservation and Forestry and makes a grammatical
18 change.
- 19 Section 53 corrects a conflict created by Public Law 2025, chapters 367 and 388, which
20 affected the same provision of law, by repealing the provision.
- 21 Section 54 removes an obsolete cross-reference.
- 22 Section 55 removes an obsolete cross-reference.
- 23 Section 56 modifies a provision to reflect the intent of the revision clause in Public
24 Law 2025, chapter 316, section 3 by replacing a phrase that was based on the term
25 "physician assistant."
- 26 Section 57 corrects a clerical error.