

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

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PREFACE

The 2023 edition of Laws of the State of Maine is the official publication of the session laws of the State of Maine enacted by the 131st Legislature and is compiled and published under the authority of the Maine Revised Statutes, Title 3, section 163-A. Laws of the State of Maine has been in continuous publication since 1820, when the acts and resolves adopted by the First Legislature were published by the Secretary of State under the authority of Resolve 1820, chapter 25.

Volume 2 contains the public laws, private and special laws and resolves enacted at the Second Regular Session of the 131st Legislature, followed by the 2023 Revisor's Report, chapter 1, Initiated Bill 2023, chapters 1 to 3 and a selection of significant addresses, joint resolutions and memorials.

Volume 1 was published at the conclusion of the First Special Session of the 131st Legislature and contains legislation enacted during that session.

The following conventions are used throughout the series.

1. At the top of each page is a heading that classifies each law by session of passage, year, type and chapter number.
2. A table of contents that locates major divisions and contents by page number is located at the beginning of each volume.
3. An individual subject index of the documents contained in these volumes, arranged alphabetically by subject heading with corresponding chapter numbers, is located at the end of each volume.
4. Session cross-reference tables are also provided at the end of this volume showing how unallocated public laws and titles and sections of the Maine Revised Statutes of 1964 have been affected by the laws included in this publication.
5. Words and phrases deleted from the statutes are shown struck through. When an entire unit is repealed, the text that is repealed is not shown struck through, but its repeal is indicated by express language.
6. When new words or sections are added to the statutes, they are underlined.
7. A chaptered law's Legislative Document number is printed beneath its chapter number heading, indicating the source of the chapter.
8. The effective date for Maine laws is provided for in the Constitution of Maine, Article IV, Part Third, Section 16, which specifies that, except for certain emergency legislation, an act or resolve enacted into law takes effect 90 days after the adjournment of the session in which it passed. The general effective date of the nonemergency laws passed at the Second Regular Session of the 131st Legislature is August 9, 2024. The effective dates of emergency legislation vary and are provided at the ends of the chapters that were enacted as emergencies.

Copies of a specific chaptered law are available online at <https://legislature.maine.gov/ros/lawsomaine/>. Laws of the State of Maine is also available online through the website of the Office of the Revisor of Statutes at <https://legislature.maine.gov/ros/LOM/LOMpdfDirectory.htm>.

This edition of Laws of the State of Maine and its predecessors have been prepared for the convenience of the people of the State of Maine, and any comments or suggestions for improvements in subsequent editions would be appreciated.

Edward A. Charbonneau
Revisor of Statutes
August 2024

LEGISLATIVE STATISTICS

SECOND REGULAR SESSION 131st Legislature

Convened	January 3, 2024
Adjourned	May 10, 2024
Days in Session	
Senate	43
House of Representatives.....	42
Legislative Documents.....	272
Carryover Bills.....	*
Public Laws.....	198
Private and Special Laws	8
Resolves	58
Constitutional Resolutions	0
Competing Measure Resolutions	0
Initiated Bills.....	3
Vetoed	8
Overridden	0
Sustained.....	8
Emergency Enactments.....	59
Effective Date	August 9, 2024 (unless otherwise indicated)

*Pursuant to Joint Order 2023, H.P. 1482, all legislation not finally disposed of upon adjournment of the Second Regular Session of the 131st Legislature was carried over to any subsequent special session of the 131st Legislature.

PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
2023

CHAPTER 487
H.P. 54 - L.D. 86

**An Act to Restore the Former
State of Maine Flag**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §206 is amended to read:

§206. State flag

The flag to be known as the official flag of the State ~~shall be of blue, of the same color as the blue field in the flag of the United States, and of the following dimensions and designs; to wit, the length or height of the staff to be 9 feet, including brass spearhead and ferrule; the fly of said flag to be 5 feet 6 inches, and to be 4 feet 4 inches on the staff; in the center of the flag there shall be embroidered in silk on both sides of the flag the coat of arms of the State, in proportionate size; the edges to be trimmed with knotted fringe of yellow silk, 2 1/2 inches wide; a cord, with tassels, to be attached to the staff at the spearhead, to be 8 feet 6 inches long and composed of white and blue silk strands must be buff, charged with the emblem of the State, a pine tree proper, in the center, and the North Star, a mullet of 5 points, in blue in the upper corner; the star to be equidistant from the hoist and the upper border of the flag, the distance from the 2 borders to the center of the star being equal to about 1/4 of the hoist, this distance and the size of the star being proportionate to the size of the flag. A flag made in accordance with the description given in this section ~~shall~~ must be kept in the office of the Adjutant General as a model once approved by the Secretary of State.~~

Sec. 2. 37-B MRSA §384, as enacted by PL 1983, c. 460, §3, is amended to read:

§384. Flag to be carried

The flag of the State to be carried by the National Guard ~~shall~~ must be the same as the flag described in Title 1, section 206, with addition of a scroll in red below the ~~coat of arms emblem~~ of the State bearing the inscription, "Maine National Guard."

Sec. 3. Statutory referendum procedure; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants

of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor making the former state flag, replaced as the official flag of the State in 1909 and commonly known as the Pine Tree Flag, the official flag of the State?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 488
H.P. 106 - L.D. 165

**An Act to Increase the
Governor's Salary**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 2 MRSA §1, 3rd ¶, as amended by PL 2019, c. 475, §6, is further amended to read:

~~Until the first Wednesday of January 1987, the Governor receives an annual salary of \$35,000. Beginning the first Wednesday of January 1987, the Governor is entitled to receive an annual salary of \$70,000. Beginning the first Wednesday of January 2027, the Governor is entitled to receive an annual salary of \$125,000.~~

Sec. 2. 2 MRSA §2, as amended by PL 2019, c. 475, §9, is further amended to read:

§2. Expense account

The "Governor's Expense Account" must be credited with those amounts that are appropriated by the Legislature for that purpose \$40,000 annually. This appropriation must be available for expenditure by the Governor at the Governor's discretion. This account is not subject to audit, except as to total amount to be paid.

See title page for effective date.

**CHAPTER 489
H.P. 177 - L.D. 279**

**An Act to Protect Against
Discrimination by Public
Entities**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §4553, sub-§8-D, ¶A, as amended by PL 2019, c. 464, §1, is further amended to read:

A. Subchapter 3 (employment); ~~and.~~

Sec. 2. 5 MRSA §4553, sub-§8-D, ¶B, as amended by PL 2019, c. 464, §1, is repealed.

Sec. 3. 5 MRSA §4553, sub-§8-D, as amended by PL 2019, c. 464, §1, is further amended by repealing the 2nd blocked paragraph.

Sec. 4. 5 MRSA §4553, sub-§10, ¶F, as amended by PL 2005, c. 10, §5, is further amended to read:

F. Unlawful educational discrimination as defined and limited by subchapter 5-B; ~~and~~

Sec. 5. 5 MRSA §4553, sub-§10, ¶G, as amended by PL 2021, c. 366, §3, is further amended to read:

G. Discrimination in employment, housing, public accommodation, credit and educational opportunity on the basis of sexual orientation or gender identity, except that a religious corporation, association or organization that does not receive public funds is exempt from this provision with respect to:

- (1) Employment, as is more fully set forth in section 4553, subsection 4 and section 4573-A;
- (2) Housing; and
- (3) Educational opportunity.

Any for-profit organization owned, controlled or operated by a religious association or corporation and subject to the provisions of the United States Internal Revenue Code of 1986, 26 United States Code, Section 511(a) is not covered by the exemptions set forth in this paragraph; ~~and~~

Sec. 6. 5 MRSA §4553, sub-§10, ¶H is enacted to read:

H. Unlawful discrimination by public entities as described in section 4630.

Sec. 7. 5 MRSA §4592, sub-§1, ¶C, as enacted by PL 1995, c. 393, §22, is amended to read:

C. A failure to take steps that may be necessary to ensure that no individual with a disability is excluded, denied services, segregated or otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless, in the case of a private entity, the private entity can demonstrate that taking those steps would fundamentally alter the nature of the good, service, facility, privilege, advantage or accommodation being offered or would result in an undue burden; ~~and~~

Sec. 8. 5 MRSA §4592, sub-§1, ¶D, as amended by PL 2021, c. 366, §13, is further amended to read:

D. A private entity's failure to remove architectural barriers and communication barriers that are structural in nature in existing facilities and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals, not including barriers that can be removed only through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift, where the removal is readily achievable.

When the entity can demonstrate that the removal of a barrier under this paragraph is not readily achievable, a failure to make the goods, services, facilities, privileges, advantages or accommodations available through alternative methods if alternative methods are readily achievable; ~~and~~

Sec. 9. 5 MRSA §4592, sub-§1, ¶E, as enacted by PL 1995, c. 393, §22, is repealed.

Sec. 10. 5 MRSA §4630 is enacted to read:

§4630. Discrimination by public entities prohibited

1. Unlawful discrimination. A public entity may not discriminate against an individual, exclude an individual from participation in a service, program or activity of that public entity or otherwise deny to an individual the benefits of a service, program or activity of that public entity by reason of the individual's race or color, sex, sexual orientation or gender identity, age, physical or mental disability, religion, ancestry or national origin.

2. Exception; direct threat. This section does not require a public entity to permit an individual to participate in or benefit from a service, program or activity of a public entity when the individual poses a direct threat to the health or safety of others. For the purposes of this subsection, "direct threat" means a significant risk to the health or safety of others that cannot be

eliminated by a modification of a policy, practice or procedure or by the provision of an auxiliary aid or service.

3. Continued applicability. This section does not diminish the applicability of other provisions of this chapter to public entities acting as employers, providing public accommodations or education or acting as providers of credit or housing.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Establishes one limited-period Assistant Attorney General position in the litigation division through June 14, 2025 and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$89,018	\$122,242
All Other	\$6,519	\$8,692
OTHER SPECIAL REVENUE FUNDS TOTAL	\$95,537	\$130,934

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2023-24	2024-25
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OTHER SPECIAL REVENUE FUNDS	\$95,537	\$130,934
DEPARTMENT TOTAL - ALL FUNDS	\$95,537	\$130,934

CORRECTIONS, DEPARTMENT OF

Administration - Corrections 0141

Initiative: Establishes one limited-period Correctional Care and Treatment Worker position and provides funding for Assistant Attorney General billing costs and other related costs to investigate claims made to the Maine Human Rights Commission and submit relevant documents, data and records. The position begins January 1, 2024 and ends June 14, 2025.

GENERAL FUND	2023-24	2024-25
Personal Services	\$47,965	\$100,140
All Other	\$2,035	\$118,424
GENERAL FUND TOTAL	\$50,000	\$218,564

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
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GENERAL FUND	\$50,000	\$218,564
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DEPARTMENT TOTAL - ALL FUNDS	\$50,000	\$218,564
SECTION TOTALS	2023-24	2024-25
GENERAL FUND	\$50,000	\$218,564
OTHER SPECIAL REVENUE FUNDS	\$95,537	\$130,934
SECTION TOTAL - ALL FUNDS	\$145,537	\$349,498

See title page for effective date.

CHAPTER 490

H.P. 309 - L.D. 492

An Act to Repurpose Vacant Shopping Mall and Retail Space to Mixed-use Housing and Retail

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4364-C, sub-§3 is enacted to read:

3. Residential units in commercial zones. As necessary to achieve the statewide and regional housing production goals, a municipality may adopt ordinances to allow the establishment of residential units in high-density areas within buildings located in an area zoned for commercial use, including but not limited to vacant or partially vacant retail property. An ordinance establishing a limit on the number of residential units within a building in a location zoned for commercial use, whether previously adopted or adopted pursuant to this subsection, must be proportional to the space available for residential units. This subsection is not intended to reduce or change health or safety requirements applicable to residential units located in a municipality.

See title page for effective date.

CHAPTER 491

S.P. 250 - L.D. 582

An Act to Enhance Certain Penalties for Possession of Firearms by Prohibited Persons

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §393, sub-§1, ¶A-1, as amended by PL 2021, c. 608, Pt. B, §§1 to 3, is further amended by amending the first blocked paragraph to read:

Violation of this paragraph is a Class E B crime;

Sec. 2. 15 MRSA §393, sub-§1, ¶D, as amended by PL 2021, c. 608, Pt. B, §5, is further amended by amending the first blocked paragraph to read:

Violation of this paragraph is a Class D C crime;

Sec. 3. 15 MRSA §393, sub-§1, ¶E, as amended by PL 2015, c. 470, §1, is further amended by amending the first blocked paragraph to read:

Violation of this paragraph is a Class D C crime;

Sec. 4. 15 MRSA §393, sub-§1, ¶F, as amended by PL 2015, c. 470, §1, is further amended to read:

F. Is a fugitive from justice. For the purposes of this paragraph, "fugitive from justice" has the same meaning as in section 201, subsection 4. Violation of this paragraph is a Class D C crime;

Sec. 5. 15 MRSA §393, sub-§1, ¶G, as amended by PL 2015, c. 470, §1, is further amended to read:

G. Is an unlawful user of or is addicted to any controlled substance and as a result is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(3). Violation of this paragraph is a Class D C crime;

Sec. 6. 15 MRSA §393, sub-§1, ¶H, as amended by PL 2015, c. 470, §1, is further amended to read:

H. Is an alien who is illegally or unlawfully in the United States or who was admitted under a nonimmigrant visa and who is prohibited from possession of a firearm under 18 United States Code, Section 922(g)(5). Violation of this paragraph is a Class D C crime;

Sec. 7. 15 MRSA §393, sub-§1, ¶I, as amended by PL 2015, c. 470, §1, is further amended to read:

I. Has been discharged from the United States Armed Forces under dishonorable conditions. Violation of this paragraph is a Class D C crime; or

Sec. 8. 15 MRSA §393, sub-§1, ¶J, as amended by PL 2015, c. 470, §1, is further amended to read:

J. Has, having been a citizen of the United States, renounced that person's citizenship. Violation of this paragraph is a Class D C crime.

See title page for effective date.

CHAPTER 492

H.P. 604 - L.D. 957

An Act Requiring Water Bottle Filling Stations in New and Renovated Public Schools

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6309 is enacted to read:

§6309. Water bottle filling stations

1. Water bottle filling stations. Beginning in fiscal year 2024-25, a newly constructed public school or existing public school undergoing substantial renovations must be equipped with a water bottle filling station pursuant to this section. For purposes of this section, "water bottle filling station" means a water dispenser accessible to all persons in compliance with the federal Americans with Disabilities Act of 1990 that dispenses potable drinking water directly into a bottle or other drinking container. For purposes of this section, "substantial renovations" means any renovation for which the cost exceeds 50% of the building's current value prior to renovation.

2. Water bottle filling station criteria. A water bottle filling station:

- A.** Must dispense clean, filtered, cooled drinking water;
- B.** Must be regularly cleaned to maintain sanitary conditions;
- C.** Must be maintained to ensure proper functioning, including replacing the filling station's filter as recommended by the manufacturer;
- D.** May be integrated into a drinking fountain, which is considered one water bottle filling station under subsection 3; and
- E.** May be touchless for sanitary reasons.

3. Building inspection requirements. A state or municipal building inspection authority may not approve the plans or specifications for a new public school building or for any substantial renovations to an existing public school building unless the plans and specifications provide for:

- A.** A minimum of one water bottle filling station for every 200 people projected to occupy the building upon completion of the proposed construction;
- B.** A minimum of one water bottle filling station for every floor or wing of the new construction; and
- C.** A minimum of one water bottle filling station located near a cafeteria, gymnasium, outdoor recreation space or other high-traffic area.

4. Student water bottles. A public school shall allow a student to possess a water bottle in school that:

- A. Is refillable;
- B. Is made of a material that is not easily breakable;
- C. Has a lid or cover to prevent the bottle from spilling; and
- D. Is to be filled and used exclusively for water.

5. Disciplinary policy. A school board may enact a disciplinary policy regarding the misuse of a water bottle by a school student, employee or staff member.

6. Rules. The state board shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

State Mandate Reimbursement - Water Bottle Filling Stations N476

Initiative: Provides one-time funds to reimburse school administrative units for 90% of the cost of installing water bottle filling stations when constructing a new public school building or undergoing a substantial renovation to an existing school building in fiscal year 2024-25 only.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,404
GENERAL FUND TOTAL	\$0	\$1,404

See title page for effective date.

**CHAPTER 493
S.P. 770 - L.D. 1898**

An Act to Ensure That a Teacher Who Participates in the Prevention of Dangerous Behavior Is Protected Under a Collective Bargaining Agreement

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6555, as amended by PL 2021, c. 320, §4, is further amended to read:

§6555. Dangerous behavior prevention and intervention

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Administrator" has the same meaning as in section 13001-A, subsection 1.

B. "Assigned public school employee" means a public school employee chosen by the local president of the applicable bargaining unit to review a reported incident of dangerous behavior.

C. "Dangerous behavior" means behavior of a student that presents a risk of injury or harm to a student or others.

2. Report of incident of dangerous behavior.

Upon receipt of a report made by a teacher or school staff person of an incident of dangerous behavior made by a teacher or school staff person, a school administrative unit shall review the reported incident and develop an individualized response plan in accordance with this subsection. The review of the reported incident must be conducted by an administrator and an assigned public school employee. If the report of the incident of dangerous behavior is substantiated, the school administrative unit shall, in consultation with the public school employee who was subjected to the dangerous behavior, if any, develop an individualized response plan to avoid future dangerous behavior, which may include but is not limited to:

- A. Minimizing suspension and expulsion of the student;
- B. Prioritizing counseling and guidance services for the student and educators;
- C. Providing positive behavioral interventions and supports and supports designed to address the consequences of trauma in the individual and training for the student and educators;
- D. Restorative practices and restorative interventions as defined in section 1001, subsection 15-A, paragraph B;
- E. Training for public school employees who interact with the student; and
- F. Provision of adequate staffing and professional development necessary to implement the plan.

Nothing in this subsection may be construed as limiting any federally protected right of a student, including, but not limited to, federally protected rights of students with disabilities.

Notwithstanding any provision of this subsection to the contrary, in the case of a student eligible for services under the federal Individuals with Disabilities Education Act or protected from discrimination under Section 504 of the federal Rehabilitation Act of 1973, any discussions or actions related to the identification, evaluation or educational placement of the student or provision of a free, appropriate public education to the student must take place through the processes established under federal law.

3. Collective bargaining dispute. If a public school employee was subjected to the dangerous behavior and that employee is covered by a collective bargaining agreement, a dispute arising out of the incident of dangerous behavior is subject to the dispute resolution process of the collective bargaining agreement.

See title page for effective date.

CHAPTER 494

S.P. 866 - L.D. 2038

**An Act to Amend the Law
Regarding the Land for
Maine's Future Board to Allow
for Proxy Designees**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §6204, sub-§1, as affected by PL 2011, c. 655, Pt. II, §11 and amended by c. 657, Pt. X, §3, is further amended to read:

1. Composition. The board consists of 9 members, 6 who are private citizens and 3 who are permanent members. The permanent members are the Commissioner of Inland Fisheries and Wildlife; the Commissioner of Marine Resources; and the Commissioner of Agriculture, Conservation and Forestry. A permanent member may appoint a designee to represent that member at board meetings.

See title page for effective date.

CHAPTER 495

H.P. 1325 - L.D. 2063

**An Act to Clarify the Laws
Governing Disclosure of Wood
Processing Data**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §8884, sub-§3-A is enacted to read:

3-A. Disclosure of confidential information. Notwithstanding subsection 3, confidential information may be disclosed pursuant to this subsection.

A. The director of the bureau may disclose information designated as confidential under subsection 3 to the United States Department of Agriculture, Forest Service, Northern Research Station when that entity, in the opinion of the director, requires that information and the bureau and that entity have executed a confidentiality agreement that protects against further disclosure of that information except in summary reports that use aggregate data

that do not reveal the activities of an individual person or firm.

B. The director of the bureau may not disclose information furnished by a state or federal agency when that information has been designated as confidential by the furnishing agency unless the furnishing agency authorizes the disclosure.

A recipient of information pursuant to paragraph A or B may not disclose or use the information except as authorized by the director of the bureau, and the information remains confidential and the property of the bureau.

Sec. 2. 12 MRSA §8884, sub-§4, as enacted by PL 2003, c. 452, Pt. F, §45 and affected by Pt. X, §2, is repealed and the following enacted in its place:

4. Penalties. A person who:

A. Fails to submit a report pursuant to this section commits a civil violation for which a fine of not more than \$1,000 for each failure may be adjudged; or

B. Receives confidential information pursuant to subsection 3-A and uses that information for a purpose other than that authorized by the director of the bureau commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

See title page for effective date.

CHAPTER 496

H.P. 1306 - L.D. 2044

**An Act to Update Air Quality
Health Warnings**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §584-F, as amended by PL 1999, c. 79, §2, is further amended to read:

§584-F. Ozone Air quality health warnings

1. Dissemination of warnings to media and public. ~~Whenever monitored data demonstrates or the department predicts that ground level ozone ambient air concentrations have exceeded or of a pollutant will exceed .08 parts per million averaged over an 8 hour period reach the United States Environmental Protection Agency's Air Quality Index category of Unhealthy for Sensitive Groups or a higher category, the department shall disseminate a health warning to the mass media, including but not limited to television, radio and print media, and shall urge the media to issue the warning to the general public. The department shall use best efforts to educate the media as to the need to broadly disseminate health warnings to the public. In disseminating a warning under this subsection, the department shall also~~

use the most appropriate technology available to disseminate health warnings directly to the public.

2. Telephone hot-line Daily ground-level ozone concentration information. The department shall provide information to the public on daily ground-level ozone concentrations by a toll-free ozone information telephone ~~hot-line~~ hotline or through other appropriate technology.

See title page for effective date.

CHAPTER 497

H.P. 1321 - L.D. 2059

An Act Regarding Processing of Applications Under the Natural Resources Protection Act to Ensure Consistency with Shoreland Zoning Laws

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §480-E, sub-§16 is enacted to read:

16. Consistency with mandatory shoreland zoning laws. The commissioner may return an application for a permit under this article as incomplete for processing pursuant to section 344, subsection 1 if the commissioner finds that there is a reasonable likelihood that the proposed activity would be inconsistent with the minimum guidelines for municipal zoning and land use controls adopted by the board pursuant to section 438-A, subsection 1. If an application is returned pursuant to this subsection, the commissioner may require that a resubmitted application be accompanied by a municipal approval demonstrating that the proposed activity is in compliance with the board's adopted minimum guidelines.

See title page for effective date.

CHAPTER 498

H.P. 1312 - L.D. 2050

An Act to Expand Accreditation Options for Laboratories That Conduct Blood-alcohol or Drug Testing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §2524, sub-§2, as amended by PL 2019, c. 368, §3, is further amended to read:

2. Laboratories qualified to analyze blood for blood tests. A laboratory conducting an analysis of

blood-alcohol level or the presence of a drug or drug metabolite must either be certified by the Department of Health and Human Services or be licensed to do so under the laws of this State or any other state and also certified by the United States Department of Health and Human Services under the federal Clinical Laboratory Improvement Amendments of 1988, 42 United States Code, Section 263a (2018); or be accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

See title page for effective date.

CHAPTER 499

H.P. 1021 - L.D. 1576

An Act to Update the Laws Governing Electronic Device Information as Evidence

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 16 MRSA c. 3, sub-c. 10, headnote is amended to read:

SUBCHAPTER 10

PORTABLE ELECTRONIC DEVICE CONTENT INFORMATION

Sec. 2. 16 MRSA §641, sub-§3-A is enacted to read:

3-A. Electronic device. "Electronic device" means an electronic device that enables access to, or use of, an electronic communication service or remote computing service.

Sec. 3. 16 MRSA §641, sub-§5, as enacted by PL 2013, c. 402, §1, is amended to read:

5. Owner. "Owner" means the person or entity having the legal title, claim or right to ~~a portable an~~ an electronic device.

Sec. 4. 16 MRSA §641, sub-§6, as amended by PL 2019, c. 489, §5, is repealed.

Sec. 5. 16 MRSA §641, sub-§7, as enacted by PL 2013, c. 402, §1, is repealed and the following enacted in its place:

7. Remote computing service. "Remote computing service" means:

A. The provision to the public over the Internet of on-demand computer storage; or

B. Processing services provided by means of an electronic communication service.

Sec. 6. 16 MRSA §641, sub-§8, as enacted by PL 2013, c. 402, §1, is amended to read:

8. User. "User" means a person or entity that uses a ~~portable~~ an electronic device.

Sec. 7. 16 MRSA §642, as amended by PL 2017, c. 144, §4, is further amended to read:

§642. Authority to obtain and disclose content information held by a provider of electronic communication service or remote computing service

1. Authority to obtain. A government entity may obtain ~~portable~~ electronic device content information directly from a provider of electronic communication service or a ~~provider of~~ remote computing service only in accordance with a valid search warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56 or as otherwise provided in this subchapter.

2. Authority to disclose. A provider of electronic communication service or remote computing service may disclose ~~portable~~ electronic device content information to a government entity only pursuant to a warrant issued by a duly authorized justice, judge or justice of the peace or as otherwise provided in this subchapter.

Sec. 8. 16 MRSA §643, first ¶, as amended by PL 2019, c. 489, §7, is further amended to read:

Notice must be given to the owner or user of a ~~portable~~ an electronic device whose content information was obtained by a government entity. The notice requirements of this section do not apply if the government entity is unable to identify the owner or user of a ~~portable~~ an electronic device.

Sec. 9. 16 MRSA §643, sub-§3, as enacted by PL 2013, c. 402, §1, is amended to read:

3. Preclusion of notice to owner or user subject to warrant for content information. A government entity acting under section 642 may include in its application for a warrant a request for an order directing a provider of electronic communication service or remote computing service to which a warrant is directed not to notify any other person of the existence of the warrant. The court may issue the order if the court determines that there is reason to believe that notification of the existence of the warrant will have an adverse result.

Sec. 10. 16 MRSA §644, sub-§1, as amended by PL 2019, c. 489, §9, is further amended to read:

1. Consent of owner or user. When disclosure of ~~portable~~ electronic device content information is not prohibited by federal law, a government entity may obtain the information without a warrant with the informed, affirmative consent of the owner or user of the ~~portable~~ electronic device concerned, except when the device is known or believed by the owner or user to be in the possession of a 3rd party authorized to possess the device by the owner or user.

Sec. 11. 16 MRSA §644, sub-§3, as amended by PL 2019, c. 489, §9, is further amended to read:

3. Emergency. When a government entity cannot, with due diligence, obtain a warrant in time to address an emergency that involves or is believed to involve imminent danger of death or serious physical injury to any person, a government entity may obtain the content information from a ~~portable~~ an electronic device without a warrant, and a provider of electronic communication service or remote computing service may disclose such information to the requesting government entity without a warrant.

See title page for effective date.

CHAPTER 500

S.P. 834 - L.D. 2011

An Act Regarding the State Auditor's Reporting Requirements on State Agencies' Financial Activities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §243-C is enacted to read:

§243-C. Corrective action plans; report

By January 1st of each year, the State Auditor shall submit a report to the Executive Director of the Legislative Council and to all joint standing committees of the Legislature regarding the administration of federal grants, programs and awards by state agencies. The report must be based on the most recent single audit conducted pursuant to section 243, subsection 9 and describe all disputed findings in the prior 5 years with regard to the administration of federal grants, programs and awards and any corrective action plans in the single audit reports in the prior 5 years that have not been implemented.

By February 1st of each year, the joint standing committee of the Legislature having jurisdiction over the subject matter of any disputed finding or corrective action plan identified in the report submitted pursuant to this section and that has not been implemented shall invite the State Auditor to provide a briefing at a public meeting of the committee on the report. The committee may report out legislation related to the disputed findings and corrective action plans during the session of the Legislature in which the briefing is held.

See title page for effective date.

CHAPTER 501
S.P. 865 - L.D. 2037

An Act to Align the
Supplemental Nutrition
Assistance Program with
Federal Regulations

Be it enacted by the People of the State of Maine
as follows:

Sec. 1. 22 MRSA §3104, sub-§16, as amended
by PL 2021, c. 398, Pt. OO, §12, is further amended to
read:

16. Certain lottery and gambling winners ineli-
gible. A recipient of household receiving food assist-
ance through the Supplemental Nutrition Assistance
Program may be denied food assistance as described in
this subsection.

A. ~~Lottery Gross lottery and gambling winnings of \$5,000 or more, actually received after any offsets to the winnings required by law by an individual in the recipient's household within one calendar month equal to or greater than the maximum allowable financial resource limit for elderly or disabled households, as provided in federal regulations governing SNAP, won in a single game disqualifies the household from receiving food assistance through the Supplemental Nutrition Assistance Program until financial eligibility guidelines set forth in department rule are met.~~

B. The department shall enter into an agreement with the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, pursuant to which the bureau shall provide the department with reports no less than monthly to assist the department in determining whether ~~an individual in the recipient's household a recipient of SNAP benefits has received lottery and gambling winnings of \$5,000 or more within one calendar month equal to or greater than the maximum allowable financial resource limit for elderly or disabled households, as provided in federal regulations governing SNAP.~~

See title page for effective date.

CHAPTER 502
H.P. 1264 - L.D. 1967

An Act to Support Municipal
Franchise Agreements

Be it enacted by the People of the State of Maine
as follows:

Sec. 1. 30-A MRSA §3008, sub-§1, ¶C, as amended by PL 2007, c. 548, §1, is further amended to read:

C. To provide adequate statutory authority to municipalities to make franchising and regulatory decisions to implement this policy and to avoid the costs and uncertainty of lawsuits challenging that authority; ~~and~~

Sec. 2. 30-A MRSA §3008, sub-§1, ¶D, as enacted by PL 2007, c. 548, §1, is amended to read:

D. To ensure that all ~~cable television operators~~ video service providers receive the same treatment with respect to franchising and regulatory processes and to encourage new providers to provide competitive pressure on the pricing of such services; ~~and~~

Sec. 3. 30-A MRSA §3008, sub-§1, ¶E is enacted to read:

E. Consistent with the applicable requirements of this section, to prohibit a video service provider from offering or providing its services within a municipality unless it has entered into a franchise agreement or contract with the municipality pursuant to this section.

Sec. 4. 30-A MRSA §3008, sub-§1-A, as enacted by PL 2007, c. 548, §1, is amended to read:

1-A. Definitions. ~~For purposes of~~ As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

A. "Cable system operator" has the same meaning as "cable operator," as that term is defined in 47 United States Code, Section 522(5), as in effect on January 1, 2008; ~~and~~

B. "Cable television service" has the same meaning as "cable service," as that term is defined in 47 United States Code, Section 522(6), as in effect on January 1, 2008; ~~and~~

C. "Cable television system" has the same meaning as "cable system," as that term is defined in 47 United States Code, Section 522(7), as in effect on January 1, 2008.

D. "Affiliate" means a business entity effectively controlling or controlled by another person or associated with other persons under common ownership or control.

E. "Application" means an interactive computer or software program operating on a device that provides for the reception of transmitted or streamed video, audio or other digital content from a video service provider over the Internet or other electronic communications network in real time or near real time, allowing a user to receive such content

on a device without downloading the entire content file.

F. "Facility support transmission equipment" means the equipment associated with the interconnection between public, educational and governmental facility equipment and the headend of a video service provider's system, beginning at the point at which a public, educational and governmental signal enters transmitting equipment, which must be owned, maintained and upgraded for signal quality or another reason by the video service provider. "Facility support transmission equipment" includes, but is not limited to, the equipment and facilities associated with signal transmission and carriage methodologies employed to send, receive, manage, troubleshoot and maintain audio and video signals; all physical wires, fiber lines and related connectivity medium or device; and all equipment associated with the formatting of public, educational and governmental programming for transmission to a subscriber of the video service provider.

G. "Public, educational and governmental facility equipment" means, with respect to any public, educational and governmental access channel, the equipment used to capture and process programming in the field or in a public, educational or governmental studio, including all equipment used prior to the point at which that signal enters the private network of the video service provider.

H. "Public, educational and governmental programming" means content produced or provided by any person, group or public or private agency or organization that is used in conjunction with public, educational and governmental access channels and facility support transmission equipment.

I. "Public, educational and governmental signal" means any transmission of electromagnetic or optical energy that carries audio or video from one location to another for the purposes of providing public, educational and governmental programming.

J. "Video service provider" means any person that directly or through one or more affiliates sells in the State access to video, audio or computer-generated or computer-augmented entertainment and owns or operates facilities located in whole or in part in a municipality's public rights-of-way that are used to provide those services, irrespective of the technology or application used to deliver such services.

"Video service provider" includes, but is not limited to, a cable system operator and a common carrier that operates a cable television system. "Video service provider" does not include:

(1) A provider of commercial mobile service, as defined in 47 United States Code, Section 332(d)(1); or

(2) A provider of an Internet access service, as defined in 47 United States Code, Section 231(e)(4), with respect to the provision of the Internet service by the provider.

Sec. 5. 30-A MRS §3008, sub-§3, ¶B, as amended by PL 2007, c. 548, §1, is further amended to read:

B. Notwithstanding any provision in a franchise, a ~~cable system operator~~ video service provider may not abandon service or a portion of that service without having given 6 months' prior written notice to the franchising municipality, if any, and to the municipalities affected by that abandonment. When abandonment of any service is prohibited by a municipal franchise, a ~~cable system operator~~ video service provider may not abandon that service without written consent of the municipal officers. Any ~~cable system operator~~ video service provider that violates this paragraph commits a civil violation for which a fine of \$50 a day for each day that the violation continues may be adjudged.

Sec. 6. 30-A MRS §3008, sub-§3, ¶C, as amended by PL 2007, c. 548, §1, is further amended to read:

C. Neither the ~~cable system operator~~ video service provider whose ~~facilities are~~ facility support transmission equipment is used to transmit a program produced by a person other than that ~~operator~~ provider, under Federal Communications Commission regulations or municipal ordinance, nor the officers, directors or employees of ~~any such cable system operator~~ that provider are liable for damages arising from any obscene or defamatory statements or actions or invasion of privacy occurring during any program when that ~~cable system operator~~ provider does not originate or produce the program.

Sec. 7. 30-A MRS §3008, sub-§3, ¶F, as enacted by PL 2019, c. 308, §1, is repealed.

Sec. 8. 30-A MRS §3008, sub-§3, ¶G is enacted to read:

G. Notwithstanding any provision in a franchise, a video service provider is responsible for all costs associated with public, educational and governmental facility equipment shown by the franchising municipality to be reasonably necessary in light of community needs and interests for the capture, processing and delivery to the video service provider of public, educational and governmental access channels within the franchising municipality, including, but not limited to, technology upgrade costs for signal quality improvement or for other reasons. A video service provider may not offset

any such costs through the payment of required fees under subsection 5-A, but may recover such costs from subscribers to the extent permitted by applicable law and as negotiated with the municipality.

Sec. 9. 30-A MRSA §3008, sub-§3, ¶H is enacted to read:

H. New facility support transmission equipment installed must be at the current resolution technology afforded to broadcasting stations.

Sec. 10. 30-A MRSA §3008, sub-§4, as amended by PL 2007, c. 548, §1, is further amended to read:

4. Franchise procedures. Pursuant to subsection 2, a municipality may enact ordinances governing the procedures for granting franchises to ~~cable system operators~~ video service providers. These ordinances must be enacted before granting any such franchise or franchises and must be designed to ensure that the terms and conditions of a franchise will adequately protect the needs and interests of the municipality. The ordinances must include, but are not limited to, provisions for the following:

- A. A mechanism for determining special local needs or interests before issuing a request for proposals, whether by actively seeking to determine those needs or interests or by allowing a period for public comment on a proposed request for proposals;
- B. The filing of franchise applications and related documents as public records, with reasonable notice to the public that the records are open to inspection during reasonable hours;
- C. A reasonable opportunity for public input before granting franchises; and
- D. The assessment of reasonable fees to defray the costs of public notice, advertising and other expenses incurred by the municipality in acting upon applications.

Sec. 11. 30-A MRSA §3008, sub-§5, as amended by PL 2019, c. 245, §§1 to 3, is further amended to read:

5. Franchise agreements or contracts. The State specifically authorizes municipal officers pursuant to ordinances to contract on such terms and conditions and impose such fees as ~~are in the best interests of the municipality~~ provided for under this subsection, including the grant of ~~exclusive or~~ nonexclusive franchises for a period not to exceed 15 years, for the placing and maintenance of cable television systems and appurtenances, or parts thereof, ~~along in~~ along in public ways and including contracts with ~~cable system operators~~ video service providers that receive the services of television signal transmission offered by any public utilities using

public ways for such transmission. A video service provider may not offer or provide its services within a municipality unless it has entered into a franchise agreement or contract with the municipality pursuant to this subsection. A public utility may not be required to contract with the municipal officers under this subsection. ~~Each~~ Any new, renewed or amended franchise must contain the following provisions:

- A. The area or areas to be served;
- B. A line extension policy, which must specify a minimum density requirement of no more than an average of 15 residences per linear strand mile of aerial cable for areas in which the ~~cable system operator~~ video service provider will make cable television service available to every residence. A strand mile under this paragraph is measured from the end of the current cable system strand installation;

A video service provider may not establish mandatory preconditions to be met by potential subscribers for the construction of a line extension on a municipal public right-of-way including, but not limited to, a requirement that a potential subscriber sign a contract for service in advance of the construction of the line extension. Nothing in this paragraph prohibits a video service provider from requiring payment of cost sharing from potential subscribers prior to construction of a line extension in accordance with a line extension policy required by this paragraph.

C. A provision for renewal, the term of which may not exceed 15 years. A provision for automatic renewal or other provision for extending the initial term is prohibited. Franchise renewal is governed by section 3010, subsection 5-C;

C-1. Provisions regarding the payment or remittance of any franchise fees by the video service provider as may be required under the agreement or contract between the municipality and the video service provider and in accordance with subsection 5-A;

D. Procedures for the investigation and resolution of complaints by the ~~cable system operator~~ video service provider;

D-1. A provision for the use and support of public, educational and governmental access channels, which must be carried in the same manner and numerical location sequence as are the local broadcast channels originating from the State and carried on the cable television system pursuant to section 3010, subsection 5-A; and

E. Any other terms and conditions that are in the best interests of the municipality.

Sec. 12. 30-A MRSA §3008, sub-§5-A is enacted to read:

5-A. Franchise fees. Any new, renewed or amended franchise agreement or contract between a municipality and a video service provider that includes provisions requiring payment of any franchise fees by the video service provider to the municipality must include the following provisions.

A. The municipality is authorized to use the franchise fees for costs associated with the regulation of the operation of the video service provider within the municipality; to support the provision of public, educational and governmental programming within the municipality; to offset municipal property taxes; or for any other purpose identified by the municipality.

B. The franchise fees must be paid by the video service provider to the municipality or its designee on a quarterly basis and must be received by the municipality or its designee no later than 45 days after the end of the calendar quarter for which the payment is made. If the video service provider fails to timely pay to the municipality or its designee:

(1) Interest must accrue on the required, unpaid fees at the rate of 12% simple interest per annum; and

(2) The repeated failure to timely pay such fees is a material breach of the terms of the franchise agreement or contract, and the municipality may at its discretion terminate the agreement or contract.

C. Each payment under paragraph B must include a statement prepared by a financial representative or agent of the video service provider, testified and verified as correct, identifying the total amount of gross annual revenue generated by all activities of the provider within the municipality for that payment period and describing the calculations used to determine the amount of the payment. The video service provider shall prepare and maintain the financial information and records necessary to provide the information required under this paragraph in accordance with accounting principles and auditing standards generally accepted within the video service industry.

D. The municipality may request that the information provided by the video service provider pursuant to paragraph C be subject to audit by a qualified 3rd party to be selected by the municipality. The costs of the audit are to be paid by the municipality except when the results of the audit demonstrate that the video service provider underpaid by more than 4% any franchise fees required under the franchise agreement or contract, in which case the video service provider must reimburse the municipality for the costs of the audit.

E. A municipality's or its designee's acceptance of franchise fees paid by the video service provider

does not constitute an agreement by the municipality that the amount of the fee is correct unless the municipality has not initiated a process to challenge or audit the amount of the fee paid within 36 months of receipt or, in the case of a fee not accompanied by a statement under paragraph C that is verified as correct, 48 months of receipt. Prior to the expiration of such time period, the municipality may inspect relevant financial information and records of the video service provider and initiate a process to seek compensation for any underpayment.

Sec. 13. 30-A MRSA §3008, sub-§7, as amended by PL 2019, c. 245, §4, is further amended to read:

7. Model franchise agreement. The Department of Administrative and Financial Services, Office of Information Technology, or a successor state agency, referred to in this subsection as "the office," shall develop and may update and amend a model franchise agreement for use by any municipality and any ~~cable system operator~~ video service provider that mutually choose to adopt the model franchise agreement or any of its provisions. A ~~cable system operator~~ video service provider may not modify or amend the model franchise agreement without the consent of the municipality. The office shall make the model franchise agreement available on its publicly accessible website. In the development of the model franchise agreement, the office shall, at a minimum, consider the following issues:

- A. Franchise fees;
- B. Build-out requirements;
- C. Public, educational and governmental access channels and reasonable public, educational and governmental facility ~~support~~ equipment for such channels;
- D. Customer service standards;
- E. The disparate needs of the diverse municipalities in this State; and
- F. The policy goal of promoting competition in the delivery of ~~cable television~~ video service.

This subsection does not allow the office to establish prices for any ~~cable television~~ video service or to regulate the content of ~~cable television service~~ video services.

Sec. 14. 30-A MRSA §3008, sub-§8 is enacted to read:

8. Authorized judicial actions; statute of limitations. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

A municipality that has suffered an adverse impact due to the action of an entity not in compliance with the requirements of this section may bring an action against

that entity to recover any unpaid franchise fees or to enjoin the operation of that entity.

Notwithstanding any provision of law to the contrary, an action brought under this section must be commenced within 7 years of the date that the cause of action arose.

Sec. 15. 30-A MRSA §3009-B is enacted to read:

§3009-B. Dispute resolution

When there is a dispute between a municipality and a video service provider relating to negotiations of a franchise agreement or contract, the obligations of the parties under the agreement or contract or the obligations of the video service provider under sections 3008 and 3010, the municipality or video service provider may seek resolution under subsection 1 or 2. For purposes of this section, unless the context indicates otherwise, "video service provider" has the same meaning as in section 3008, subsection 1-A, paragraph J.

1. Public Utilities Commission process. The Public Utilities Commission shall adopt a process for dispute resolution between a municipality and a video service provider in accordance with this subsection. The commission shall adopt rules to implement this subsection, except that the commission may not adopt a process that addresses any provision of section 3010 relating to consumer rights and protections. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Binding arbitration. A municipality or a video service provider may request binding arbitration by a mutually agreed upon arbitrator from a statewide association of mediators. The arbitration must be conducted consistent with the general procedures set forth in the Uniform Arbitration Act. If the municipality and the video service provider are unable to agree on an arbitrator, they may request that a statewide association of mediators select an arbitrator.

Sec. 16. 30-A MRSA §3010, as amended by PL 2021, c. 348, §48 and c. 553, §20, is further amended by amending the section headnote to read:

§3010. Consumer rights and protection relating to ~~eable television service~~ services provided by video service providers

Sec. 17. 30-A MRSA §3010, first ¶, as amended by PL 2019, c. 245, §5, is further amended to read:

This section applies to every franchisee. For purposes of this section, "franchisee" means a ~~cable system operator~~ video service provider that is granted a franchise by a municipality in accordance with section 3008. For purposes of this section, "cable system operator," ~~and~~ "cable television service" and "video service provider" have the same meanings as in section 3008,

subsection 1-A, except that ~~"cable system operator"~~ "video service provider" includes a cable system operator that is a multichannel video programming distributor as defined in 47 United States Code, Section 522(13). For purposes of this section, "originator" means a local unit of government or the entity to which a local unit of government has assigned responsibility for managing public, educational and governmental access channels.

Sec. 18. 30-A MRSA §3010, sub-§1, as amended by PL 2007, c. 548, §2, is further amended to read:

1. Credits and refunds for interruption of service. Credits and refunds for interruption of ~~eable television service~~ of video services provided by a franchisee must be as follows.

A. In the event service to any subscriber is interrupted for 6 or more consecutive hours in a 30-day period, the franchisee will, upon request, grant that subscriber a pro rata credit or rebate.

B. An office of the franchisee must be open during usual business hours, have a listed toll-free telephone and be capable of receiving complaints, requests for adjustments and service calls.

C. The franchisee shall provide subscribers with 30 days' advance written notice of an increase in rates, changes in billing practices, the movement of a channel to a different location or service tier or the deletion of a channel.

Sec. 19. 30-A MRSA §3010, sub-§2, ¶A, as amended by PL 2007, c. 548, §2, is further amended to read:

A. For each new subscriber, and annually thereafter, every franchisee shall cause to be mailed to each of its subscribers a notice that:

(1) Informs subscribers of how to communicate their views and complaints to the ~~cable system operator~~, video service provider and to the proper municipal official and the Attorney General;

(2) States the responsibility of the Department of the Attorney General to receive, investigate and resolve consumer complaints or complaints raised by the franchising authority under section 3008 concerning matters other than ~~channel selection~~ program choices and rates;

(3) States the policy regarding and method by which subscribers may request rebates or pro rata credits as described in subsection 1, paragraph A; and

(4) Informs subscribers of their right to request basic-tier, nonpremium programming service and the cost of that service.

Sec. 20. 30-A MRSA §3010, sub-§5, as amended by PL 2007, c. 548, §2, is further amended to read:

5. Franchises. All franchises must be nonexclusive. All franchises must include provision for access to, and ~~facilities~~ facility support transmission equipment and public, educational and governmental facility equipment necessary to make use of, one or more local public, educational and governmental access channels subject to the definitions and requirements of the Cable Communications Policy Act of 1984, Public Law 98-549 or related requirements or regulations of the Federal Communications Commission.

As used in this subsection, "facility support transmission equipment" has the same meaning as in section 3008, subsection 1-A, paragraph F. As used in this subsection, "public, educational and governmental facility equipment" has the same meaning as in section 3008, subsection 1-A, paragraph G.

Sec. 21. 30-A MRSA §3010, sub-§5-A, as enacted by PL 2019, c. 245, §6, is amended to read:

5-A. Public, educational and governmental access channels. A ~~cable system operator~~ video service provider shall carry public, educational and governmental access channels on the ~~cable system operator's~~ provider's basic cable or video service offerings or tiers ~~accessed through a cable television receiver or application.~~ A ~~cable system operator~~ video service provider may not separate public, educational and governmental access channels numerically from other local broadcast channels carried on the ~~cable system operator's~~ provider's basic cable or video service offerings ~~or tiers or applications~~ and, in the event of a franchise license transfer, shall use the same channel numbers for the public, educational and governmental access channels as used for those channels by the incumbent ~~cable system operator~~ video service provider, unless prohibited by federal law. After the initial designation of public, educational and governmental access channel numbers, a ~~cable system operator~~ video service provider may not change the channel numbers without the agreement of the originator, unless the change is required by federal law.

A ~~cable system operator~~ video service provider shall restore a public, educational or governmental access channel that has been moved without the consent of the originator within the 24 months preceding the effective date of this subsection to its original location and channel number within 60 days after the effective date of this subsection.

As used in this subsection, "application" has the same meaning as in section 3008, subsection 1-A, paragraph E.

Sec. 22. 30-A MRSA §3010, sub-§5-B, as enacted by PL 2019, c. 245, §6, is repealed.

Sec. 23. 30-A MRSA §3010, sub-§5-C, as enacted by PL 2019, c. 245, §6, is amended to read:

5-C. Franchise renewals. The franchise renewal process must be conducted in compliance with 47 United States Code, Section 546 and this subsection.

A. A ~~cable system operator~~ video service provider shall maintain adequate personnel and resources to respond to municipal requests for renewal information in a timely manner. Failure to respond in a timely manner is a violation of the Maine Unfair Trade Practices Act.

B. If an automatic renewal provision exists in a franchise agreement on the effective date of this subsection, the automatic renewal provision remains in effect until that franchise agreement expires. The ~~cable system operator~~ video service provider shall notify the franchising authority of the automatic renewal no later than 36 months in advance of the expiration of the franchise.

C. A municipality may require maps, diagrams, annual reports and franchise fee statements at renewal, which the ~~cable system operator~~ video service provider shall make available upon reasonable notice. If information is proprietary, the municipality may execute a nondisclosure agreement with the ~~cable system operator~~ video service provider.

Sec. 24. 30-A MRSA §3010, sub-§5-D is enacted to read:

5-D. Transmission. A video service provider shall retransmit public, educational and governmental access channel signals in the format in which they are received from the originator and at the same signal quality as that provided to all subscribers of the cable television service for local broadcast channels. A video service provider may not diminish, down convert or otherwise tamper with the signal quality or format provided by the originator. A video service provider shall deliver a public, educational or governmental access channel signal to the subscriber in a quality and format equivalent to the quality and format of local broadcast channel signals carried on the cable television service if provided as such by the originator. A video service provider shall carry each public, educational or governmental access channel in both a high definition format and a standard digital format in the same manner as that in which local broadcast channels are provided, unless prohibited by federal law.

A video service provider, when requested, shall assist in providing the originator with access to the entity that controls the cable television service's electronic program guide so that subscribers may view, select and record public, educational and governmental access channels in the same manner as that in which they view, select and record local broadcast channels. In addition, a video service provider shall identify public, educa-

tional and governmental access channels on the electronic program guide in the same manner as that in which local broadcast channels are identified. This subsection does not obligate a video service provider to list public, educational and governmental access channel content on channel cards and channel listings. If channels are selected by a viewer through a menu system, the video service provider shall display the public, educational and governmental access channels' designations in a similar manner as that in which local broadcast channel designations are displayed.

A video service provider shall make available to the originator a toll-free telephone number with a direct line to a service technician who is familiar with the signal path and equipment associated with public, educational and governmental access channels on the cable television system for resolution of a signal quality problem.

Sec. 25. 30-A MRSA §3010, sub-§6, as amended by PL 2021, c. 553, §20, is further amended to read:

6. Rights of individuals. A ~~cable system operator~~ video service provider may not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, ancestry or national origin, age or familial status.

Sec. 26. 30-A MRSA §3010, sub-§6-A, as amended by PL 2007, c. 548, §2, is further amended to read:

6-A. Subscriber privacy. A ~~cable system operator~~ video service provider may not intrude upon the privacy of a subscriber by installing or using any equipment that allows the ~~cable system operator~~ video service provider to observe or to listen to what is occurring in an individual subscriber's household or to monitor the viewing habits of the subscriber without express, prior written consent of the subscriber. A ~~cable system operator~~ video service provider may not sell, disclose or otherwise make available, or permit the use of, lists of the names or addresses of its subscribers, or any list or other information that identifies by name or address subscribers or subscriber viewing habits, to any person or agency for any purpose whatsoever without the prior written consent of the subscriber except that the ~~cable system operator~~ video service provider may make such lists available to persons performing services for the ~~cable system operator~~ video service provider in connection with its business or operations, such as a billing service, when the availability of such lists is necessary to the performance of such services if, in either case, the persons or entity receiving such lists agree in writing that they will not permit them to be made available to any other party.

Sec. 27. 30-A MRSA §3010, sub-§6-B, as amended by PL 2007, c. 548, §2, is further amended to read:

6-B. Late fees. A ~~cable system operator~~ video service provider may not charge a late fee or other penalty or charge for late payment of any bill that exceeds 1.5% per month of the amount due in the bill. If the bill includes separate charges for different levels of service, a late fee or other penalty or charge must be calculated on the total amount overdue for all levels of service and may not be calculated separately for each level of service. A payment is not late under this subsection until at least 30 days after those services to which the late fee applies have been received by the consumer.

Sec. 28. 30-A MRSA §3010, sub-§8, as enacted by PL 2007, c. 548, §2, is amended to read:

8. Filing of franchise agreements. A ~~cable system operator~~ video service provider that maintains a publicly accessible website shall post on that website a copy of the most recently executed franchise agreement for each franchise that it has been granted by a municipality in the State.

Sec. 29. 35-A MRSA §2503, sub-§20, as amended by PL 1995, c. 254, §5, is further amended to read:

20. Exclusive method. Compliance with this section by any person is the exclusive method of obtaining the rights and privileges conferred in this section and no person or cooperative may be required, with respect to the location of its facilities, to comply with or be subject to any other law, including, but not limited to, Title 30-A, chapter 165, except that a person subject to Title 30-A, section 3008 must comply with the requirements of that section with respect to the location of its facilities.

See title page for effective date.

CHAPTER 503
S.P. 848 - L.D. 2020

An Act to Make Technical Updates to the Maine Uniform Securities Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §16103, as amended by PL 2007, c. 14, §1, is further amended to read:

§16103. References to federal statutes

As used in this chapter, the Securities Act of 1933, 15 United States Code, Section 77a et seq., Securities Exchange Act of 1934, 15 United States Code, Section 78a et seq., Public Utility Holding Company Act of

1935, 15 United States Code, Section 79 et seq., Investment Company Act of 1940, 15 United States Code, Section 80a-1 et seq., Investment Advisers Act of 1940, 15 United States Code, Section 80b-1 et seq., Employee Retirement Income Security Act of 1974, 29 United States Code, Section 1001 et seq., National Housing Act, 12 United States Code, Section 1701 et seq., Commodity Exchange Act, 7 United States Code, Section 1 et seq., Internal Revenue Code, 26 United States Code, Section 1 et seq., Securities Investor Protection Act of 1970, 15 United States Code, Section 78aaa et seq., Securities Litigation Uniform Standards Act of 1998, 112 Stat. 3227, Small Business Investment Act of 1958, 15 United States Code, Section 661 et seq. and Electronic Signatures in Global and National Commerce Act, 15 United States Code, Section 7001 et seq. and Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. mean those federal laws of those names, those statutes and the rules and regulations adopted under those laws and statutes, as amended, as of December 31, 2006 2023.

Sec. 2. 32 MRSA §16304, sub-§6-A, ¶D, as enacted by PL 2013, c. 452, §1, is amended to read:

D. The offering meets the requirements of the federal exemption for limited offerings and sales of securities not exceeding ~~\$1,000,000~~ \$10,000,000 in 17 Code of Federal Regulations, Section 230.504 (2013);

Sec. 3. 32 MRSA §16402, sub-§2, ¶A, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

A. An individual who represents a broker-dealer in effecting transactions in this State limited to those described in Section 15(h)(2) of the federal Securities Exchange Act of 1934, 15 United States Code, Section ~~78(e)(2)~~ 78o(h)(2);

Sec. 4. 32 MRSA §16411, sub-§6, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

6. Requirements for custody. Subject to Section 15(h) of the federal Securities Exchange Act of 1934, 15 United States Code, Section 78o(h) or Section 222 of the federal Investment Advisers Act of 1940, 15 United States Code, Section ~~80b-22~~ 80b-18a, an agent may not have custody of funds or securities of a customer except under the supervision of a broker-dealer and an investment adviser representative may not have custody of funds or securities of a client except under the supervision of an investment adviser or a federal covered investment adviser. A rule adopted or order issued under this chapter may prohibit, limit or impose conditions on a broker-dealer regarding custody of funds or securities of a customer and on an investment adviser regarding custody of securities or funds of a client.

Sec. 5. 32 MRSA §16411, sub-§9, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

9. Privacy provisions. A broker-dealer licensed or required to be licensed under this chapter and an investment adviser licensed or required to be licensed under this chapter shall comply with the privacy provisions of the federal Gramm-Leach-Bliley Act, 15 United States Code, Section 6801 et seq. (1999) and the implementing Regulation S-P, ~~federal~~; Privacy of Consumer Financial Information and Safeguarding Personal Information, 17 Code of Federal Regulations, Part 248, Subpart A (2001) adopted by the Securities and Exchange Commission. This subsection is not intended to permit the release of health care information except as permitted by Title 22, section 1711-C or Title 24-A, chapter 24.

See title page for effective date.

CHAPTER 504

S.P. 849 - L.D. 2021

**An Act to Clarify the Laws
Regarding Pharmaceutical
Product Stewardship**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1612, sub-§1, ¶B, as enacted by PL 2021, c. 94, §2, is repealed.

Sec. 2. 38 MRSA §1612, sub-§1, ¶D, as enacted by PL 2021, c. 94, §2, is amended to read:

D. "Covered drug" means any substance recognized as a drug under 21 United States Code, Section 321(g)(1), as amended, and any regulations adopted pursuant to that provision, that is sold, offered for sale or dispensed in the State, whether directly or through a wholesaler, in any form, including, but not limited to, prescription and nonprescription drugs, drugs in medical devices and combination products, brand name and generic drugs and drugs for veterinary use.

"Covered drug" does not include:

- (1) Vitamins or supplements;
- (2) Herbal-based remedies and homeopathic drugs, products or remedies;
- (3) Cosmetics, soap with or without germicidal agents, laundry detergent, bleach, household cleaning products, shampoo, sunscreen, toothpaste, lip balm, antiperspirant or other personal care products that are regulated as both cosmetics and nonprescription drugs under the Federal Food, Drug, and Cosmetic Act;
- (4) Pet pesticide products contained in pet collars, powders, shampoos, topical applications or other forms and prescription pet food;

(5) Drugs that are biological products, as defined in 21 Code of Federal Regulations, Section 600.3(h), if the manufacturer provides a program to take back that drug;

(6) Drugs for which a manufacturer provides a program to take back those drugs as part of a United States Department of Health and Human Services, Food and Drug Administration managed risk evaluation and mitigation strategy;

(7) Emptied syringes or emptied medical devices or the component parts or accessories of those products or devices;

(8) Drugs that are used solely in a clinical setting; and

(9) Dialysate drugs required to perform home kidney dialysis.

Sec. 3. 38 MRSA §1612, sub-§1, ¶K, as enacted by PL 2021, c. 94, §2, is amended to read:

K. "Manufacturer" means:

~~(1) A person that has legal ownership of the brand of a covered drug sold in or into the State; or~~

(1-A) Except as provided in subparagraph (2), a manufacturer of a covered drug that is sold or offered for sale in or into the State; or

~~(2) If the person to which subparagraph (1) applies manufacturer of a covered drug that is sold or offered for sale in or into the State has no physical presence in the United States and is not a participant in a stewardship program, a person that imports a covered drug that is branded by the person to which subparagraph (1) applies sold or offered for sale in or into the State.~~

"Manufacturer" does not include a wholesaler that sells or offers for sale in the State at wholesale a covered drug if the covered drug is manufactured by a manufacturer that is a participant in a stewardship program.

"Manufacturer" does not include a retailer that sells or offers for sale in the State at retail a covered drug under the retailer's ~~brand or~~ store label if the covered drug is manufactured by a manufacturer that is a participant in a stewardship program.

Sec. 4. 38 MRSA §1612, sub-§3, ¶B, as enacted by PL 2021, c. 94, §2, is amended to read:

B. Contact information for the person submitting the plan to whom the department shall direct all related inquiries, a list of participating manufacturers and their ~~brands covered drugs~~, contact information for each participating manufacturer and a

list of the covered drugs manufactured by any participating manufacturer that are ~~branded or~~ labeled for sale in the State by a retailer under the retailer's own ~~brand or~~ store label;

See title page for effective date.

CHAPTER 505

S.P. 862 - L.D. 2034

An Act to Address Identified Gaps in the Laws Governing Erosion Control and the Natural Resources Protection Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §420-C, 2nd ¶, as enacted by PL 1997, c. 748, §1, is amended to read:

A person who owns property in an organized area of this State that is subject to erosion because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials shall take measures in accordance with the dates established under this paragraph to prevent unreasonable erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. Adequate and timely temporary and permanent stabilization measures must be taken and maintained on that site to prevent unreasonable erosion and sedimentation. This paragraph applies on and after July 1, 2005 to property that is located in the watershed of a body of water most at risk as identified in the department's storm water rules adopted pursuant to section 420-D and that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. This paragraph applies on and after July 1, 2010 to other property that is subject to erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8.

Sec. 2. 38 MRSA §420-C, 3rd ¶, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2 and amended by PL 2011, c. 682, §38, is further amended to read:

This section applies to a project or any portion of a project located within ~~an organized area of this the~~ State. This section does not apply to agricultural fields. Forest management activities, including associated road construction or maintenance, conducted in accordance with applicable standards of the ~~Maine Land Use Planning Commission~~ Department of Agriculture, Conservation and Forestry, Bureau of Forestry, are deemed to comply with this section. This section may not be construed to limit a municipality's authority under home rule to adopt ordinances containing stricter standards than those contained in this section.

Sec. 3. 38 MRSA §480-R, sub-§2, as amended by PL 2003, c. 414, Pt. B, §71 and affected by c. 614, §9, is further amended to read:

2. Enforcement. In addition to department staff, inland fisheries and wildlife game wardens, Department of Marine Resources marine patrol officers ~~and~~, all other law enforcement officers enumerated in Title 12, section 10401 ~~and, pursuant to their delegated authority, the Maine Land Use Planning Commission and the Department of Agriculture, Conservation and Forestry, Bureau of Forestry shall enforce the terms of this article.~~

See title page for effective date.

**CHAPTER 506
H.P. 1319 - L.D. 2057**

An Act to Require the State Board of Examiners of Psychologists and the Board of Examiners in Physical Therapy to Obtain Fingerprint-based Federal Bureau of Investigation Criminal Background Checks for Applicants for Licensure

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §1542-A, sub-§1, ¶AA is enacted to read:

AA. Who is an applicant for licensure as a psychologist with the State Board of Examiners of Psychologists as required under Title 32, section 3833-B.

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶BB is enacted to read:

BB. Who is an applicant for licensure as a physical therapist or a physical therapist assistant with the Board of Examiners in Physical Therapy as required under Title 32, section 3114-D.

Sec. 3. 25 MRSA §1542-A, sub-§3, ¶Z is enacted to read:

Z. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph AA at the request of that person or the State Board of Examiners of Psychologists and upon payment of the fee by that person as required by Title 32, section 3833-B.

Sec. 4. 25 MRSA §1542-A, sub-§3, ¶AA is enacted to read:

AA. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph BB at the request of that person or the Board of Examiners in Physical Therapy and upon payment of the fee by that person as required by Title 32, section 3114-D.

Sec. 5. 32 MRSA §3114-D is enacted to read:

§3114-D. Criminal history record information; fees

1. Background check. The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement as a physical therapist or a physical therapist assistant under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System, established in Title 16, section 631, and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. An applicant shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment by the applicant of a fee established by the board, shall take or cause to be taken the applicant's fingerprints and shall forward the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Bureau of State Police for purposes of this paragraph must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information of an applicant for a physical therapist or physical therapist assistant license may be used by the board for the purpose of screening the applicant. A board action against an applicant under this subsection is subject to the provisions of Title 5, chapter 341.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the physical therapy compact commission, established under section 18708, or to any other person.

G. An applicant whose license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, Bureau of State Police, State Bureau of Identification remove the applicant's fingerprints from the State Bureau of Identification's fingerprint file. In response to a written request, the bureau shall remove the applicant's fingerprints from the fingerprint file and provide written confirmation of that removal.

2. Rules. The board, following consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 32 MRSA §3121, as enacted by PL 2023, c. 317, §10, is repealed.

Sec. 7. 32 MRSA §3833-B is enacted to read:

§3833-B. Criminal history record information; fees

1. Background check. The board shall request a background check for each person who submits an application for initial licensure or licensure by endorsement as a psychologist under this chapter. The background check must include criminal history record information obtained from the Maine Criminal Justice Information System, established in Title 16, section 631, and the Federal Bureau of Investigation.

A. The criminal history record information obtained from the Maine Criminal Justice Information System must include a record of public criminal history record information as defined in Title 16, section 703, subsection 8.

B. The criminal history record information obtained from the Federal Bureau of Investigation must include other state and national criminal history record information.

C. An applicant shall submit to having fingerprints taken. The Department of Public Safety, Bureau of State Police, upon payment by the applicant of a fee established by the board, shall take or cause to be taken the applicant's fingerprints and shall forward

the fingerprints to the Department of Public Safety, Bureau of State Police, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks. Except for the portion of the payment, if any, that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the Bureau of State Police for purposes of this paragraph must be paid to the Treasurer of State. The money must be applied to the expenses of administration incurred by the Department of Public Safety. Any person who fails to transmit criminal fingerprint records to the State Bureau of Identification pursuant to this paragraph is subject to the provisions of Title 25, section 1550.

D. The subject of a Federal Bureau of Investigation criminal history record check may obtain a copy of the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33. The subject of a state criminal history record check may inspect and review the criminal history record information pursuant to Title 16, section 709.

E. State and federal criminal history record information of an applicant for a psychologist license may be used by the board for the purpose of screening the applicant. A board action against an applicant under this subsection is subject to the provisions of Title 5, chapter 341.

F. Information obtained pursuant to this subsection is confidential. The results of background checks received by the board are for official use only and may not be disseminated to the Psychology Interjurisdictional Compact Commission, established under section 3850, or to any other person.

G. An applicant whose license has expired and who has not applied for renewal may request in writing that the Department of Public Safety, Bureau of State Police, State Bureau of Identification remove the applicant's fingerprints from the State Bureau of Identification's fingerprint file. In response to a written request, the bureau shall remove the applicant's fingerprints from the fingerprint file and provide written confirmation of that removal.

2. Rules. The board, following consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 507
H.P. 1316 - L.D. 2054**

**An Act to Exclude Certain
Operating Under the Influence
Crimes from the Immunity
Provisions That Are Triggered
When Law Enforcement Is
Called for a Suspected
Overdose**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §1111-B, sub-§1, ¶A, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by amending subparagraph (20) to read:

(20) Criminal attempt as described in section 152 to commit a crime listed in subparagraphs (1) to (18); ~~and~~

Sec. 2. 17-A MRSA §1111-B, sub-§1, ¶A, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by amending subparagraph (21) to read:

(21) Criminal solicitation as described in section 153 to commit a crime listed in subparagraphs (1) to (18);~~;~~

Sec. 3. 17-A MRSA §1111-B, sub-§1, ¶A, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by enacting a new subparagraph (22) to read:

(22) OUI as described in Title 29-A, section 2411; and

Sec. 4. 17-A MRSA §1111-B, sub-§1, ¶A, as amended by PL 2023, c. 178, §1; c. 316, §11; and c. 405, Pt. A, §34, is further amended by enacting a new subparagraph (23) to read:

(23) Operating or attempting to operate a watercraft under the influence as described in Title 12, section 10701, subsection 1-A, paragraph B, a snowmobile under the influence as described in Title 12, section 10701, subsection 1-A, paragraph C or an ATV under the influence as described in Title 12, section 10701, subsection 1-A, paragraph D.

See title page for effective date.

**CHAPTER 508
H.P. 1313 - L.D. 2051**

**An Act Regarding the Duties of
Bail Commissioners**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §1025-A, as enacted by PL 2005, c. 541, §1, is amended to read:

§1025-A. County jail employees

If a court or bail commissioner issues an order that a defendant in custody be released, pending trial, on personal recognizance or upon execution of an unsecured appearance bond, whether or not accompanied by one or more conditions under section 1026, subsection 3, an employee of the county jail having custody of the defendant, if authorized to do so by the sheriff, may, without fee, prepare the personal recognizance or bond and take the ~~acknowledgment~~ acknowledgment of the defendant.

See title page for effective date.

**CHAPTER 509
H.P. 1320 - L.D. 2058**

**An Act Regarding Compliance
with Environmental Permit
and License Application
Requirements**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §344, sub-§1, as amended by PL 1991, c. 804, Pt. B, §2 and affected by §7, is further amended to read:

1. Acceptance and notification. The commissioner shall notify the applicant in writing of the official date on which the application was accepted as complete for processing or the reasons the application was not accepted. If a written notice of acceptance or nonacceptance is not mailed to the applicant within 15 working days of receipt of the application, the application is deemed to be accepted as complete for processing on the 15th working day after receipt by the department. If the application is not accepted, the commissioner shall return the application to the applicant with the reasons for nonacceptance specified in writing. A reason for nonacceptance of an application may include, but is not limited to, submission of the application after the activity requiring a permit or license pursuant to this Title has begun if the applicant knowingly violated a requirement to obtain the permit or license for the activity or the applicant, within the 5 years immediately preceding

the submission of the application, violated a requirement to obtain a permit or license pursuant to this Title. Any applicant whose application has not been accepted by the commissioner shall attend a presubmission meeting with the department before resubmitting that application. The commissioner shall notify the board of all applications accepted as complete.

An application is acceptable as complete for processing if the application is properly filled out and information is provided for each of the items included on the form. Acceptance of an application as complete for review does not constitute a determination by the department on the sufficiency of that information and does not preclude the department from requesting additional information during processing.

The commissioner shall require the applicant to provide notice to the public for each application for a permit or license accepted. The commissioner shall solicit comments from the public for each application in a manner prescribed by the board in the rules.

All correspondence notifying an applicant of denial of an application by the board or commissioner must be by certified mail, return receipt requested.

See title page for effective date.

CHAPTER 510

H.P. 1328 - L.D. 2066

An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §342, sub-§15, as amended by PL 2017, c. 92, §1 and affected by §2, is further amended by amending the 2nd blocked paragraph to read:

The fee for department assistance in submitting a voluntary response action plan under section 343-E is equal to 1% of the assessed value of the property at the time the request is submitted, except that the fee may not exceed \$15,000. The fee is waived for a voluntary response action plan submitted for a property transaction or use funded in accordance with Title 7, section 320-K, subsection 4, paragraph D.

Sec. 2. 38 MRSA §1367, as corrected by RR 2021, c. 2, Pt. B, §287, is amended to read:

§1367. Liability; recovery by the State for abatement, clean-up clean-up or mitigation costs and for damages

Each responsible party is jointly and severally liable for all costs incurred by the State resulting from hazardous substances at the site or from the acts or omissions of a responsible party with respect to those hazardous substances and each responsible party is jointly and severally liable for all costs incurred by the State for the abatement, cleanup or mitigation of the threats or hazards posed or potentially posed by an uncontrolled site, including, without limitation, all of the State's costs of acquiring property. Each responsible party also is jointly and severally liable for damages for injury to, destruction of, loss of or loss of use of natural resources of the State, the reasonable costs of assessing natural resources damages and the costs of preparing and implementing a natural resources restoration plan. The commissioner shall demand reimbursement of costs, including interest, and payment of damages to be recovered under this section. The interest rate charged may not exceed the prime rate of interest plus 4%. Interest must be computed beginning 60 days from the date of a payment demand by the commissioner. Payment must be made promptly by the responsible party or parties upon whom the demand is made. Requests for reimbursement to the Uncontrolled Sites Fund, if not paid within 30 days of demand, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General pursuant to Title 5, section 191. The Attorney General or an attorney retained by the department may file suit in the Superior Court and, in addition to relief provided by other law, may seek punitive damages. Notwithstanding the time limits stated in this paragraph, neither a demand nor other recovery efforts against one responsible party may relieve any other responsible party of liability.

In any suit filed under this section, the State need not prove negligence in any form or matter by a defendant. The State need only prove that a defendant is a responsible party, as defined in section 1362, and the site poses or posed or potentially poses or posed a threat or hazard to the health, safety or welfare of any citizen of the State or the environment of the State, to which the acts or omissions of the defendant are or were causally related.

A person who would otherwise be a responsible party is not subject to liability cost recovery by the State for the State's abatement, clean-up or mitigation costs or for damages under this section, if the person can establish by a preponderance of the evidence that threats or hazards posed or potentially posed by an uncontrolled site, for which threats or hazards the person would otherwise be responsible, were caused solely by:

1. **Act of God.** An act of God;
2. **Act of war.** An act of war;
3. **Act or omission.** An act or omission of a 3rd party who is not that person's employee or agent. A

person seeking relief from liability for the acts or omissions of a 3rd party shall also demonstrate by a preponderance of the evidence that that person exercised due care with respect to the hazardous substance and uncontrolled site concerned, taking into consideration the characteristics of that substance and site, in light of all relevant facts and circumstances and that that person took precautions against foreseeable acts or omissions of any such 3rd party and the consequences that could foreseeably result from such acts or omissions.

A. For purposes of this subsection, a person may demonstrate the exercise of due care with respect to any uncontrolled site that that person has acquired after hazardous substances were located on that uncontrolled site, if that person shows that at the time that person acquired the uncontrolled site the person did not know and had no reason to know that any hazardous substance that is the subject of the release or threatened release was disposed on, in or at the uncontrolled site.

B. To establish that a person meets the criteria of paragraph A, a person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice in an effort to minimize liability. For purposes of this paragraph, ~~the court shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination of the property, and the ability to detect that contamination by appropriate inspection; or all appropriate inquiry into the previous ownership and uses of the property consistent with good commercial or customary practice consists of:~~

(1) For a property acquisition after October 31, 2006, conducting all appropriate inquiries in accordance with the United States Environmental Protection Agency's All Appropriate Inquiries Rule, 40 Code of Federal Regulations, Part 312 (2023); and

(2) For a property acquisition after December 31, 1993 and before November 1, 2006, conducting a Phase I Environmental Site Assessment in accordance with the ASTM E1527-21 standard in effect at the time of purchase.

For a property acquisition prior to January 1, 1994, the State and the court shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination of the

property and the ability to detect that contamination by appropriate inspection.

C. The 3rd-party defense provided by this subsection is not available to defend against any claim, administrative proceeding or civil action pursuant to section 1365 or any other provision of this chapter; or

4. Combination. Any combination of the foregoing subsections.

Funds recovered under this section ~~shall~~ **must** be deposited into the Uncontrolled Sites Fund and ~~shall~~ **must** be used by the department to carry out the purposes of this chapter.

Sec. 3. 38 MRSA §1367-B, sub-§1-C is enacted to read:

1-C. Limited exemption from liability for department-licensed land application of sludge or sludge-derived products. A person is exempt from liability under section 1367 as a responsible party for contamination of an uncontrolled site with perfluoroalkyl and polyfluoroalkyl substances if the person establishes to the satisfaction of the commissioner that the source of the contamination was primarily caused by department-licensed land application of sludge or sludge-derived products performed by a 3rd party that is not that person's employee or agent.

A. The exemption from liability provided by this subsection is not available to a person if the commissioner determines that:

(1) The 3rd party that performed the land application of sludge or sludge-derived products has failed to follow applicable requirements of the department license for land application of sludge or sludge-derived products. For the purposes of this subparagraph, the land application of sludge or sludge-derived products is presumed to have been performed in accordance with the applicable requirements of the department license unless the commissioner can establish that the land application did not comply with the license requirements;

(2) The person has failed to comply with an information request or administrative subpoena issued by the department under this chapter; or

(3) The person has impeded or is impeding, through action or inaction, the performance of a response action, natural resources restoration or department investigation at the uncontrolled site.

B. The commissioner may condition the exemption from liability provided by this subsection upon any of the following terms that the commissioner may determine to be necessary:

(1) To provide access to the property to the commissioner and the commissioner's authorized representatives;

(2) To allow the commissioner or the commissioner's authorized representatives to undertake activities at the property including placement of borings, wells, equipment and structures on the property; or

(3) To the extent the person has title to the property, to grant easements or other interests in the property to the department for any of the purposes provided in subparagraph (1) or (2). An agreement to grant an easement or other interest under this subparagraph must apply to and be binding upon the successors and assigns of the owner. To the extent the person has title to the property, the person shall record the agreement or a memorandum approved by the commissioner that summarizes the agreement in the registry of deeds for the county where the property is located.

See title page for effective date.

CHAPTER 511

H.P. 1415 - L.D. 2208

An Act Removing the Lobster Advisory Council from the State Government Evaluation Act Review Requirements

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §959, sub-§1, ¶K, as amended by PL 2021, c. 617, §1, is further amended to read:

K. The joint standing committee of the Legislature having jurisdiction over marine resources matters shall use the following list as a guideline for scheduling reviews:

- (1) Atlantic States Marine Fisheries Commission in 2029; and
- (2) Department of Marine Resources in 2029; and
- ~~(4) Lobster Advisory Council in 2023.~~

See title page for effective date.

CHAPTER 512
S.P. 362 - L.D. 865

An Act to Clarify the Roles and Responsibilities of the Board of Environmental Protection

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §341-D, sub-§2, as amended by PL 2011, c. 304, Pt. H, §6, is further amended to read:

2. Permit and license applications. Except as otherwise provided in this subsection, the board shall ~~decide~~ assume jurisdiction of each application for approval of the following categories of permits and licenses ~~that in its judgment represents a project of statewide significance. A project of statewide significance is a project that meets at least 3 of the following 4 criteria:~~

~~E. Will have an environmental or economic impact in more than one municipality, territory or county;~~

~~F. Involves an activity not previously permitted or licensed in the State;~~

~~G. Is likely to come under significant public scrutiny; and~~

~~H. Is located in more than one municipality, territory or county.~~

I. A new mining permit required pursuant to section 490-OO;

J. A license for a new solid waste disposal facility required pursuant to section 1310-N;

K. A permit for a new high-impact electric transmission line, as defined in Title 35-A, section 3131, subsection 4-A, required pursuant to chapter 3, subchapter 1, article 6;

L. A license for a new wastewater discharge required pursuant to section 413 that, as determined by the department, is expected to use more than 20% of the assimilative capacity of the receiving water;

M. A permit for a new offshore wind terminal required pursuant to chapter 3, subchapter 1, article 6; and

N. A permit for a new nuclear power plant, as defined in Title 35-A, section 4352, subsection 9, required pursuant to chapter 3, subchapter 1, article 6.

The board shall also ~~decide~~ assume jurisdiction of each application for approval of permits and licenses that is referred to it jointly by the commissioner and the applicant.

~~The board shall assume jurisdiction over applications referred to it under section 344, subsection 2-A when it finds that at least 3 of the 4 criteria of this subsection have been met.~~

~~The board may vote to assume jurisdiction of an application if it finds that at least 3 of the 4 criteria of this subsection have been met.~~

The board may not assume jurisdiction over an application for an expedited wind energy development as defined in Title 35-A, section 3451, subsection 4, for a certification pursuant to Title 35-A, section 3456 or for a general permit pursuant to section 480-HH or section 636-A.

Prior to holding a hearing on an application over which the board has assumed jurisdiction, the board shall ensure that the department and any outside agency review staff assisting the department in its review of the application have submitted to the applicant and the board their review comments on the application and any additional information requests pertaining to the application and that the applicant has had an opportunity to respond to those comments and requests. If additional information needs arise during the hearing, the board shall afford the applicant a reasonable opportunity to respond to those information requests prior to the close of the hearing record.

Sec. 2. 38 MRSA §341-D, sub-§4, ¶A, as amended by PL 2023, c. 139, §2, is further amended to read:

A. Final license or permit decisions made by the commissioner when a person aggrieved by a decision of the commissioner appeals that decision to the board within 30 days of the filing date of the decision ~~with the board staff. The board staff shall give written notice to persons that have asked to be notified of the decision.~~ An appellant shall identify in the appeal the licensing or permitting criterion or standard the appellant believes was not satisfied in the commissioner's final license or permit decision. Any proposed supplemental evidence offered by an appellant must be included with the filing of the appeal. The board staff shall issue to the licensee or permittee, if the licensee or permittee is not the appellant, and to any persons who have requested to be notified of the license or permit decision written notice of the filing of the appeal and identify any proposed supplemental evidence offered by the appellant. Within 30 days of the issuance of the written notice of the filing of the appeal by the board staff, the licensee or permittee, if the licensee or permittee is not the appellant, and any interested parties identified by the commissioner pursuant to section 344, subsection 4-A, paragraph B may submit supplemental evidence to the board and the appellant addressing the issues raised in the appeal.

The board may allow the record to be supplemented when it finds that the evidence offered is relevant and material and that:

- (1) An interested party seeking to supplement the record has shown due diligence in bringing the evidence to the licensing process at the earliest possible time; or
- (2) The evidence is newly discovered and could not, by the exercise of diligence, have been discovered in time to be presented earlier in the licensing process.

~~The board may admit into the record supplemental evidence offered by a respondent in response to proposed supplemental evidence offered by an appellant and the issues raised on appeal. The board may shall~~ admit into the record additional evidence and analysis submitted by department staff in response to issues raised ~~on in the appeal or~~ and any supplemental evidence offered by an appellant, respondent or interested party allowed by the board in accordance with this paragraph. The board is not bound by the commissioner's findings of fact or conclusions of law but may adopt, modify or reverse findings of fact or conclusions of law established by the commissioner. Any changes to a final license or permit decision of the commissioner made by the board under this paragraph must be based upon the board's review of the record, any supplemental evidence admitted by the board and any other evidence obtained by the board through any hearing on the appeal held by the board.

If the board modifies or reverses a final license or permit decision of the commissioner pursuant to this paragraph, the licensee or permittee shall implement any changes to the project necessary to comply with the decision of the board, which may include, but are not limited to, deconstruction and site restoration, and the department may initiate enforcement actions pursuant to section 347-A and impose penalties pursuant to section 349 if the licensee or permittee fails to satisfactorily implement those changes;

Sec. 3. 38 MRSA §344, sub-§2-A, ¶A, as amended by PL 2011, c. 304, Pt. H, §18, is further amended to read:

A. Except as otherwise provided in this paragraph, the commissioner shall decide as expeditiously as possible if an application meets ~~3 of the 4 criteria~~ the requirements set forth in section 341-D, subsection 2 for the assumption of jurisdiction by the board and shall request that notify the board assume jurisdiction of that if the application meets the requirements. ~~If an interested person requests that the commissioner refer an application to the board and the commissioner determines that the criteria are not met, the commissioner shall notify~~

~~the board of that request.~~ If at any subsequent time during the review of an application the commissioner decides that the application ~~falls under~~ meets the requirements set forth in section 341-D, subsection 2 for the assumption of jurisdiction by the board, the commissioner shall ~~request that~~ notify the board assume jurisdiction of ~~that~~ the application meets the requirements.

(1) The commissioner may not request the board to assume jurisdiction of an application for any permit or other approval required for an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, a certification pursuant to Title 35-A, section 3456 or a general permit pursuant to section 480-HH or section 636-A. Except as provided in subparagraph (2), the commissioner shall issue a decision on an application for an expedited wind energy development, an offshore wind power project or a hydropower project, as defined in section 632, subsection 3, that uses tidal action as a source of electrical or mechanical power within 185 days of the date on which the department accepts the application as complete pursuant to this section or within 270 days of the department's acceptance of the application if the commissioner holds a hearing on the application pursuant to section 345-A, subsection 1-A.

(2) The expedited review periods of 185 days and 270 days specified in subparagraph (1) do not apply to the associated facilities, as defined in Title 35-A, section 3451, subsection 1, of the development if the commissioner determines that an expedited review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development. If an expedited review period does not apply, a review period specified pursuant to section 344-B applies.

The commissioner may stop the processing time with the consent of the applicant for a period of time agreeable to the commissioner and the applicant.

Sec. 4. 38 MRSA §489-A, sub-§9, ¶A, as amended by PL 1993, c. 383, §27 and affected by §42, is further amended by amending subparagraph (1) to read:

(1) Meets ~~one or more of the criteria requirements~~ set forth in section 341-D, subsection 2, paragraph A, B or C for the assumption of jurisdiction by the board;

See title page for effective date.

**CHAPTER 513
H.P. 960 - L.D. 1505**

**An Act to Amend the Maine
Cooperative Affordable
Housing Ownership Act**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 13 MRSA §1742, sub-§4-A is enacted to read:

4-A. Group equity cooperative. "Group equity cooperative" means a cooperative affordable housing corporation organized in accordance with section 1763.

Sec. 2. 13 MRSA §1742, sub-§4-B is enacted to read:

4-B. Housing assistance program. "Housing assistance program" means any program that offers financial assistance to individuals or organizations for housing costs, residential utilities or the development, acquisition, repair, weatherization, remediation, renovation or operation of residential housing.

Sec. 3. 13 MRSA §1742, sub-§4-C is enacted to read:

4-C. Housing cooperative. "Housing cooperative" includes any type of cooperative affordable housing corporation.

Sec. 4. 13 MRSA §1754, sub-§2, as enacted by PL 1993, c. 300, §1, is amended to read:

2. Maintenance of affordability. A limited equity formula, once established by a cooperative affordable housing corporation in its articles of incorporation, may be amended only if that amendment does not make the cooperative membership unaffordable for classes of low-income or moderate-income households for which the cooperative affordable housing corporation was originally incorporated. A cooperative affordable housing corporation once organized under this section may not reorganize as other than a limited equity cooperative or group equity cooperative without first dissolving.

Sec. 5. 13 MRSA §1760, sub-§1, ¶B, as enacted by PL 1993, c. 300, §1, is amended to read:

B. As a dividend not to exceed 6% per annum on invested capital, except that a group equity cooperative may not apportion a dividend.

Sec. 6. 13 MRSA §1763 is enacted to read:

§1763. Group equity cooperative

A cooperative affordable housing corporation may organize as a group equity cooperative for the purpose of providing and preserving housing for classes of low-income or moderate-income households at the time that the person or household purchases a membership. A

group equity cooperative must meet the following requirements.

1. Interest does not accrue equity. The articles of incorporation must require that cooperative interests may not be sold for more than the original par value. The original par value may not exceed \$100.

2. Maintenance of affordability. A cooperative affordable housing corporation, once organized under this section, may not reorganize as other than a group equity cooperative without first dissolving.

3. Uphold public purpose. A group equity cooperative may not sell all or substantially all of its assets if the sale is intended to circumvent the purpose of this section.

4. Right to repurchase. The articles of incorporation must require that the cooperative affordable housing corporation has the first right to repurchase a member's cooperative interest.

5. No capital distribution. The articles of incorporation must require that there is no distribution of capital to a member in the form of dividends or any additional interest in the cooperative affordable housing corporation.

6. Distribution upon dissolution. The articles of incorporation must require that upon dissolution of the cooperative affordable housing corporation any assets remaining after retirement of corporate debts and distribution to members must be distributed to a charitable organization described in the United States Internal Revenue Code of 1986, Section 501(c)(3), as amended, a public agency or another limited equity cooperative whose formula for determining transfer value is no less restrictive than that of the cooperative affordable housing corporation being dissolved.

7. Sublease limitations. The articles of incorporation must require that a sublease of a unit may not require monthly payments by the sublessee in excess of 100% of the monthly payments for the unit required in the proprietary lease.

8. Minimum occupancy requirement. At least 80% of the occupied units of a group equity cooperative must be occupied by members.

9. Residents only. Voting authority may not be assigned to nonresidents.

Sec. 7. 13 MRSA §1764 is enacted to read:

§1764. Housing assistance programs

1. Program inclusion. Housing cooperatives and residents of housing cooperatives as classified or categorized in subsection 2 as owners, landlords, tenants or renters must be considered for eligibility as owners, landlords, tenants or renters for all state and municipal housing assistance programs, including publicly funded

programs administered by private agencies, notwithstanding state law or agency rules to the contrary, including but not limited to:

A. Energy efficiency and weatherization assistance programs administered by the Efficiency Maine Trust Board set out in Title 35-A, section 10103, subsection 2;

B. Programs administered by the Maine State Housing Authority established by Title 30-A, section 4722, including but not limited to home fuel and electricity assistance programs, manufactured home replacement programs and programs to assist tenants with locating housing and with the rental application process and to provide supportive services to promote successful landlord-tenant relationships; and

C. Municipal general assistance provided pursuant to Title 22, chapter 1161.

2. Classification of housing cooperatives. Housing assistance programs may develop specific policies that govern the treatment of program applicants who belong to or reside in housing cooperatives. For those programs that do not have specific policies regarding housing cooperatives, program applicants belonging to the housing cooperative must be treated as owners with a housing classification type of homeownership, except for the following:

A. A program applicant belonging to a group equity housing cooperative must have the program applicant's housing type classified as rental property, and all residents must be categorized as a renter or tenant and the group equity housing cooperative must be categorized as the owner or landlord and carrying charges as rent; and

B. A program applicant who is a resident of a housing cooperative and leases the program applicant's unit from the housing cooperative but is not a member of the housing cooperative, does not own a share of stock and does not hold any other ownership interest in the housing cooperative or residential property must be categorized as a renter or tenant and the respective cooperative affordable housing corporation must be categorized as owner or landlord.

3. Cooperative affordable housing corporation participation in housing assistance programs. If a cooperative affordable housing corporation is classified as the owner, the cooperative affordable housing corporation has the right to apply for multifamily owner benefit programs in accordance with the guidelines of the housing assistance programs.

See title page for effective date.

**CHAPTER 514
H.P. 1240 - L.D. 1932**

**An Act to Require Broadband
Internet Access Service
Providers to Prorate Customer
Bills**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 10 MRSA c. 237 is enacted to read:

CHAPTER 237

BROADBAND INTERNET ACCESS SERVICE

§1500-U. Broadband Internet access service

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Broadband Internet access service" or "service" means a mass-market retail service by wire that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the service, excluding dial-up Internet access service.

B. "Customer" means a current or former subscriber of broadband Internet access service.

C. "Provider" means a person that provides broadband Internet access service.

2. Service cancellation. A provider in the State shall provide a customer with a pro rata credit or rebate for the days of the monthly billing period after the cancellation of broadband Internet access service if that customer requests cancellation of service 3 or more working days before the end of the monthly billing period. A customer is not eligible to receive a pro rata credit or rebate under this subsection if the customer fails to return equipment of the provider related to the provision of broadband Internet access service.

3. Interruption of service. Except as otherwise provided in this subsection, if broadband Internet access service to a customer is interrupted for 6 or more consecutive hours in a single billing period, the provider shall, upon request by the customer, grant that customer a pro rata credit or rebate. To receive a pro rata credit or rebate, a customer must submit the request to the provider no later than 60 days after the end of the billing period in which the interruption occurred.

A customer is not eligible to receive a pro rata credit or rebate under this subsection for an interruption in broadband Internet access service if the interruption was caused by an act beyond the reasonable control of the provider, including, but not limited to:

A. A natural event, including, but not limited to, a fire, explosion, storm, hurricane, tornado, earthquake or flood;

B. The actions of a 3rd party not working on behalf of the provider, including, but not limited to, the operation of a motor vehicle or excavation activities; or

C. An interruption in service due to customer-owned equipment, customer wiring or the malfunction of equipment not owned by the provider on a utility pole.

4. Notice to customers. A provider shall include on each customer bill for broadband Internet access service a notice regarding the customer's right to a pro rata credit or rebate for interruption of service upon request in accordance with subsection 3 or cancellation of service in accordance with subsection 2. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the provider to request the pro rata credit or rebate. The notice must be in nontechnical language, understandable by the general public and printed in a prominent location on the bill in boldface type.

5. Unfair trade practice violations. A violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act.

See title page for effective date.

**CHAPTER 515
H.P. 1302 - L.D. 2040**

**An Act to Restore the Board of
Dental Practice's Authority to
Issue Letters of Guidance**

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

Whereas, current law does not allow the Board of Dental Practice to issue letters of guidance in matters not relating to complaints filed against licensees; and

Whereas, the board uses letters of guidance primarily to educate licensees in matters involving licensure applications and supervision responsibilities without filing formal complaints; and

Whereas, the board has many cases aging on its docket and requiring a formal complaint to be filed to resolve any matter necessitating a letter of guidance would reduce the efficiency of the board, take up more board staff time and prevent the board from addressing other matters; and

Whereas, the elimination of the board's authority in this regard was an error; 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:

Sec. 1. 24 MRSA §2510, sub-§2-A, as enacted by PL 1997, c. 680, Pt. D, §4, is amended to read:

2-A. Confidentiality of letters of guidance or concern. Letters of guidance or concern issued by the board pursuant to Title 10, section 8003, subsection 5, paragraph E, or Title 32, section 18325, subsection 3 are not confidential.

Sec. 2. 32 MRSA §18325, sub-§3 is enacted to read:

3. Letters of guidance. In addition to the authority conferred under Title 10, section 8003, subsection 5-A, the board may issue a letter of guidance or concern to a licensee or registrant. A letter of guidance or concern may be used to educate, reinforce knowledge regarding legal or professional obligations and express concern over action or inaction by the licensee or registrant that does not rise to the level of misconduct sufficient to merit disciplinary action. The issuance of a letter of guidance or concern is not a formal proceeding and does not constitute an adverse disciplinary action of any form. Notwithstanding any provision of law to the contrary, a letter of guidance or concern is not confidential. The board may place a letter of guidance or concern, together with any underlying complaint, report and investigation materials, in a licensee's or registrant's file for a specified amount of time, not to exceed 10 years. Any letters, complaints and materials placed on file may be accessed and considered by the board in any subsequent action commenced against the licensee or registrant within the specified time frame. Complaints, reports and investigation materials placed on file are only confidential to the extent that confidentiality is required pursuant to Title 24, chapter 21.

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

Effective February 29, 2024.

CHAPTER 516
H.P. 1309 - L.D. 2047

An Act to Increase the Expenditure Limit for Informal Bidding Processes and Update References to the Office of Procurement Services

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 5 MRSA §1825-B, sub-§2, ¶F, as amended by PL 1999, c. 105, §2, is further amended to read:

F. The procurement of goods or services involves expenditures of \$10,000 \$25,000 or less, in which case the Director of the Bureau of General Services may accept oral proposals informal written quotes or bids; or

PART B

Sec. B-1. 1 MRSA §501-A, sub-§2, as enacted by PL 1997, c. 299, §1, is amended to read:

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent Chief Procurement Officer may determine the style in which publications may be printed and bound, with the approval of the Governor.

Sec. B-2. 1 MRSA §501-A, sub-§3, as amended by PL 2021, c. 549, §1, is further amended to read:

3. Annual or biennial reports. Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent Chief Procurement Officer shall deliver at least 4 copies of that annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent Chief Procurement Officer shall deliver the balance of the number of each such report to the agency that prepared the report.

Sec. B-3. 1 MRSA §501-A, sub-§6, as enacted by PL 1997, c. 299, §1, is amended to read:

6. Forwarding of requisitions. The State Purchasing Agent Chief Procurement Officer, Central Printing central printing service and all other printing operations within State Government shall forward to the State Librarian upon receipt one copy of all requisitions for publications to be printed.

Sec. B-4. 3 MRSA §163, sub-§1, as amended by PL 2003, c. 673, Pt. QQQ, §2, is further amended to read:

1. Executive officers. To act as executive officer of the Legislature when it is not in session and unless the Legislature otherwise orders, the Executive Director shall, with the cooperation of the Secretary of the Senate and the Clerk of the House of Representatives have custody of all legislative property and material, arrange for necessary supplies and equipment through the ~~State Bureau of Purchases~~ Office of Procurement Services, arrange for necessary services, make all arrangements for incoming sessions of the Legislature, have general oversight of chambers and rooms occupied by the Legislature and permit state departments to use legislative property. The Executive Director may sell, in accordance with procedures established by the Legislative Council, unneeded legislative equipment and materials and, with the approval of the President of the Senate and the Speaker of the House of Representatives, dispose of obsolete or unusable equipment and materials through the Bureau of General Services' surplus property program. Proceeds from the sale of unneeded equipment and materials must be credited to the legislative account. The Executive Director has the authority to enter into contracts authorized by the Legislative Council and shall approve accounts and vouchers for payment. A perpetual inventory of all legislative property must be maintained under the supervision of the Legislative Council and an accounting of the inventory must be made to the Legislature upon its request.

Sec. B-5. 5 MRSA §244, 2nd ¶, as enacted by PL 2003, c. 450, §4, is amended to read:

By September 15th of each year, the State Auditor shall schedule a meeting with each joint standing committee of the Legislature having jurisdiction over those departments or agencies in the audit of which the State Auditor has identified findings and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government matters. The State Auditor shall present an assessment of findings and recommendations of the most recently completed audit performed pursuant to this section, including, but not restricted to, questioned costs and material weaknesses of state programs. The State Auditor shall notify affected state agencies and applicable state central service agency officials, such as, without limitation, the State Controller, State Budget Officer, ~~State Purchasing Agent~~ Chief Procurement Officer and Chief Information Officer, of the meeting time and place.

Sec. B-6. 5 MRSA §1762-A, sub-§1, as enacted by PL 1991, c. 246, §1, is amended to read:

1. ~~Bureau of Purchases~~ Office of Procurement Services. The ~~Bureau of Purchases~~ Office of Procurement Services under chapter 155;

Sec. B-7. 5 MRSA §1812-A, as amended by PL 1989, c. 585, Pt. C, §2, is further amended to read:

§1812-A. Report on purchase of recycled products

The ~~State Purchasing Agent~~ Chief Procurement Officer shall report on or before January 1st of the ~~First Regular Session~~ first regular session of each Legislature to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the State's efforts to purchase supplies and materials composed in whole or in part of recycled materials. The ~~State Purchasing Agent~~ Chief Procurement Officer shall also report on any procurement policies, incentives, educational programs, promotional efforts or other activities undertaken by the ~~Bureau of Purchases~~ Office of Procurement Services to encourage the purchase of those supplies and materials. The ~~State Purchasing Agent~~ Chief Procurement Officer shall include in the report any recommendations to increase or facilitate the purchase of those supplies and materials.

Sec. B-8. 5 MRSA §1812-B, as enacted by PL 1989, c. 585, Pt. C, §3, is amended to read:

§1812-B. Purchasing of paper and paper products

1. Purchase of paper and paper products with recycled material content. Subject to subsection 3, the ~~State Purchasing Agent~~ Chief Procurement Officer shall provide that of the total dollar amount spent in each fiscal year on paper and paper products purchased by the State:

- A. On or after October 1, 1989, not less than 15% ~~shall~~ must be spent on paper and paper products with recycled material content;
- B. On or after October 1, 1991, not less than 30% ~~shall~~ must be spent on paper and paper products with recycled material content; and
- C. On or after October 1, 1993, not less than 50% ~~shall~~ must be spent on paper and paper products with recycled material content.

2. Federal guidelines and cooperative purchases. To qualify as having recycled material content, paper or paper products must have recycled material content ~~which~~ that meets or exceeds the standards established for that paper or paper product category in Table 1 of the Guideline for Federal Procurement of Paper and Paper Products, 40 Code of Federal Regulations, Part 250. The ~~State Purchasing Agent~~ Chief Procurement Officer shall determine whether a paper or a paper product qualifies. The ~~State Purchasing Agent~~ Chief Procurement Officer may join with other states in making cooperative requests for bids to supply paper and paper products.

3. Bids; price preference. A person who submits a bid for a contract to supply paper or paper products shall certify the percentage and nature of any recycled ~~materials~~ material content in the product subject to bid.

Bids offering paper or paper products with recycled material content that are within 10% of the lowest bid that meets all other specifications may receive up to a 10% price preference. Any bids to supply paper or paper products with recycled material content that exceed by more than 10% the low bid ~~which that~~ meets all other specifications ~~shall may~~ not be considered. If no bids are received on a request for bids ~~which that~~ offer paper or paper products with recycled material content, the ~~State Purchasing Agent~~ Chief Procurement Officer may award the contract to a bidder whose paper or paper product has standard percentages of or no recycled ~~materials~~ material content.

Sec. B-9. 5 MRSA §1812-D, as amended by PL 2017, c. 475, Pt. A, §4, is further amended to read:

§1812-D. Coordination of procurement information and policies

The ~~Bureau of Purchases~~ Office of Procurement Services shall coordinate with the Department of Transportation, the Department of Agriculture, Conservation and Forestry and the Department of Environmental Protection to develop a central database of information including, but not limited to, procurement policies, market information, technical data and demonstration project results. This data must be compiled annually and provided to local public agencies by the Department of Environmental Protection.

Sec. B-10. 5 MRSA §1812-E, first ¶, as enacted by PL 1991, c. 207, is amended to read:

Except for cars and light duty trucks purchased for law enforcement and other special use purposes as designated by the ~~State Purchasing Agent~~ Chief Procurement Officer, the ~~State Purchasing Agent~~ Chief Procurement Officer may not purchase or lease any car or light duty truck for use by the State or any department or agency of the State unless:

Sec. B-11. 5 MRSA §1815 is amended to read:

§1815. Requisitions required

Except as otherwise provided in chapters 141 to ~~155 154 and this chapter~~ and the rules and regulations adopted ~~hereunder~~ under those chapters and this chapter, services, supplies, materials and equipment ~~shall may~~ be purchased by or furnished to the State ~~Government~~ or any department or agency thereof only upon requisition to the ~~State Purchasing Agent~~ Chief Procurement Officer. The ~~State Purchasing Agent~~ Chief Procurement Officer, or ~~his~~ the officer's authorized representative, shall examine each requisition submitted to ~~him~~ the officer by any department or agency of the State ~~Government~~ and may revise it as to quantity, quality or estimated cost after consultation with the department or agency concerned.

Sec. B-12. 5 MRSA §1816-A, sub-§2, ¶I, as enacted by PL 2003, c. 501, §1 and affected by §3, is amended to read:

I. An equivalent basis for cost comparison between state employee and private contractor provision of services is calculated, as established by rules adopted by the ~~State Purchasing Agent~~ Chief Procurement Officer pursuant to section 1825-B, subsection 11, and it is determined that the private contractor provides the best value.

Sec. B-13. 5 MRSA §1817, as amended by PL 2015, c. 102, §8, is further amended to read:

§1817. Printing of laws

When the Revisor of Statutes has prepared material for a revision of the entire statutes of the State, the revisor shall deliver the revision prepared for printing to the ~~State Purchasing Agent~~ Chief Procurement Officer, who shall contract for the printing, binding and delivery to the State of a sufficient number of volumes to meet the needs of the State and for sale as provided.

Sec. B-14. 5 MRSA §1818 is amended to read:

§1818. Deliveries

Supplies, materials and equipment, purchased or contracted for by the ~~State Purchasing Agent~~, ~~shall~~ Chief Procurement Officer must be delivered by him ~~the officer~~ or by the contractor to the department or agency by which or for whom the same are to be used from time to time as required.

Sec. B-15. 5 MRSA §1819 is amended to read:

§1819. Unlawful purchases

Whenever any department or agency of the State ~~Government, required by pursuant to~~ chapters 141 to ~~155 154 and this chapter~~ and rules and regulations adopted ~~pursuant thereto~~, under those chapters and this chapter applying to the purchase of services, supplies, materials or equipment through the ~~State Purchasing Agent, shall contract~~ Chief Procurement Officer, contracts for the purchase of such services, supplies, materials or equipment contrary to chapters 141 to ~~155 154 and this chapter~~ or the rules and regulations ~~made hereunder~~ adopted under those chapters and this chapter, ~~such that contract shall be is~~ void and ~~have has~~ no effect. If any such department or agency purchases any services, supplies, materials or equipment contrary to chapters 141 to ~~155 154 and this chapter~~ or rules and regulations ~~made hereunder~~ adopted under those chapters and this chapter, the head of ~~such that~~ department or agency ~~shall be is~~ personally liable for the costs thereof, and if ~~such the~~ services, supplies, materials or equipment are so unlawfully purchased and paid for out of state ~~moneys~~ money, the amount thereof may be recovered in the name of the State in an appropriate action instituted therefor.

Sec. B-16. 5 MRSA §1824-B, sub-§1, ¶B, as enacted by PL 2021, c. 332, §4, is amended to read:

B. The ~~director of the division of procurement services~~ Chief Procurement Officer of the Office of

Procurement Services within the Department of Administrative and Financial Services or the ~~director's~~ officer's designee;

Sec. B-17. 5 MRSA §1824-B, sub-§2, as amended by PL 2021, c. 332, §4, is amended to read:

2. Chair. The ~~director of the division of procurement services~~ Chief Procurement Officer of the Office of Procurement Services within the Department of Administrative and Financial Services or the ~~director's~~ officer's designee shall serve as chair of the committee.

Sec. B-18. 5 MRSA §1825-A, sub-§2, as amended by PL 1989, c. 785, §2, is amended to read:

2. Approved equal. "Approved equal" means any goods or service other than specified in the bid proposal that in the opinion of the ~~State Purchasing Agent~~ Chief Procurement Officer is equivalent in character, quality and performance to the goods or service specified in the bid proposal.

Sec. B-19. 5 MRSA §1825-A, sub-§3, as amended by PL 1989, c. 785, §2, is amended to read:

3. Competitive bidding. "Competitive bidding" means the transmission of a written proposal or invitation to bid to at least 3 responsible suppliers that is to be replied to at a stated time. In obtaining competitive bids, if the ~~State Purchasing Agent~~ Chief Procurement Officer finds that 3 responsible bidders are not available, the ~~State Purchasing Agent~~ Chief Procurement Officer may make such exceptions to this subsection as are in the best interests of the State.

Sec. B-20. 5 MRSA §1825-B, sub-§11, as amended by PL 2015, c. 179, §2, is further amended to read:

11. Rulemaking; unfair competition. State departments and agencies may not achieve cost savings due to cost differentials that derive from a bidder's failure to provide health and retirement benefits to its employees. The ~~State Purchasing Agent~~ Chief Procurement Officer shall adopt rules governing the purchase of services and the awarding of grants or contracts for personal services to establish a basis for bid price and cost comparison among businesses that provide health and retirement benefits to their employees and those that do not provide these benefits. The rules must include a methodology for calculating bid price and cost differentials for services provided by businesses and state employees due to the provision of health and retirement benefits for employees. The rules must adjust the bid prices to establish an equivalent basis for bid price and cost comparison among businesses when awarding contracts or grants and between businesses and state employees when determining whether or not a contract or grant is permitted under section 1816-A. These rules must apply to all state departments and agencies. Rules adopted pursuant to this subsection are

routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. B-21. 5 MRSA §1825-B, sub-§12, as amended by PL 2007, c. 193, §1, is amended to read:

12. Vendor's fee. The ~~State Purchasing Agent~~ Chief Procurement Officer may collect a fee in an amount equal to 1% of the bid from a supplier of apparel, footwear or textiles with a winning bid under this section. The ~~State Purchasing Agent~~ Chief Procurement Officer shall apply the fee under this subsection to the costs of implementing and administering the state purchasing code of conduct under section 1825-L, including developing a consortium to monitor and investigate alleged violations of the code of conduct. The ~~State Purchasing Agent~~ Chief Procurement Officer shall adopt routine technical rules under chapter 375, subchapter 2-A to carry out the purposes of this subsection.

Sec. B-22. 5 MRSA §1825-B, sub-§14, as amended by PL 2015, c. 179, §2, is further amended to read:

14. Condition of doing business with the State. Notwithstanding any provision of law to the contrary, any purchase by the State of \$100,000 or more of tangible personal property, except for public utility purchases, as defined in Title 36, section 1752, subsection 17, or emergency purchases pursuant to subsection 2, paragraph B, may be made only from a person who is registered as a seller pursuant to Title 36, section 1754-B. As a condition of doing business with the State, the seller must collect, report and remit taxes in accordance with Title 36, Part 3. As provided in this subsection, the State is prohibited from doing business with a person who is not registered as a seller pursuant to Title 36, section 1754-B and is not in compliance with the requirement to collect, report and remit taxes pursuant to Title 36, Part 3. After notification of the award, the seller must provide the ~~State Purchasing Agent~~ Chief Procurement Officer with a valid retailer certificate issued by the State Tax Assessor within 7 business days. If the seller fails to provide the registration certificate within 7 business days, the ~~State Purchasing Agent~~ Chief Procurement Officer may cancel the award and make a new award pursuant to subsection 7. The ~~State Purchasing Agent~~ Chief Procurement Officer shall provide the State Tax Assessor with a copy of all contracts and grants awarded pursuant to this section. The State Tax Assessor shall notify the ~~State Purchasing Agent~~ Chief Procurement Officer if at any time during the term of the contract or grant the person is no longer registered or is not collecting, reporting and remitting taxes in compliance with the requirements of Title 36, Part 3. Until the noncompliance is corrected, the ~~State Purchasing Agent~~ Chief Procurement Officer may withhold any payments to the person.

Sec. B-23. 5 MRSA §1825-C, as amended by PL 2015, c. 179, §3, is further amended to read:

§1825-C. Rulemaking

The ~~State Purchasing Agent~~ Chief Procurement Officer shall adopt rules under this subchapter governing the purchase of services, the awarding of grants or contracts and the procedure by which aggrieved persons may appeal award decisions made by a department or agency of State Government. These rules must be adopted in accordance with the Maine Administrative Procedure Act and apply to all departments and agencies of State Government subject to the authority of the Department of Administrative and Financial Services as set forth in this chapter.

Sec. B-24. 5 MRSA §1825-D, first ¶, as amended by PL 2015, c. 179, §4, is further amended to read:

The ~~State Purchasing Agent~~ Chief Procurement Officer shall make the public aware of contracts and grants for which bids are being requested and the procedure to be used in reviewing bids. Rules adopted under this subchapter must include a clear procedure:

Sec. B-25. 5 MRSA §1825-D, 3rd ¶, as enacted by PL 1989, c. 785, §2, is amended to read:

A department or agency of State Government may not change or substitute the procedures adopted under this subchapter without the ~~State Purchasing Agent~~ Chief Procurement Officer's first adopting those changes or substitutions as rules under this subchapter in accordance with the Maine Administrative Procedure Act, ~~chapter 375~~.

Sec. B-26. 5 MRSA §1825-F, first ¶, as amended by PL 1993, c. 192, §2, is further amended to read:

Decisions made by an appeal committee under section 1825-E, subsection 3 constitute final agency action on the petitioner's appeal for the purposes of judicial review under chapter 375, subchapter ~~VII 7~~. The ~~State Purchasing Agent~~ Chief Procurement Officer shall notify a petitioner of a final agency action made under this subchapter in writing within 7 days of the final agency action. Notification of final agency action must include:

Sec. B-27. 5 MRSA §1825-G, as amended by PL 2015, c. 179, §7, is further amended to read:

§1825-G. Failure to act

Failure or refusal of the ~~State Purchasing Agent~~ Chief Procurement Officer to adopt rules under this subchapter is sufficient grounds for an aggrieved person to request judicial review of agency rulemaking pursuant to section 8058. In the event that a judicial declaration of an invalid rule is made under this section and section 8058, the contract or grant award under appeal becomes immediately void and of no legal effect.

Sec. B-28. 5 MRSA §1825-H, as enacted by PL 1989, c. 785, §2, is amended to read:

§1825-H. Deadline for adoption of rules

The ~~State Purchasing Agent~~ Chief Procurement Officer shall adopt rules implementing this subchapter no later than January 1, 1991.

Sec. B-29. 5 MRSA §1825-K, sub-§3, as enacted by PL 2005, c. 554, Pt. A, §1, is amended to read:

3. Availability of copy of code of conduct. The ~~State Purchasing Agent~~ Chief Procurement Officer shall make a copy of the state purchasing code of conduct available to all bidders subject to this subchapter.

Sec. B-30. 5 MRSA §1825-K, sub-§4, as enacted by PL 2005, c. 554, Pt. A, §1, is amended to read:

4. Affidavit requirement. The ~~State Purchasing Agent~~ Chief Procurement Officer may not accept a bid for the sale of goods covered by this subchapter unless:

A. Prior to the close of the bidding deadline, the bidder has filed with the ~~agent~~ officer a signed affidavit, executed and filed by a person authorized to commit the bidder to the code of conduct, stating:

- (1) That the bidder will comply with the code of conduct;
- (2) That the bidder has furnished a copy of the code of conduct to each supplier at the point of assembly of the goods subject to the bid process and required that each supplier inform the bidder of whether the supplier is in compliance with the code of conduct; and
- (3) That, to the best of the bidder's knowledge, each supplier at the point of assembly of the goods subject to the bid process is in compliance with the code of conduct; and

B. The bidder has submitted a list of the names and addresses of suppliers at the point of assembly of goods subject to the bid process.

Sec. B-31. 5 MRSA §1825-K, sub-§5, as enacted by PL 2005, c. 554, Pt. A, §1, is amended to read:

5. Affidavit update requirement. If, after complying with the filing requirements of this section, a bidder is awarded a contract, that contractor must, during the term of the contract, promptly inform the ~~State Purchasing Agent~~ Chief Procurement Officer of any change in the information furnished in the affidavit submitted at the time of the original bid and must submit a new, updated affidavit that conforms with the requirements of subsection 4.

Sec. B-32. 5 MRSA §1825-L, sub-§1, as enacted by PL 2001, c. 439, Pt. NNNN, §1, is amended to read:

1. Statement of belief; protection of local interests. The affidavit provided by the ~~State Purchasing Agent~~

~~Agent~~ Chief Procurement Officer to bidders for contracts to provide goods covered by this subchapter must include a copy of the following statement:

"Maine is a state that believes employers should fairly compensate hard work, that the health and safety of working people should be protected and that no form of unlawful discrimination or abuse should be tolerated. Maine citizens are aware that laws and regulations designed to safeguard basic tenets of ethical business practice are disregarded in many workplaces, commonly referred to as "sweatshops." State Government purchase of goods made under abusive conditions on behalf of its citizens offends Maine citizens' sense of justice and decency. Moreover, when the State of Maine contracts with vendors whose suppliers profit by providing substandard wages and working conditions, Maine's businesses are put at a competitive disadvantage. Therefore, the State of Maine believes in doing business with vendors who make a good faith effort to ensure that they and their suppliers at the point of assembly adhere to the principles of the State of Maine's purchasing code of conduct.

"In its role as a market participant that procures goods covered by this code, the State of Maine seeks to protect the interests of Maine citizens and businesses by exercising its state sovereignty to spend Maine citizens' tax dollars in a manner consistent with their expressed wishes that the State deal with responsible bidders who seek contracts to supply goods to the State of Maine, and protect legally compliant Maine businesses and workers from unfair competition created by downward pressure on prices and conditions attributable to businesses that violate applicable workplace laws.

"Seeking to protect these local interests through the least discriminatory means available, the State of Maine requires that all bidders seeking contracts to supply the State of Maine with goods covered by this code sign an affidavit stating that they and, to the best of their knowledge, their suppliers at the point of assembly comply with workplace laws of the vendor's or supplier's site of assembly and with treaty obligations that are shared by the United States and the country in which the goods are assembled."

Sec. B-33. 5 MRSA §1825-M, as enacted by PL 2001, c. 439, Pt. NNNN, §1, is amended to read:

§1825-M. Exception

The ~~State Purchasing Agent~~ Chief Procurement Officer may accept and award a bid to a supplier who has not met the requirements provided in section 1825-K if, after reasonable investigation by the ~~State Purchasing~~

~~Agent~~ Chief Procurement Officer, it appears that the required unit or item of supply or brand of that unit or item, is procurable by the State from only that supplier.

Sec. B-34. 5 MRSA §1825-N, as amended by PL 2005, c. 554, Pt. A, §3, is further amended to read:

§1825-N. Support to suppliers of goods and services

The ~~State Purchasing Agent~~ Chief Procurement Officer shall provide to bidders and contractors resources to assist with compliance with the state purchasing code of conduct established in this subchapter. These resources must include a list, easily accessed by the public, of bidders and vendors who have adopted the state purchasing code of conduct.

Sec. B-35. 5 MRSA §1825-O, first ¶, as enacted by PL 2001, c. 439, Pt. NNNN, §1, is amended to read:

The ~~State Purchasing Agent~~ Chief Procurement Officer shall adopt rules under this subchapter governing the award of bids. Those rules must include specific guidelines for vendors to follow in order to comply with the state purchasing code of conduct and criteria for seeking disclosure of names and addresses of vendors' suppliers and suppliers' working conditions.

Sec. B-36. 5 MRSA §1825-P, as enacted by PL 2001, c. 439, Pt. NNNN, §1, is amended to read:

§1825-P. Report

By January 15th of each year, the ~~State Purchasing Agent~~ Chief Procurement Officer shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters concerning the administrative and fiscal impact of the requirement that vendors comply with the state purchasing code of conduct; the degree of voluntary compliance with the state purchasing code of conduct; the number of vendors who agreed to and the number that declined to comply with the provisions of this subchapter; and any other information relevant to the state purchasing code of conduct.

Sec. B-37. 5 MRSA §1825-Q, as corrected by RR 2005, c. 2, §4, is amended to read:

§1825-Q. Complaints of noncompliance with code of conduct; investigations of complaints

1. Complaints alleging noncompliance. The ~~State Purchasing Agent~~ Chief Procurement Officer shall initiate an investigation to determine whether a violation of the code of conduct has occurred if:

A. The ~~State Purchasing Agent~~ Chief Procurement Officer has independent knowledge that a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with the code of conduct;

B. The contractor informs the ~~State Purchasing Agent~~ Chief Procurement Officer that the contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with the code of conduct;

C. A worker for a contractor or for a supplier at the point of assembly of goods subject to a contract files a written complaint directly with the ~~State Purchasing Agent~~ Chief Procurement Officer stating that the contractor or supplier, to the best of the worker's knowledge, is not in compliance with the code of conduct;

D. A 3rd party established and based outside the United States, on behalf of or on the basis of information from a worker or workers, files directly with the ~~State Purchasing Agent~~ Chief Procurement Officer a signed and dated written complaint stating that, to the best of the 3rd party's knowledge, a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with the code of conduct. If possible, the 3rd party's written complaint must be signed and dated under oath before an official authorized to administer oaths; or

E. A 3rd party established and based in the United States, on behalf of or on the basis of information from a worker or workers, files directly with the ~~State Purchasing Agent~~ Chief Procurement Officer a written complaint, signed and dated under oath before an official authorized by applicable law to administer oaths, stating that, to the best of the 3rd party's knowledge, a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with the code of conduct.

2. Specificity required. Any complaint made to the ~~State Purchasing Agent~~ Chief Procurement Officer must state with reasonable specificity each reason a party subject to the complaint is allegedly not in compliance with the code of conduct.

3. Notification to party subject to complaint. After receiving a complaint alleging noncompliance with the code of conduct, the ~~State Purchasing Agent~~ Chief Procurement Officer shall contact in a timely manner, in writing and by certified letter, the contractor that is the subject of the complaint or whose supplier is the subject of the complaint.

Sec. B-38. 5 MRSA §1825-R, as enacted by PL 2005, c. 554, Pt. A, §5, is amended to read:

§1825-R. Determinations of noncompliance with code of conduct

1. Relevant information. In making a determination of whether a violation of the code of conduct has occurred, the ~~State Purchasing Agent~~ Chief Procurement Officer may take into account any factors, infor-

mation, sources of information and materials determined reliable and relevant by the ~~State Purchasing Agent~~ Chief Procurement Officer, as determined on a case-by-case basis. The ~~State Purchasing Agent~~ Chief Procurement Officer has specific authority and discretion to employ an independent monitor to investigate a complaint.

2. Determination by ~~State Purchasing Agent~~ Chief Procurement Officer. The determination of whether a party subject to a complaint is in compliance with the code of conduct is solely that of the ~~State Purchasing Agent~~ Chief Procurement Officer.

3. Notice of determination. After rendering a determination under this section, the ~~State Purchasing Agent~~ Chief Procurement Officer promptly shall inform the complainant and contractor in writing.

Sec. B-39. 5 MRSA §1825-S, as amended by PL 2007, c. 193, §3, is further amended to read:

§1825-S. Consequences of noncompliance with code of conduct

1. Action by ~~State Purchasing Agent~~ Chief Procurement Officer. Upon determination of a violation of the code of conduct by a contractor or contractor's supplier at the point of assembly of goods covered by this subchapter, the State, through the ~~State Purchasing Agent~~ Chief Procurement Officer, shall inform the contractor and engage in discussions with the contractor about the violation. The purpose of the discussions is to work in partnership with the contractor to influence the contractor to change its practices or to use its bargaining position with the offending supplier to change the supplier's practices, rather than to cease doing business with the contractor or supplier. The ~~State Purchasing Agent~~ Chief Procurement Officer shall prescribe appropriate measures to ensure compliance with the code of conduct. These measures may include, but are not limited to:

A. Requesting that each party found not to be in compliance with the code of conduct provide continued access to independent monitors, if available;

B. Requesting that each party found not to be in compliance with the code of conduct offer their workers and managers the training and guidelines necessary to bring the workplace into compliance with the code of conduct; and

C. Requesting that each party found not to be in compliance with the code of conduct demonstrate to the ~~State Purchasing Agent~~ Chief Procurement Officer that prescribed changes or improvements have been completed and implemented.

2. Termination of contract. If, in the opinion of the ~~State Purchasing Agent~~ Chief Procurement Officer, a contractor that has been determined as not in compliance with the code of conduct does not make good faith

efforts to change its practices or use its bargaining position with an offending supplier to change the supplier's practices, the ~~State Purchasing Agent~~ Chief Procurement Officer may take appropriate remedial action including, but not limited to, barring the subject contractor from bidding on future state contracts or terminating the State's contract with the contractor. ~~Reference to the~~ The authority given in this subsection must be specifically referenced in the State's contracts with those contractors that are subject to the code of conduct.

Sec. B-40. 5 MRSA §1831, sub-§1, as amended by PL 2023, c. 405, Pt. A, §9, is further amended to read:

1. Adoption of rules. A department or agency of State Government, subject to chapters 141 to 152, purchasing services or awarding grants or contracts that are not subject to the authority of the Department of Administrative and Financial Services, as defined in chapters 153 and 155, shall establish a procedure by which these services are purchased or by which grants or contracts are awarded. This procedure must be adopted in accordance with the Maine Administrative Procedure Act and must be approved by the ~~State Purchasing Agent~~ Chief Procurement Officer prior to the procedure's adoption. The ~~State Purchasing Agent~~ Chief Procurement Officer shall ensure that the rules adopted under this section meet the standards of public notice, administrative review and rights to appeal as set forth in chapter 155, subchapter 1-A. A department or agency of State Government that does not adopt rules under this section is subject to rules adopted by the ~~State Purchasing Agent~~ Chief Procurement Officer under chapter 155, subchapter 1-A.

Sec. B-41. 5 MRSA §1831, sub-§3, as amended by PL 2023, c. 405, Pt. A, §10, is further amended to read:

3. Application. The procedure adopted by a department or agency under this section may be used by the department or agency for any qualifying purchase or award of a contract or grant. This section may not be construed to require the adoption of new procedures for every new purchase, contract or award. This section may not be construed to require the ~~State Purchasing Agent~~ Chief Procurement Officer or the Department of Administrative and Financial Services to approve any contract, grant or award that is not presently approved by the ~~State Purchasing Agent~~ Chief Procurement Officer or the Department of Administrative and Financial Services under chapters 153 and 155.

Sec. B-42. 10 MRSA §1478, sub-§5, as enacted by PL 1985, c. 569, §2, is amended to read:

5. Temporary certification. Any motor vehicle for which there is no current and valid certificate of motor vehicle inspection at the time of sale at a state auction and ~~which that~~ does not pose a serious threat to the

general public, as determined by the ~~Bureau of Purchases~~ Office of Procurement Services from the form required in subsection 2 and from an inspection of the vehicle, may be provided a temporary certificate authorizing the operation of the motor vehicle from the auction site to a point designated by the purchaser.

Sec. B-43. 23 MRSA §52, 2nd ¶, as repealed and replaced by PL 2005, c. 313, §2, is amended to read:

The department has full power to purchase all supplies, materials and equipment that are incidental to, or necessary for, project-specific construction, improvement or maintenance of transportation infrastructure. The purchase of supplies, materials and equipment for nonproject-specific purposes must be made through the ~~State Purchasing Agent~~ Chief Procurement Officer as provided by law. For the purposes of this section, unless the context otherwise indicates, "project-specific" means relating to a specific location for a limited duration, as opposed to perennial, nonlocation-specific activities. The department may be consulted by and shall, without charge, advise municipal officers and road commissioners on the subject of construction, improvement and maintenance of public highways, bridges and other structures. The department shall whenever practicable give preference in employment to the inhabitants of the town in which such highways are located.

Sec. B-44. 28-A MRSA §83-C, sub-§3, as amended by PL 2021, c. 658, §56, is further amended to read:

3. Purchase. Oversee the wholesale purchase and storage of spirits for sale in the State. Spirits delivered to the wholesale spirits provider and stored at a warehouse designated by the commission under section 81 are the property of the spirits supplier. Spirits become the property of the bureau upon removal from the warehouse for shipment to an agency liquor store. Spirits delivered to an agency liquor store become the property of the licensee upon receipt of delivery. The wholesale spirits provider at no time takes legal title to any spirits delivered to the warehouse. The bureau may buy and have in its possession spirits for sale to the public. The bureau shall buy spirits directly and not through the ~~State Purchasing Agent~~ Chief Procurement Officer. All spirits must be free from adulteration and misbranding;

Sec. B-45. 34-A MRSA §1403, sub-§11, as enacted by PL 1999, c. 583, §4, is amended to read:

11. Contracting agent. The chief administrative officer is the contracting agent for all sales of articles from a correctional facility and for all other contracts made on behalf of the correctional facility except those made by the ~~State Purchasing Agent~~ Chief Procurement Officer.

A. All contracts must be made in the manner prescribed by the commissioner.

B. A contract may not be accepted by the chief administrative officer, unless the contractor gives satisfactory security for its performance.

C. An employee of the correctional facility may not be directly or indirectly interested in any contract.

Sec. B-46. 34-A MRSA §3004, sub-§1, as amended by PL 1991, c. 314, §28, is further amended to read:

1. Contract actions. Actions founded on any contract made with the ~~State Purchasing Agent~~ Chief Procurement Officer, or with any official of the department under the authority granted by the ~~State Purchasing Agent~~ Chief Procurement Officer, on behalf of a correctional or detention facility may be brought by the official making the contract or the official's successor in office.

Sec. B-47. 34-B MRSA §1404, sub-§1, as corrected by RR 2019, c. 2, Pt. B, §89, is amended to read:

1. Contract actions. Actions founded on any contract made with the ~~State Purchasing Agent~~ Chief Procurement Officer, or with any official of the department under the authority granted by the ~~State Purchasing Agent~~ Chief Procurement Officer, on behalf of any of the state institutions may be brought by the official making the contract or that official's successor in office.

Sec. B-48. 35-A MRSA §1908, as enacted by PL 2013, c. 369, Pt. B, §1, is amended to read:

§1908. Exemption from ~~State Purchasing Agent~~ Chief Procurement Officer rules

Notwithstanding any ~~other~~ provision of law to the contrary, agreements and contracts entered into pursuant to this chapter are not subject to the competitive bid requirements of the ~~State Purchasing Agent~~ Chief Procurement Officer.

Sec. B-49. 35-A MRSA §3210-C, sub-§3, as amended by PL 2023, c. 77, §7, is further amended by amending the 2nd blocked paragraph to read:

The commission may enter into contracts for interruptible, demand response or energy efficiency capacity resources. These contracts are not subject to the rules of the ~~State Purchasing Agent~~ Chief Procurement Officer. In a competitive solicitation conducted pursuant to subsection 6, the commission shall allow transmission and distribution utilities to submit bids for interruptible or demand response capacity resources.

Sec. B-50. 35-A MRSA §3212, sub-§2, as amended by PL 1999, c. 577, §4 and c. 578, §1, is further amended by amending the 3rd blocked paragraph to read:

Notwithstanding Title 5, section 1831, the commission is not subject to rules adopted by the ~~State Purchasing~~

~~Agent~~ Chief Procurement Officer in conducting the competitive bidding process required under this section.

Sec. B-51. 35-A MRSA §10105, sub-§4, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

4. ~~Purchasing agent~~ Chief Procurement Officer rules. Notwithstanding Title 5, section 1831, the trust is not subject to rules adopted by the ~~State Purchasing Agent~~ Chief Procurement Officer in selecting service providers pursuant to this chapter. The trust shall consider delivery of programs by means of contracts with service providers that participate in competitive bid processes for providing services within individual market segments or for particular end uses.

Sec. B-52. 35-A MRSA §10110, sub-§3, as enacted by PL 2009, c. 372, Pt. B, §3, is amended by amending the first blocked paragraph to read:

In accordance with section 10105, the trust is not subject to rules adopted by the ~~State Purchasing Agent~~ Chief Procurement Officer in selecting service providers pursuant to this subsection. The board shall adopt rules establishing procedures governing the selection of service providers under this subsection. The board shall consult with the ~~State Purchasing Agent~~ Chief Procurement Officer in developing the rules.

Sec. B-53. 36 MRSA §191, sub-§2, ¶JJ, as amended by PL 2009, c. 361, §12, is further amended to read:

JJ. The disclosure to the ~~State Purchasing Agent~~ Chief Procurement Officer of a person's sales tax standing as necessary to enforce Title 5, section 1825-B, subsection 14;

Sec. B-54. 36 MRSA §4372-A, sub-§7, as amended by PL 1999, c. 616, §6, is further amended to read:

7. Hearings; disposition; deposit of funds. At a hearing, other than a default proceeding, the court shall hear evidence, make findings of fact, enter conclusions of law and file a final order from which the parties have the right of appeal. When cigarettes are ordered forfeited, the final order must provide for the disposition of the cigarettes by the State Tax Assessor by public auction or by the ~~State Purchasing Agent~~ Chief Procurement Officer. Proceeds must be deposited in the General Fund. Cigarettes described in section 4366-C, subsection 1 must be destroyed by the State Tax Assessor in a manner that prevents their reintroduction into the marketplace.

Sec. B-55. 36 MRSA §4404-C, sub-§7, as enacted by PL 2005, c. 627, §11, is amended to read:

7. Hearings; disposition; deposit of funds. At a hearing other than a default proceeding, the court shall hear evidence, make findings of fact, enter conclusions of law and file a final order to which the parties have

the right of appeal. When tobacco products are ordered forfeited, the final order must provide for the disposition of the tobacco products by the assessor by public auction or by the ~~State Purchasing Agent~~ Chief Procurement Officer. Proceeds must be deposited in the General Fund. Tobacco products described in section 4404-B, subsection 1 must be destroyed by the assessor in a manner that prevents their reintroduction into the marketplace.

See title page for effective date.

CHAPTER 517

S.P. 665 - L.D. 1660

An Act to Ensure Proper Regulation of Chemical Plastic Processing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1303-C, sub-§2-C is enacted to read:

2-C. Chemical plastic processing. "Chemical plastic processing" means the processing of plastic waste using chemical or molecular methods into basic raw materials, feedstock chemicals, fuel for combustion, waxes or lubricants. "Chemical plastic processing" does not include plastic-to-plastic recycling.

Sec. 2. 38 MRSA §1303-C, sub-§19-D is enacted to read:

19-D. Plastic. "Plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain, including material derived from either petroleum or a biologically based polymer, such as corn or other plant sources.

Sec. 3. 38 MRSA §1303-C, sub-§19-E is enacted to read:

19-E. Plastic-to-plastic recycling. "Plastic-to-plastic recycling" means the production from plastic waste of new plastic material, designed to be used as industrial feedstock in place of raw material for the manufacture of new products made of or containing plastic, by processing the plastic waste in a manner that, in producing the new plastic material:

A. Retains the chemical structure of the plastic waste; or

B. Deconstructs the plastic waste into molecular precursors or intermediates and then reconstitutes the precursors or intermediates into plastic polymers using methods that result exclusively in the production of new plastic material.

"Plastic-to-plastic recycling" does not include chemical plastic processing.

Sec. 4. 38 MRSA §1303-C, sub-§32-A, as enacted by PL 2007, c. 583, §1, is amended to read:

32-A. Solid waste processing facility. "Solid waste processing facility" means a land area, structure, equipment, machine, device, system or combination thereof, other than an incineration facility, that is operated to reduce the volume or change the chemical or physical characteristics of solid waste. "Solid waste processing facility" includes but is not limited to a facility that processes plastic waste through chemical plastic processing and a facility that employs shredding, baling, mechanical and magnetic separation or composting or other stabilization technique to reduce or otherwise change the nature of solid waste.

Sec. 5. 38 MRSA §1310-N, sub-§5-A, ¶B, as amended by PL 2023, c. 283, §1, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion through methods other than chemical plastic processing all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" ~~includes~~ does not include chemical plastic processing and does include, but is not limited to, plastic-to-plastic recycling; the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

(a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by July 1, 2024;

(b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by July 1, 2025;

(c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by July 1, 2026;

(d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by July 1, 2027; and

(e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by July 1, 2028.

Sec. 6. 38 MRSA §1310-N, sub-§5-A, as amended by PL 2023, c. 283, §1, is further amended by enacting at the end a new first blocked paragraph to read:

For the purposes of this subsection, a solid waste processing facility that processes plastic waste through chemical plastic processing is deemed to generate residue requiring disposal.

Sec. 7. 38 MRSA §1310-Y, first ¶, as amended by PL 2001, c. 575, §1, is further amended to read:

An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing that is licensed under section 1310-N or of a solid waste disposal facility that is licensed under section 1310-N shall provide the department assurance of its financial ability to satisfy the estimated cost of corrective action for known releases from the facility and its financial capacity to satisfy the estimated cost of closure and postclosure care and maintenance at the facility for a period of at least 30 years after closure. The board may adopt rules that increase or decrease that postclosure care period, as long as those rules are consistent with applicable federal rules. The department may consider the use of more than one acceptable form of financial assurance per facility to satisfy the financial assurance requirement of this section. This section applies to all privately owned solid waste disposal facilities licensed by the department, including facilities licensed by the department before June 16, 1993, and to all solid waste processing facilities that process plastic waste through chemical plastic processing. This section does not apply to a municipally owned or operated solid waste disposal facility that accepts exclusively special waste, construction and demolition debris, land-clearing debris or any combination of those types of waste or to a municipally owned or operated solid waste disposal facility licensed before June 16, 1993.

Sec. 8. 38 MRSA §1310-Y, sub-§2, as enacted by PL 1993, c. 378, §9, is amended to read:

2. Report. An owner or operator of a solid waste processing facility that processes plastic waste through chemical plastic processing or of a solid waste disposal facility shall annually prepare a report containing a sworn statement providing the year-end balance of any escrow, trust or reserve account established under this

section. That report must be submitted to the commissioner by March 31st of each year or such other date as the commissioner may designate.

See title page for effective date.

CHAPTER 518

S.P. 888 - L.D. 2095

An Act to Require Reporting of Child Abuse and Neglect to Military Family Advocacy Programs

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

Whereas, the State can assist the United States Department of Defense in its mission to protect children of military families from abuse or neglect by identifying as military personnel a person alleged to have committed abuse or neglect of a child and reporting the allegation to a military family advocacy program when an investigation has been initiated; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period so the Department of Health and Human Services can immediately begin negotiating memoranda of understanding with military family advocacy programs at military installations in the State with respect to child abuse and neglect investigations; 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:

Sec. 1. 22 MRSA §4004, sub-§2, ¶F, as amended by PL 2007, c. 586, §8, is further amended to read:

F. File a petition under section 4032 if, after investigation, the department determines that a child is in immediate risk of serious harm or in jeopardy as defined in this chapter; ~~and~~

Sec. 2. 22 MRSA §4004, sub-§2, ¶G, as enacted by PL 2007, c. 586, §9, is amended by amending subparagraph (2) to read:

(2) The degree of threatened harm to any other child for whom the person or persons responsible for the deceased child may be responsible now or in the future; and

Sec. 3. 22 MRSA §4004, sub-§2, ¶H is enacted to read:

H. If an allegation of abuse or neglect against a parent or legal guardian of the child is investigated, collect information concerning the military status of the parent or legal guardian who is the subject of the allegation and share information about the allegation with the appropriate military authorities.

Sec. 4. 22 MRSA §4008-A, sub-§6 is enacted to read:

6. Military family advocacy program. Notwithstanding any provision of law to the contrary, the department shall negotiate a memorandum of understanding with the military family advocacy program at a military installation, as defined in Title 20-A, section 20102, subsection 11, with respect to child abuse and neglect investigations. The memorandum of understanding must establish procedures and protocols for:

A. Identifying as military personnel a parent or legal guardian alleged to have committed abuse or neglect of a child;

B. Reporting to a military family advocacy program when a child abuse and neglect investigation implicating military personnel has been initiated; and

C. Maintaining confidentiality requirements under state and federal law.

For the purposes of this subsection, "military family advocacy program" means the program established by the United States Department of Defense and provided at a military installation to address child abuse and neglect in military families.

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

Effective March 6, 2024.

CHAPTER 519

S.P. 878 - L.D. 2085

An Act to Update Maine's Domestic Violence and Stalking Laws

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

Whereas, on June 27, 2023, the United States Supreme Court issued a decision in *Counterman v. Colorado*, which has raised questions as to the constitutionality of several of Maine's statutes; and

Whereas, the statutes implicated include critical components of the State's public safety response, specifically including its response to domestic violence and stalking; and

Whereas, citizens of the State rely on the Legislature to ensure a constitutionally sound criminal and civil justice system and failure to timely align the statutes with the new federal standard may result in unnecessary litigation in the State's already overburdened state court system; 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:

Sec. 1. 17-A MRSA §210, sub-§1, as amended by PL 2003, c. 143, §4, is further amended to read:

1. A person is guilty of terrorizing if that person ~~in fact~~ intentionally, knowingly or recklessly communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or another, ~~and~~ consciously disregarding a substantial risk that the natural and probable consequence of such a threat, whether or not such consequence in fact occurs, is:

A. To place the person to whom the threat is communicated or the person threatened in reasonable fear that the crime will be committed. Violation of this paragraph is a Class D crime; or

B. To cause evacuation of a building, place of assembly or facility of public transport or to cause the occupants of a building to be moved to or required to remain in a designated secured area. Violation of this paragraph is a Class C crime.

Sec. 2. 17-A MRSA §210-A, sub-§2, ¶A, as amended by PL 2007, c. 685, §1, is repealed and the following enacted in its place:

A. "Course of conduct" means 2 or more acts, including but not limited to acts in which the actor, by any action, method, device or means, directly or indirectly:

(1) Follows, monitors, tracks, observes, surveils or harasses a person;

(2) Interferes with a person's property;

(3) Threatens a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effects identified in subsection 1, paragraph A; or

(4) Communicates to or about a person, consciously disregarding a substantial risk that the actor's conduct would cause a reasonable person to experience any of the effects identified in subsection 1, paragraph A.

"Course of conduct" also includes, but is not limited to, threats implied by conduct and gaining unauthorized access to personal, medical, financial or other identifying or confidential information.

Sec. 3. 17-A MRSA §506, sub-§1, ¶A, as amended by PL 2017, c. 397, §1, is repealed and the following enacted in its place:

A. By means of telephone or electronic communication device the person intentionally, knowingly or recklessly makes any comment, request, suggestion or proposal without the consent of the person called or contacted:

- (1) That is, in fact, obscene; or
- (2) With conscious disregard of a substantial risk that a reasonable person would find the comment, request, suggestion or proposal offensively coarse.

Violation of this paragraph is a Class E crime:

Sec. 4. 19-A MRSA §4102, sub-§1, ¶B, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

B. Attempting to place or placing another in fear of bodily injury, ~~regardless of intent~~, through any course of conduct, including, but not limited to, threatening, harassing or tormenting behavior. When the course of conduct violates this paragraph based on the content of the actor's speech, the actor must have consciously disregarded a substantial risk that the speech would place a reasonable person in fear of bodily injury;

Sec. 5. 19-A MRSA §4102, sub-§1, ¶E, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

E. Communicating to a person a threat to commit, or to cause to be committed, a crime of violence dangerous to human life against the person to whom the communication is made or another, ~~and~~ with conscious disregard of a substantial risk that the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed;

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

Effective March 6, 2024.

**CHAPTER 520
H.P. 423 - L.D. 646**

**An Act to Fully Reimburse
Municipalities for Lost
Revenue Under the Property
Tax Stabilization for Senior
Citizens Program**

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

Whereas, certain municipalities have not been fully reimbursed for lost revenue resulting from underfunding of the property tax stabilization for senior citizens program established pursuant to Public Law 2021, chapter 751 and amended by Public Law 2023, chapter 412, Part S, section 10 to apply only to the property tax year beginning April 1, 2023; and

Whereas, the lost revenue may have an immediate and material effect on municipalities; and

Whereas, due to these immediate and material effects on municipalities, this legislation requires the State Controller to transfer funds in March and June of 2024; 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:

Sec. 1. Transfer to Department of Administrative and Financial Services, Property Tax Stabilization program. Notwithstanding any provision of law to the contrary, on or before March 1, 2024, the State Controller shall transfer \$15,000,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Property Tax Stabilization program, Other Special Revenue Funds account to fully reimburse municipalities for lost revenue under the property tax stabilization program under the Maine Revised Statutes, Title 36, section 6281 in the property tax year beginning April 1, 2023 only.

Sec. 2. Transfer from General Fund unappropriated surplus; Property Tax Stabilization - Mandate program. Notwithstanding any provision of law to the contrary, on or before June 30, 2024, the State Controller shall transfer \$50,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Property Tax Stabilization - Mandate program, Other Special Revenue Funds account for the purposes of funding

the reimbursements to municipalities for the state-mandated costs related to implementation and administration of the property tax stabilization program under the Maine Revised Statutes, Title 36, section 6281.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Property Tax Stabilization Z368

Initiative: Provides a one-time allocation to fully reimburse municipalities for lost revenue under the property tax stabilization program under the Maine Revised Statutes, Title 36, section 6281.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$15,000,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,000,000	\$0

Property Tax Stabilization - Mandate Z369

Initiative: Provides a one-time allocation to reimburse municipalities for state-mandated costs related to implementation and administration of the property tax stabilization program under the Maine Revised Statutes, Title 36, section 6281.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$50,000	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$50,000	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$15,050,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$15,050,000	\$0

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

Effective March 6, 2024.

**CHAPTER 521
H.P. 988 - L.D. 1533**

An Act to Provide for Consistent Billing Practices by Health Care Providers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24 MRSA §2332-E, as amended by PL 2003, c. 218, §1 and c. 469, Pt. D, §1 and affected by §9, is further amended to read:

§2332-E. Standardized claim forms

All nonprofit hospital or medical service organizations and nonprofit health care plans providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed health care practitioner must accept the current standardized claim form for professional services approved by the Federal Government and submitted electronically. All nonprofit hospital or medical service organizations and nonprofit health care plans providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed hospital must accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically, and any claims for facility services must identify the physical location, including hospital off-campus locations, where services are provided. A nonprofit hospital or medical service organization or nonprofit health care plan may not be required to accept a claim submitted on a form other than the applicable form specified in this section and may not be required to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to section 2985.

Sec. 2. 24-A MRSA §1912, as amended by PL 2005, c. 97, §1, is further amended to read:

§1912. Standardized claim forms

All administrators who administer claims and who provide payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed health care practitioner must accept the current standardized claim form for professional services approved by the Federal Government and submitted electronically. All administrators who administer claims and who provide payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed hospital must accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically, and any claims for facility services must identify the physical location, including hospital off-campus locations, where services are provided. An administrator may not be required to accept a claim sub-

mitted on a form other than the applicable form specified in this section and may not be required to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to Title 24, section 2985. All services provided by a health care practitioner in an office setting must be submitted on the standardized federal form used by noninstitutional providers and suppliers. Services in a nonoffice setting may be billed as negotiated between the administrator and health care practitioner. For purposes of this section, "office setting" means a location where the health care practitioner routinely provides health examinations, diagnosis and treatment of illness or injury on an ambulatory basis whether or not the office is physically located within a facility.

Sec. 3. 24-A MRSA §2680, as amended by PL 2003, c. 218, §5 and c. 469, Pt. D, §5 and affected by §9, is further amended to read:

§2680. Standardized claim form

Administrators providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed health care practitioner or licensed hospital shall accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically, and any claims for facility services must identify the physical location, including hospital off-campus locations, where services are provided. An administrator may not be required to accept a claim submitted on a form other than the applicable form specified in this section and may not be required to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to Title 24, section 2985.

Sec. 4. 24-A MRSA §2753, as amended by PL 2005, c. 97, §2, is further amended to read:

§2753. Standardized claim forms

All insurers providing individual medical expense insurance on an expense-incurred basis providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a health care practitioner must accept the current standardized claim form for professional services approved by the Federal Government and submitted electronically. All insurers providing individual medical expense insurance on an expense-incurred basis providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed hospital must accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically, and any claims for facility services must identify the physical location, including hospital off-campus locations, where services are provided. An insurer may not be required to accept a claim submitted on a form other than the applicable form specified in this section and may not be required

to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to Title 24, section 2985. All services provided by a health care practitioner in an office setting must be submitted on the standardized federal form used by noninstitutional providers and suppliers. Services in a nonoffice setting may be billed as negotiated between the insurer and health care practitioner. For purposes of this section, "office setting" means a location where the health care practitioner routinely provides health examinations, diagnosis and treatment of illness or injury on an ambulatory basis whether or not the office is physically located within a facility.

Sec. 5. 24-A MRSA §2823-B, as amended by PL 2005, c. 97, §3, is further amended to read:

§2823-B. Standardized claim forms

All insurers providing group medical expense insurance on an expense-incurred basis providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed health care practitioner must accept the current standardized claim form for professional services approved by the Federal Government and submitted electronically. All insurers providing group medical expense insurance on an expense-incurred basis providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed hospital must accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically, and any claims for facility services must identify the physical location, including hospital off-campus locations, where services are provided. An insurer may not be required to accept a claim submitted on a form other than the applicable form specified in this section and may not be required to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to Title 24, section 2985. All services provided by a health care practitioner in an office setting must be submitted on the standardized federal form used by noninstitutional providers and suppliers. Services in a nonoffice setting may be billed as negotiated between the insurer and health care practitioner. For purposes of this section, "office setting" means a location where the health care practitioner routinely provides health examinations, diagnosis and treatment of illness or injury on an ambulatory basis whether or not the office is physically located within a facility.

Sec. 6. 24-A MRSA §4235, as amended by PL 2005, c. 97, §4, is further amended to read:

§4235. Standardized claim forms

All health maintenance organizations providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed health care practitioner must accept the current standardized claim form for professional services approved by the Federal

Government and submitted electronically. All health maintenance organizations providing payment or reimbursement for diagnosis or treatment of a condition or a complaint by a licensed hospital must accept the current standardized claim form for professional or facility services, as applicable, approved by the Federal Government and submitted electronically, and any claims for facility services must identify the physical location, including hospital off-campus locations, where services are provided. A health maintenance organization may not be required to accept a claim submitted on a form other than the applicable form specified in this section and may not be required to accept a claim that is not submitted electronically, except from a health care practitioner who is exempt pursuant to Title 24, section 2985. All services provided by a health care practitioner in an office setting must be submitted on the standardized federal form used by noninstitutional providers and suppliers. Services in a nonoffice setting may be billed as negotiated between the health maintenance organization and health care practitioner. For purposes of this section, "office setting" means a location where the health care practitioner routinely provides health examinations, diagnosis and treatment of illness or injury on an ambulatory basis whether or not the office is physically located within a facility.

See title page for effective date.

CHAPTER 522

S.P. 627 - L.D. 1596

An Act to Expand Access to Drug Treatment Courts

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §421, sub-§2, ¶E, as enacted by PL 1999, c. 780, §1, is amended to read:

E. To promote effective interaction and use of resources among justice system personnel and community agencies; ~~and~~

Sec. 2. 4 MRSA §421, sub-§2, ¶F, as enacted by PL 1999, c. 780, §1, is amended to read:

F. To reduce the overcrowding of prisons; ~~and~~

Sec. 3. 4 MRSA §421, sub-§2, ¶G is enacted to read:

G. To ensure that substance use disorder treatment programs are available statewide and accessible to residents in rural areas of the State.

See title page for effective date.

**CHAPTER 523
S.P. 851 - L.D. 2023**

An Act to Make Technical Changes to Maine's Tax Laws

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 36 MRSA §251 is amended to read:

§251. Warrants for town assessment of state tax

When a state tax is imposed and required to be assessed by the proper municipal officers ~~of towns~~, the Treasurer of State shall send such warrants as ~~he is, from time to time, ordered to issue~~ prescribed under section 254 for the assessment thereof of that state tax to the assessors, requiring them ~~forthwith~~ immediately to assess the sum apportioned to their ~~town or place~~ municipality, and to commit their assessment to the constable or collector for collection.

Sec. A-2. 36 MRSA §252, as amended by PL 1975, c. 765, §3, is further amended to read:

§252. Time for issuance

When a state tax is ordered by the Legislature, the Treasurer of State shall send ~~his~~ warrants directed to the assessors of each municipality, as soon after the first day of April as is practicable, requiring them to assess upon the estates of ~~such~~ each municipality its proportion of the state tax for the current year; ~~and shall in a like manner for the succeeding year, send like warrants for the state tax.~~ The Treasurer of State shall send such warrants for the state tax in a similar manner for the succeeding year.

Sec. A-3. 36 MRSA §253 is amended to read:

§253. ~~requirements~~ Warrant requirements

~~The Warrants issued by the Treasurer of State in his warrant shall~~ must require the assessors of each municipality to make a fair list of their assessments, as required by this Title; to commit such list to the tax collector of such municipality in accordance with section 709; and to return a certificate ~~thereof~~ of those assessments in accordance with section 712.

Sec. A-4. 36 MRSA §382, as amended by PL 1973, c. 620, §11 and c. 625, §242 and repealed and replaced by c. 695, §7, is further amended to read:

§382. Failure of assessor to furnish information

If any municipal assessor or assessor of a primary assessing area fails to appear before the State Tax Assessor or ~~his~~ the State Tax Assessor's agent as provided in this Title, or to transmit to ~~him~~ the State Tax Assessor the lists named within 10 days after the mailing or publication of notice or notices to them to ~~so~~ appear or transmit ~~said~~ those lists, the State Tax Assessor may ~~in~~

~~his discretion~~ report the valuation of the estates and property liable to taxation in the ~~town so~~ municipality in default, as ~~he shall deem~~ the State Tax Assessor considers just and equitable.

Sec. A-5. 36 MRSA §383, sub-§1, as enacted by PL 1999, c. 487, §1, is amended to read:

1. Annual return. The municipal assessors and the assessors of primary assessing areas shall make and return lists, which must be seasonably furnished by the State Tax Assessor for that purpose, of all such information as to the assessment of property and collection of taxes as may be needed in the work of the State Tax Assessor, including annually the land value, exclusive of buildings and all other improvements, and the valuation of each class of property assessed in their respective jurisdictions, with the total valuation and percentage of taxation, together with a statement to the best of their knowledge and belief of the ratio, or percentage of current just value, upon which the assessments are based and itemized lists of property upon which the ~~towns~~ municipalities have voted to affix values for taxation purposes.

Sec. A-6. 36 MRSA §611, as amended by PL 2017, c. 367, §3, is further amended to read:

§611. Equipment tax

Machinery and other personal property brought into this State, after April 1st and prior to December 31st by any person upon whom no personal property tax was assessed on April 1st in ~~the this State of Maine,~~ shall must be taxed as other personal property in the ~~town~~ municipality in which it is used for the first time in this State.

When the assessors are informed by the owner or otherwise of the presence within the ~~town~~ municipality of ~~such~~ personal property governed by this section, the assessors shall give notice in writing to the owner to furnish to the assessors a true and perfect list of such personal property within 15 days from the receipt of ~~such that~~ notice and, except as otherwise provided in this section, section 706-A is applicable to this section.

The assessors shall assess a tax upon any ~~such~~ personal property governed by this section in accordance with other property assessed for the same tax year, except that, if the tax is paid within 2 months of assessment, interest from the due date of taxes for the tax year involved does not apply.

Except as otherwise provided in this section, the collection of ~~such~~ taxes shall on personal property governed by this section must be in accordance with this chapter.

Sec. A-7. 36 MRSA §943, 9th ¶ is amended to read:

~~Whenever~~ If the person against whom the tax is assessed ~~shall have died~~ dies after the tax has been committed and prior to the expiration of the ~~18 months~~ 18-month period of foreclosure and ~~such if that person shall have~~ has left a will offered for probate, the probate judge of the county ~~wherein said~~ in which that will is offered upon petition of any devisee of the real estate on which ~~said that~~ tax is unpaid may grant a period of redemption not to exceed 60 days following the final allowance or disallowance of ~~said that~~ will. Notice of ~~said the~~ petition shall must be given to the tax collector of the ~~town wherein said~~ municipality in which the property is located and a certified copy of the court order ~~shall must~~ be filed in the registry of deeds of the county ~~wherein in which~~ the property is located.

Sec. A-8. 36 MRSA §943-C, sub-§2, as amended by PL 2023, c. 358, §1, is further amended to read:

2. Notification; appeal. At least 90 days prior to listing property for sale, the municipal officers or their designee shall send a written notice to the last known address of the former owner, by United States Postal Service certified mail, return receipt requested, and first-class mail, of the right to require the sale process described in subsection 3. The State Tax Assessor shall prepare ~~application forms, notices and instructions~~ that must be used by municipalities to inform former owners of their right to apply for the sale process provided under subsection 3.

Sec. A-9. 36 MRSA §946, 3rd ¶, as enacted by PL 1975, c. 347, is amended to read:

~~No A~~ municipal officer ~~shall~~ may not, while holding municipal office, acquire from that municipality any interest in real estate acquired by that municipality on account of nonpayment of taxes, unless such sale occurs by sealed bid after duly advertising the same at least twice during a 7-day period prior to the acceptance of bids. ~~Any town official~~ A municipal officer who submits a sealed bid ~~shall may~~ not take part in the bid acceptance process except that a municipal officer may purchase tax acquired property if the property was owned by the municipal officer's ~~son, daughter~~ child, spouse or parent immediately prior to its acquisition by the municipality and if ~~such the~~ purchase is authorized by the municipality.

Sec. A-10. 36 MRSA §1109, sub-§1, as amended by PL 2011, c. 240, §7, is further amended by amending the first blocked paragraph to read:

The assessor shall record, in the municipal office of the ~~town~~ municipality in which the farmland is located, the value of the farmland as established under this subchapter and the value at which the farmland would have been assessed had it not been classified under this subchapter.

Sec. A-11. 36 MRSA §1109, sub-§3, ¶F, as enacted by PL 1989, c. 748, §4, is amended to read:

F. The likelihood that the preservation of the land as undeveloped open space will provide economic benefit to the ~~town~~ municipality by limiting municipal expenditures required to service development;

Sec. A-12. 36 MRSA §1137, sub-§2, as enacted by PL 2007, c. 466, Pt. A, §58, is amended to read:

2. Classification. The assessor shall determine what land meets the requirements of this subchapter and shall classify such land as working waterfront land in accordance with this subchapter. The assessor shall file, in the municipal office of the ~~town~~ municipality in which the working waterfront land is located, the original schedule and the value of the working waterfront land as established under this subchapter and the value at which the working waterfront land would have been assessed had it not been classified under this subchapter.

Sec. A-13. 36 MRSA §1284, as amended by PL 2019, c. 501, §26, is further amended to read:

§1284. Action to recover taxes

The State Tax Assessor may bring a civil action in the State Tax Assessor's own name to enforce the lien on real estate created by section 552; to secure the payment of state taxes assessed under sections 1331 and 1602 upon real estate not liable to be assessed in any ~~town~~ municipality. ~~Such~~ The action must be begun after the expiration of 8 months and within one year after August 1st following the date ~~such~~ the taxes were assessed. The proceedings must be in accordance with section 941, except that the preliminary notice and demand for payment of the tax as provided in that section may not be required.

Sec. A-14. 36 MRSA §6251, sub-§1, ¶B, as amended by PL 2023, c. 360, Pt. A, §11 and c. 412, Pt. S, §6, is repealed and the following enacted in its place:

B. The taxpayer, if the sole owner of the property, has income, as defined in section 5219-KK, subsection 1, paragraph D, of less than \$40,000 for the calendar year immediately preceding the calendar year in which the claim is filed or, for applications filed after January 1, 2024, income of less than \$80,000 for the calendar year immediately preceding the calendar year in which the claim is filed. In the case of property that is owned by more than one owner, all owners together have income, as defined in section 5219-KK, subsection 1, paragraph D, of less than \$40,000 for the calendar year immediately preceding the calendar year in which the claim is filed or, for applications filed after January 1, 2024, income of less than \$80,000 for the calendar year immediately preceding the calendar year in which the claim is filed;

Sec. A-15. 36 MRSA §6251, sub-§1, ¶C, as amended by PL 2023, c. 360, Pt. A, §12 and c. 412, Pt. S, §7, is repealed and the following enacted in its place:

C. The taxpayer, if the sole owner of the property, has liquid assets of less than \$50,000 or, for applications filed after January 1, 2024, less than \$100,000. In the case of property that is owned by more than one owner, all the owners together have liquid assets of less than \$75,000 or, for applications filed after January 1, 2024, less than \$150,000; and

Sec. A-16. 36 MRSA §6252, sub-§5, as amended by PL 2023, c. 412, Pt. S, §8, is further amended to read:

5. No municipal lien. The property does not have an existing municipal lien against it other than a lien that may be released pursuant to section 6252-A, subsection 5.

PART B

Sec. B-1. 36 MRSA §5122, sub-§2, ¶M-2, as amended by PL 2023, c. 412, Pt. ZZZ, §2, is further amended by amending subparagraph (2), division (c) to read:

(c) "Military retirement plan" means retirement plan benefits received as a result of service in the active or reserve components of the United States Army, Navy, Air Force, Marines ~~or~~, Coast Guard ~~or~~ Space Force.

Sec. B-2. 36 MRSA §5122, sub-§2, ¶HH, as amended by PL 2023, c. 441, Pt. C, §4 and affected by §11, is further amended to read:

HH. To the extent included in federal adjusted gross income, annuity payments made to the survivor of a deceased member of the military who died as the result of service in active or reserve components of the United States Army, Navy, Air Force, Marines ~~or~~, Coast Guard ~~or~~ Space Force under a survivor benefit plan or reserve component survivor benefit plan pursuant to 10 United States Code, Chapter 73 reduced by any amount claimed as a modification under paragraph M, M-1 or M-2;

Sec. B-3. 36 MRSA §5122, sub-§2, ¶LL, as amended by PL 2015, c. 1, §5, is further amended to read:

LL. To the extent included in federal adjusted gross income and to the extent otherwise subject to Maine income tax, an amount equal to military compensation earned during the taxable year for service performed outside of this State pursuant to written military orders:

(1) For active duty service in the active components of the United States Army, Navy, Air Force, Marines ~~or~~, Coast Guard ~~or~~ Space Force by a service member whose permanent duty station during such service is located outside of this State; and

(2) For active duty service in the active or reserve components of the United States Army, Navy, Air Force, Marines ~~or~~, Coast Guard or Space Force or in the Maine National Guard by a service member in support of a federal operational mission or a declared state or federal disaster response when the orders are either at federal direction or at the direction of the Governor of this State;

Sec. B-4. 36 MRSA §5219-KK, sub-§1, ¶A-1, as amended by PL 2023, c. 360, Pt. B, §13 and c. 412, Pt. S, §§1 to 3, is further amended by amending subparagraph (4) to read:

(4) For tax years beginning on or after January 1, 2024, notwithstanding subparagraphs (1) ~~and~~, (2) ~~and~~ (3), for individuals 65 years of age or older, \$4,000.

Sec. B-5. 36 MRSA §5228, sub-§7, as amended by PL 2001, c. 583, §18, is further amended to read:

7. Short taxable year. Payment of taxes for a short taxable year must be made as provided in this subsection. For payment dates falling within the short taxable year, payment must be made as provided in subsection 4.

A. For an individual, a trust or an estate with a taxable year of less than 12 months, the estimated tax must be paid in full by the 15th day of the month following the end of the taxable year.

B. For a corporation or financial institution with a taxable year of less than 12 months, the estimated tax must be paid in full by the 15th day of the last month of the taxable year.

Sec. B-6. 36 MRSA §5242, 2nd ¶, as enacted by PL 2021, c. 181, Pt. A, §14, is amended to read:

A person who is required by the assessor to ~~furnish~~ file a return of information in accordance with this section on or after January 31, 2022 and who fails to do so, or who willfully ~~furnishes~~ files a false or fraudulent return of information, is subject to a penalty of \$50 for each such failure.

See title page for effective date.

CHAPTER 524

S.P. 864 - L.D. 2036

An Act to Remove the Exemption for Certain Roadside Springs from Regulation as Public Water Systems in the Laws Regarding Water for Human Consumption

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2604-A, as enacted by PL 1997, c. 45, §2, is amended to read:

§2604-A. Roadside springs

~~A roadside spring is not a public water system if the owner of the roadside spring does not collect, charge or accept donations, fees or money for the water or for testing or maintenance of the water and does not post signs or construct other structures that invite persons to use the spring it does not serve an average of at least 25 individuals daily at least 60 days out of the year.~~

See title page for effective date.

CHAPTER 525

H.P. 1307 - L.D. 2045

An Act to Establish Training and Certification Standards for Probation and Parole Officers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2801-A, sub-§5, as amended by PL 2013, c. 147, §5, is further amended to read:

5. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with the power to make arrests for crimes or serve criminal process, whether that power extends to all crimes or is limited to specific crimes, and who possesses a current and valid certificate issued by the board pursuant to section 2803-A. As used in this chapter, "law enforcement officer" does not include federal law enforcement officers ~~or~~, attorneys prosecuting for the State or persons who perform probation functions or are adult probation supervisors as defined in Title 17-A, section 2, subsection 3-C.

Sec. 2. 25 MRSA §2801-A, sub-§7-A is enacted to read:

7-A. Probation and parole officer. "Probation and parole officer" means an employee of the Department of Corrections with duties described in Title 34-A,

section 5404 who possesses a current and valid certificate issued by the board pursuant to section 2803-A, subsection 5-C or a provisional certification as determined by the board for certain employees employed prior to July 1, 2025.

Sec. 3. 25 MRSA §2801-B, sub-§1, ¶A, as repealed and replaced by PL 2013, c. 588, Pt. A, §33, is amended to read:

A. An employee of the Department of Corrections with a duty to perform probation functions or who is an adult probation supervisor as defined in Title 17-A, section 2, subsection 3-C or who is an investigative officer or other employee of the Department of Corrections authorized to exercise law enforcement powers as described in Title 34-A, section 3011;

Sec. 4. 25 MRSA §2803-A, sub-§5-C is enacted to read:

5-C. Training and certification of probation and parole officers. To establish training and certification standards for probation and parole officers, set requirements for board-approved courses, prescribe curricula and certify graduates of board-approved courses. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance;

Sec. 5. 25 MRSA §2804-M is enacted to read:
§2804-M. Probation and parole officer basic training and certification

1. Training and certification required. Beginning July 1, 2025, as a condition to the continued employment of a person hired as a probation and parole officer, that person shall successfully complete, within the first 12 months of employment, a basic training course approved by the board and meet the certification standards established by the board pursuant to section 2803-A, subsection 5-C. Thereafter, as a condition to continued employment as a probation and parole officer, the officer shall satisfactorily maintain the basic certification. The board, under extenuating and emergency circumstances in individual cases, may extend the 12-month period for not more than 180 days. The board, in individual cases, may waive basic training requirements when the facts indicate that an equivalent course has been successfully completed in another state or federal jurisdiction.

Sec. 6. 25 MRSA §2804-N is enacted to read:
§2804-N. In-service probation and parole officer training

1. Required. Beginning July 1, 2025, as a condition to the continued employment of any person as a probation and parole officer, that person shall successfully complete in-service training as prescribed by the

board. Failure to successfully complete in-service training by a probation and parole officer as prescribed by the board constitutes grounds to suspend or revoke a certificate issued by the board pursuant to section 2803-A.

2. Role of board. The board shall establish in-service training requirements, consistent with subsection 1, and coordinate delivery of in-service training. The in-service recertification training requirements must include information on new laws and court decisions. The board shall consider and encourage the use of telecommunications technology in the development and delivery of in-service training programs. In establishing the recertification training requirements, the board shall cooperate with the Department of Corrections to ensure that the standards are appropriate. In-service training may not be applied to satisfy in-service recertification training requirements unless it is approved by the board.

3. Provision of in-service training. In-service training programs that meet the requirements established under subsection 2 or other in-service training may be provided by the Maine Criminal Justice Academy or the Department of Corrections.

4. Credit for continuing education. The board may grant in-service training credits to be applied to in-service recertification training requirements for courses completed at accredited colleges and universities.

Sec. 7. Probation and parole officer certification transfer.

1. Provisional certification. A probation and parole officer working for the Department of Corrections who has satisfied employment and training requirements established pursuant to the Maine Revised Statutes, Title 34-A, section 5402, subsection 2 prior to July 1, 2025 is provisionally certified until October 1, 2025.

2. Transfer application. No later than October 1, 2025, for each probation and parole officer who is provisionally certified pursuant to subsection 1 and is employed by the Department of Corrections, the department shall submit documentation required by the Board of Trustees of the Maine Criminal Justice Academy to establish current and valid certification as a probation and parole officer.

Sec. 8. Board of Trustees of the Maine Criminal Justice Academy to establish training and certification standards. The Board of Trustees of the Maine Criminal Justice Academy shall establish training and certification standards for probation and parole officers pursuant to the Maine Revised Statutes, Title 25, section 2803-A, subsection 5-C no later than July 1, 2025.

See title page for effective date.

**CHAPTER 526
H.P. 1314 - L.D. 2052**

**An Act to Provide Additional
Moose Hunting Opportunities
for Maine Youth Experiencing
Critical Illnesses**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §11154, sub-§13, as amended by PL 2015, c. 136, §11 and affected by §12, is further amended to read:

13. Hunting adventure permits for children. Notwithstanding subsection 6, the commissioner may issue 2 5 moose permits to a nonprofit organization or organizations dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses. At least 3 of the permits issued under this subsection must be issued to an eligible nonprofit organization based in the State, and a child who receives a permit from that organization must be a resident. The commissioner may issue these permits upon written request by an eligible nonprofit organization or organizations but may not issue more than 2 5 permits in total for a calendar year. These permits are in addition to the moose hunting permits issued under subsection 2 for each wildlife management district and are at no cost to the organization.

See title page for effective date.

**CHAPTER 527
H.P. 1315 - L.D. 2053**

**An Act to Exempt Buildings
Used to Cultivate Crops from
the Maine Uniform Building
and Energy Code**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §9722, sub-§6, ¶B-1, as enacted by PL 2019, c. 391, §4, is amended by amending subparagraph (4) to read:

(4) That buildings used to house livestock ~~or~~, store harvested crops or cultivate crops are not subject to the Maine Uniform Building and Energy Code. The exemption in this subparagraph does not include the cultivation of cannabis regulated under Title 22 or 28-B;

See title page for effective date.

**CHAPTER 528
S.P. 884 - L.D. 2091**

**An Act Regarding Businesses'
and Consumers' Use of
Returnable, Reusable and
Refillable Containers for Food,
Beverages and Nonfood Items**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §219-A, as enacted by PL 2021, c. 177, §1, is repealed.

Sec. 2. 7 MRSA §219-C is enacted to read:

§219-C. Returnable, reusable or refillable containers and packaging

1. Use permitted; rules and guidelines. The department shall ensure that its rules, established in accordance with the commissioner's rule-making authority in section 12, and guidelines:

A. Explicitly allow a business, on a voluntary basis, to allow consumers to supply their own containers or packaging for the purchase of:

- (1) Nonfood items;
- (2) Shelf-stable food items; and
- (3) Food other than shelf-stable food items as determined by the department by rule.

B. Explicitly allow a business, on a voluntary basis, to sell nonfood items, shelf-stable food items and other food to consumers in the State in returnable, reusable or refillable containers and packaging, which may be supplied by either the business or a 3rd party; and

C. Explicitly establish the right of a business to refuse any returnable, reusable or refillable container or packaging supplied by a consumer.

2. Reuse permitted. A returnable, reusable or refillable container or packaging returned by a consumer may be reclaimed by a business or a 3rd party, restored to standards for health and safety and reused in the packaging and selling of a nonfood item, a shelf-stable item or other food to the same or another consumer. The department shall provide technical assistance and education to businesses and consumers regarding best practices for the use and reuse of returnable, reusable or refillable containers.

For purposes of this section, "food" has the same meaning as in Title 22, section 2152, subsection 4 and "business" means a business licensed by the department under Title 22, chapter 551.

See title page for effective date.

**CHAPTER 529
H.P. 1358 - L.D. 2134**

**An Act Regarding
Responsibility for Activities
Intended to Increase the Use of
Refillable and Reusable
Beverage Containers**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §3107, sub-§3-B, ¶F-1 is enacted to read:

F-1. After consultation with the department and interested persons, the cooperative shall contract with a 3rd-party entity to complete a study by July 15, 2026 to determine the feasibility of achieving goals of 5% refillable and reusable beverage containers sold in the State by 2030, by 2040 and by 2050 and 10% refillable and reusable beverage containers sold in the State by 2030, by 2040 and by 2050 and to determine the infrastructure and investments that would be necessary to support those goals and shall provide the results of the study, along with any related recommendations, to the department. After reviewing the results of the study and any recommendations of the cooperative, the department shall include the results of the study, along with any additional comments or recommendations from the department, in the report required by section 3115, subsection 3 that is due by February 15, 2027.

Sec. 2. 38 MRSA §3108-A, sub-§2, ¶B, as enacted by PL 2023, c. 482, §28 and affected by §43, is amended by amending subparagraph (4) to read:

(4) Reimbursement to dealers and redemption centers of the costs of plastic bags pursuant to section 3106, subsection 9; ~~and~~

Sec. 3. 38 MRSA §3108-A, sub-§2, ¶B, as enacted by PL 2023, c. 482, §28 and affected by §43, is amended by enacting a new subparagraph (4-A) to read:

(4-A) Funding of activities and infrastructure designed to increase the use of refillable and reusable beverage containers and reusable beverage packaging in the State. The cooperative may expend funds under this subparagraph to support activities and infrastructure designed to increase the use of other types of reusable packaging in the State. The cooperative shall make available a minimum of \$500,000 per calendar year for these activities, which may include, but are not limited to:

(a) Activities and infrastructure relating to the development and implementation of models for refillable beverage container

washing techniques, including, but not limited to, mobile washing stations, in-house washing stations and the establishment of a fixed washing facility in the State;

(b) Development of or other activities relating to container, adhesive and label options for refillable beverage containers; and

(c) Outreach to manufacturers, retailers, restaurants and consumers regarding the benefits of refillable beverage containers and the methods available for ensuring such containers may be safely reused; and

Sec. 4. 38 MRSA §3108-A, sub-§2, ¶B, as enacted by PL 2023, c. 482, §28 and affected by §43, is amended by amending subparagraph (5) to read:

(5) Payment of ~~\$1,000,000~~ \$500,000 annually to the department for deposit into and use in accordance with the Cost and Carbon Efficient Technology Fund established in section 3114-A.

The cooperative shall include in its annual report required under section 3107, subsection 3-B, paragraph E any recommendations for a reduction in or other amendment to the payment required under this subparagraph that the cooperative believes necessary due to a reduction in the amount of unclaimed deposits available for expenditure in accordance with paragraph C, a surplus of undistributed funding within the Cost and Carbon Efficient Technology Fund established in section 3114-A or for other reasons specified by the cooperative.

Sec. 5. 38 MRSA §3114-A, sub-§3, as enacted by PL 2023, c. 482, §37, is amended to read:

3. Application of fund. Money in the fund must be used by the department to provide grants to persons to lease or purchase technology designed to improve operational efficiency and reduce greenhouse gas emissions from trucking ~~or to support activities designed to increase the use of reusable and refillable beverage containers and other reusable and refillable packaging in the State.~~

A. The lease or purchase of technology designed to improve operational efficiency and reduce greenhouse gas emissions from trucking using a grant from the fund is limited to automated beverage container counting, compacting and sorting systems capable of validating the count of beverage containers processed and compacting and sorting processed containers in preparation for pickup, including, but not limited to, reverse vending machines as well as activities associated with the in-

stallation of that technology, including, but not limited to, electrical system upgrades, building or infrastructure modifications and Internet connection to a central system administrator as necessary.

~~B. Activities designed to increase the use of reusable and refillable beverage containers and other reusable and refillable packaging in the State using a grant from the fund are limited to:~~

~~(1) Activities relating to the development and implementation of, including the purchase of necessary materials and supplies for, pilot projects to determine options for financially viable models for refillable beverage container washing techniques, including, but not limited to, mobile washing stations, shipment of containers to washing facilities outside the State, in-house washing stations and establishment of a fixed washing facility in the State;~~

~~(2) Development of or other activities relating to container, adhesive and label options for refillable beverage containers capable of being used by manufacturers of different types of beverages; and~~

~~(3) Outreach and education activities for manufacturers, retailers, restaurants and consumers regarding the financial and environmental benefits of refillable beverage containers and regarding the processes and methods available for ensuring such containers may be safely re-used.~~

~~C. Notwithstanding any provision of this section to the contrary, using money from the fund, the department shall contract with a 3rd party entity to complete a study by July 15, 2026 regarding the feasibility of achieving goals of 5% reusable, refillable beverage containers marketed in the State and 10% reusable, refillable beverage containers marketed in the State and to determine the infrastructure and investments that would be necessary to support those goals. The department shall include the results of the feasibility study, along with any additional comments or recommendations from the department, in the report required by section 3115, subsection 3 that is due February 15, 2027.~~

D. Notwithstanding any provision of this section to the contrary, using money from the fund, the department shall provide reimbursement of beverage container costs or other financial losses to eligible distributors in accordance with section 3106, subsection 5-A, paragraph D.

This paragraph is repealed January 1, 2026.

E. A grant issued by the department from the fund must cover at least 25% of the anticipated cost of the technology leased or purchased ~~or activities supported~~ as identified in the grant application.

F. The department shall administer the fund and, after consultation with the cooperative and its advisory group established pursuant to section 3107, subsection 3-B, paragraph A, shall establish the application process and procedures for issuance of grants from the fund. The department shall consult with the cooperative and its advisory group in reviewing and approving grant applications submitted under this section.

Sec. 6. 38 MRSA §3115, sub-§3, ¶B, as enacted by PL 2023, c. 482, §39, is amended by amending subparagraph (2) to read:

(2) Information regarding the status of the Cost and Carbon Efficient Technology Fund under section 3114-A, including, but not limited to, information regarding the number and amount of grants issued under that fund, information on the recipients of those grants and the technology ~~or activities~~ that those grants were used to support.

Sec. 7. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 38, section 3108-A, subsection 2, paragraph B, subparagraphs (4) and (5) and that enact Title 38, section 3108-A, subsection 2, paragraph B, subparagraph (4-A) take effect October 15, 2024.

See title page for effective date, unless otherwise indicated.

**CHAPTER 530
H.P. 1422 - L.D. 2216**

**An Act to Amend the Start
Date of the September Upland
Game Season**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §10954, as enacted by PL 2019, c. 42, §1, is amended to read:

§10954. Start of open Open season on upland game

The open season on upland game must ~~begin on~~ include the last Saturday in September. The commissioner, by rule, shall determine the length of the open season on upland game.

As used in this section, "upland game" means snowshoe hare, gray squirrel, ruffed grouse and bobwhite quail.

Sec. 2. Effective date. This Act takes effect January 1, 2025.

Effective January 1, 2025.

**CHAPTER 531
S.P. 858 - L.D. 2030**

An Act to Amend the Natural Resources Protection Act to Enhance the State's Ability to Respond to and Prepare for Significant Flood Events and Storm Surge

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

Whereas, in recent months, the State has experienced multiple significant storm events causing widespread and devastating flooding and damaging public and private infrastructure across the State with particular impact along the coast, which has experienced historically high and dangerous tides; and

Whereas, with an ever-increasing frequency of such storm events and the associated risks to persons, property and resources, the State, local governments and citizens of the State must respond quickly and effectively during these storms and be able to enhance the resilience of public and private infrastructure to the effects of these storms; and

Whereas, proposed changes to the Natural Resources Protection Act, which will serve to better prepare the State and infrastructure across the State to withstand such storm events, must take effect immediately to facilitate the development of critical coastal and inland resiliency measures; 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:

Sec. 1. 38 MRSA §480-E, sub-§16 is enacted to read:

16. Height increase upon reconstruction or replacement of pier, wharf or dock in, on or over coastal wetland. Notwithstanding any provision of this article to the contrary, the department may authorize through a permit by rule an increase in the height of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland when the pier, wharf or dock is reconstructed or replaced if:

A. The height of the reconstructed or replaced pier, wharf or dock is increased by no more than the amount necessary for the bottom of the lowest horizontal structural component of the deck of the pier,

wharf or dock to be 4 feet above the base flood elevation. The deck of the pier, wharf or dock may be extended into the upland only as necessary to accommodate any height increase under this paragraph and an additional row of pilings may be placed under the deck to facilitate that extension; and

B. The reconstructed or replaced pier, wharf or dock otherwise meets all applicable permit by rule standards.

For the purposes of this subsection, "pier, wharf or dock" includes any permanent structures located on the pier, wharf or dock. "Pier, wharf or dock" does not include a seawall, jetty, breakwater or similar structure designed to dissipate wave action.

Sec. 2. 38 MRSA §480-E, sub-§17 is enacted to read:

17. Reconstruction or replacement of pier, wharf or dock in, on or over coastal sand dune system. Notwithstanding any provision of this article to the contrary, the department may authorize through a permit or a permit by rule the reconstruction or replacement of a pier, wharf or dock located wholly or partially in, on or over a coastal sand dune system if:

A. The pier, wharf or dock to be reconstructed or replaced was in existence on January 1, 2024;

B. The reconstructed or replaced pier, wharf or dock is built on pilings, posts or similar supports that allow for the free movement of water, wind and sand under the deck of the pier, wharf or dock; and

C. The reconstructed or replaced pier, wharf or dock otherwise meets all applicable requirements adopted by the department by rule.

The department may adopt rules establishing standards for the reconstruction or replacement of a pier, wharf or dock in accordance with this subsection.

For the purposes of this subsection, "pier, wharf or dock" includes any permanent structures located on the pier, wharf or dock. "Pier, wharf or dock" does not include a seawall, jetty, breakwater or similar structure designed to dissipate wave action.

Sec. 3. 38 MRSA §480-Q, sub-§2-F is enacted to read:

2-F. Repair of pier, wharf or dock in, on or over coastal wetland. Repair of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland if:

A. Erosion control measures are taken to prevent sedimentation of the water;

B. There is no additional intrusion into the coastal wetland;

C. Fill is not placed in or adjacent to the coastal wetland; and

D. The dimensions of the repaired pier, wharf or dock do not exceed the dimensions of the pier, wharf or dock as it existed 24 months prior to the repair, except that the height of the pier, wharf or dock may be increased by no more than the amount necessary for the bottom of the lowest horizontal structural component of the deck of the pier, wharf or dock to be 4 feet above the base flood elevation. The deck of the pier, wharf or dock may be extended into the upland only as necessary to accommodate any height increase under this paragraph.

This subsection does not apply to the repair of more than 50% of a pier, wharf or dock located wholly or partially in, on or over a coastal wetland unless the municipality in which the repair activity is located requires a permit for the activity through an ordinance adopted pursuant to the mandatory shoreland zoning laws and the application for a permit is approved by the municipality.

For the purposes of this subsection, "pier, wharf or dock" includes any permanent structures located on the pier, wharf or dock. "Pier, wharf or dock" does not include a seawall, jetty, breakwater or similar structure designed to dissipate wave action;

Sec. 4. 38 MRSA §480-Q, sub-§30, as corrected by RR 2011, c. 1, §60, is amended to read:

30. Lobster trap storage. The storage of lobster traps and related trap lines, buoys and bait bags on docks in, on, over or adjacent to a coastal wetland. For purposes of this subsection, "dock" means a dock, wharf, pier, quay or similar structure built in part on the shore and projected into a harbor and used as a landing, docking, loading or unloading area for watercraft; ~~and~~

Sec. 5. 38 MRSA §480-Q, sub-§32, as enacted by PL 2011, c. 599, §14, is amended to read:

32. Placement of wood in streams. The placement of wood in stream channels to enhance cold water fisheries habitat in accordance with Title 12, section 8867-C and rules adopted to implement that section-;

Sec. 6. 38 MRSA §480-Q, sub-§33 is enacted to read:

33. Emergency flood alleviation. An emergency activity conducted or overseen by the State or a local government in, on, over or adjacent to a river, stream or brook when the emergency activity is necessary to alleviate an immediate threat to public health or safety caused by a flood event occurring at the time the emergency activity is conducted, as long as any alteration to the river, stream or brook necessary to conduct the emergency activity is restored following the flood event to the conditions that existed prior to the flood event to the greatest extent practicable, as determined by the department.

A local government conducting or overseeing an emergency activity pursuant to this subsection shall notify the department prior to its conducting or overseeing the emergency activity and shall maintain communication with the department for the duration of the emergency activity as directed by the department; and

Sec. 7. 38 MRSA §480-Q, sub-§34 is enacted to read:

34. Elevating building foundation. Elevation of a building foundation if:

A. The building is located:

(1) On a pier, wharf or dock wholly or partially in, on or over a coastal wetland;

(2) Adjacent to a protected natural resource; or

(3) Wholly or partially in a coastal sand dune system;

B. Erosion control measures are taken to prevent sedimentation of the water during and resulting from the elevation of the foundation;

C. The amount of fill used to support the elevated building is limited to the minimum amount necessary to maintain the integrity of the building and fill is not placed in a protected natural resource except as necessary in a coastal sand dune system to support the elevation of a building foundation in accordance with paragraph F;

D. The building remains entirely within the building footprint existing immediately prior to the elevation;

E. The building height after being elevated conforms to the requirements of section 439-A, subsection 4 and the standards contained in the relevant municipal shoreland zoning ordinances adopted pursuant to article 2-B; and

F. When the building is in a coastal sand dune system, the foundation after being elevated consists of a post or piling foundation that allows for the free movement of water, wind and sand and the building does not exceed 35 feet in height after being elevated. The post or piling foundation may be enclosed with latticework or other similar material through which water, wind and sand can easily move.

The elevation of a building foundation authorized pursuant to this subsection may include the construction of reasonable access to the elevated building, such as steps or a ramp.

For the purposes of this subsection, "pier, wharf or dock" does not include a seawall, jetty, breakwater or similar structure designed to dissipate wave action.

Sec. 8. Department of Environmental Protection; rulemaking; authorizations. Notwithstanding the Maine Revised Statutes, Title 38, section 480-AA or any other provision of law to the contrary, any rulemaking conducted prior to July 1, 2025 by the Department of Environmental Protection to amend its rule Chapter 305: Natural Resources Protection Act-Permit by Rule Standards and its rule Chapter 355: Coastal Sand Dune Rules to ensure the consistency of those rules with Title 38, section 480-E, subsections 16 and 17 is routine technical rulemaking, as defined in Title 5, chapter 375, subchapter 2-A.

Notwithstanding any provision of law or department rule to the contrary, prior to the final adoption by the department of amendments to its rule Chapter 305 or rule Chapter 355 pursuant to this section, the department may authorize activities through a permit by rule consistent with the requirements of Title 38, section 480-E, subsection 16 or through a permit or permit by rule consistent with the requirements of Title 38, section 480-E, subsection 17.

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

Effective March 12, 2024.

CHAPTER 532

H.P. 1340 - L.D. 2081

An Act to Amend a Notice Provision Regarding Registration of Out-of-state Child Custody Determinations Under the Uniform Child Custody Jurisdiction and Enforcement Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 19-A MRSA §1765, sub-§2, ¶B, as enacted by PL 1999, c. 486, §3 and affected by §6, is amended to read:

B. ~~Serve~~ Provide a notice upon with the information required under subsection 3 to the person seeking registration, who shall then serve the notice on the other persons named pursuant to subsection 1, paragraph C and provide them with an opportunity to contest the registration in accordance with this section. Notice must be given in a manner allowed under section 1738.

See title page for effective date.

CHAPTER 533
S.P. 892 - L.D. 2099

An Act to Make Changes to Certain Laws Governing Renewable Energy Projects

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 2 MRSA §9, sub-§6-A, ¶A, as enacted by PL 2023, c. 411, §1, is amended by enacting a new subparagraph (3) to read:

(3) "Combined project" means a distributed solar facility that is paired with an energy storage system.

Sec. 2. 2 MRSA §9, sub-§6-A, ¶E, as enacted by PL 2023, c. 411, §1, is amended to read:

E. Except as provided in ~~paragraph~~ paragraphs C and F, ratepayer funds may not be used to implement the program or to provide funding under the program to distributed solar facilities or energy storage systems.

Sec. 3. 2 MRSA §9, sub-§6-A, ¶F is enacted to read:

F. The office may petition the Public Utilities Commission to procure energy, capacity or renewable energy credits in accordance with Title 35-A, section 3803 from distributed solar facilities or combined projects that receive federal funding pursuant to the program. The commission may not direct a transmission and distribution utility to enter into a long-term contract for energy, capacity or renewable energy credits from a distributed solar facility or a combined project unless the commission finds that the contract will benefit ratepayers and the procurement is in accordance with Title 35-A, section 3804.

Sec. 4. 35-A MRSA §3408, sub-§3, as enacted by PL 2023, c. 481, §6, is amended by amending the first blocked paragraph to read:

The Department of Labor shall adopt routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A, to implement this subsection. The Department of Labor may adopt routine technical rules relating to the Maine emerging industry compensation threshold.

See title page for effective date.

**CHAPTER 534
H.P. 1330 - L.D. 2067
An Act to Continue the
Arrearage Management
Program for Low-income
Residential Electricity
Customers**

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

Whereas, the current laws governing arrearage management programs are repealed September 30, 2024; and

Whereas, this legislation proposes to continue transmission and distribution utilities' arrearage management programs for low-income residential customers; and

Whereas, to prevent the repeal of current laws governing arrearage management programs, this legislation must take effect immediately; 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:

Sec. 1. 35-A MRSA §3214, sub-§2-A, as amended by PL 2021, c. 101, §1, is further amended by amending the 3rd blocked paragraph to read:

No later than January 28, ~~2024~~ 2028, the commission shall prepare a report assessing the effectiveness of arrearage management programs from October 1, 2024 through September 30, 2027, including the number of participants enrolled in the programs, the number of participants completing the programs, the number of participants who have failed to complete the programs, ~~the payment patterns of participating customers after completing the programs, the dollar amount of arrears forgiven, a comparison of outcomes for those participating in the programs and those not participating,~~ the impact on any participating transmission and distribution utility's bad debt as a result of the programs, the costs and benefits to all ratepayers associated with the programs and recommendations for ways in which the programs might be improved or continued for the benefit of all ratepayers. In preparing its report, the commission shall hold at least one formal stakeholder meeting involving affected parties, including the Office of the Public Advocate and the participating transmission and distribution utilities. Parties must also be provided

an opportunity to submit written comments to the commission regarding the performance of the programs.

Sec. 2. 35-A MRSA §3214, sub-§2-A, as amended by PL 2021, c. 101, §1, is further amended by amending the 4th blocked paragraph to read:

The joint standing committee of the Legislature having jurisdiction over utilities matters may report out a bill relating to the commission report to the Second Regular Session of the ~~134th~~ 133rd Legislature.

Sec. 3. 35-A MRSA §3214, sub-§2-A, as amended by PL 2021, c. 101, §1, is further amended by amending the 5th blocked paragraph to read:

This subsection is repealed September 30, ~~2024~~ 2028.

Sec. 4. 35-A MRSA §10110, sub-§2, ¶1, as amended by PL 2021, c. 101, §2, is further amended by amending the first blocked paragraph to read:

This paragraph is repealed September 30, ~~2024~~ 2028.

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

Effective March 14, 2024.

**CHAPTER 535
S.P. 61 - L.D. 122**

**An Act to Update the Electric
Vehicle Rebate Program and to
Establish a Pilot Program to
Support the Uptake of Medium
Duty and Heavy Duty
Zero-emission Vehicles**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §10126, sub-§3, as amended by PL 2023, c. 140, §2, is further amended to read:

3. Rebate Incentive program established; eligibility. In accordance with the provisions of this section, the trust shall establish and administer a program that provides ~~rebates~~ incentives for the purchase or lease of electric vehicles. A person may apply for and, as resources within the fund allow, receive ~~a rebate~~ an incentive for an electric vehicle, subject to eligibility requirements established by the trust. Eligibility criteria for the vehicle must include that the vehicle is: a battery electric vehicle or a plug-in hybrid electric vehicle; the vehicle is purchased, or leased for a term of 36 months or more, from its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer for a term of 36

~~months or more, in the State or from its original equipment manufacturer, wherever located; and, to the extent required by Title 29-A, chapter 5, the vehicle is registered in the State. An automobile, as defined in Title 29-A, section 101, subsection 7, with a gross vehicle weight rating of 6,000 pounds or less is not eligible for the program if it has a manufacturer's suggested retail price greater than \$50,000 \$55,000. To the extent funds are available, the trust may extend program eligibility to medium duty vehicles and heavy duty vehicles that are battery electric vehicles or plug-in hybrid electric vehicles and to electric bicycles. Eligibility requirements for the recipient of the rebate incentive must include that the recipient attests to a commitment to retain ownership maintain a registration in this State to the extent required by Title 29-A, chapter 5, whether through purchase or lease, of the eligible electric vehicle for at least 36 months from the date of purchase or lease. The trust may require a recipient of a rebate an incentive under this section who does not retain ownership maintain a registration in this State of the eligible electric vehicle for at least 36 months to repay the trust up to the full amount of the rebate incentive. If the trust extends program eligibility to electric bicycles, the trust shall limit the electric bicycle rebates incentives to recipients who are low-income and moderate-income individuals and to entities that serve those individuals, as determined by the trust. For a recipient to receive a rebate an incentive for the purchase of an electric bicycle under the program, the electric bicycle must serve as the recipient's principal means of commuting, as determined by the trust.~~

The trust shall establish the ~~rebate incentive~~ amount for each eligible electric vehicle. The trust shall establish ~~rebate incentive~~ amounts that it determines most effectively increase the ~~purchase use~~ of eligible electric vehicles in the State to advance the State's carbon reduction targets and reduce transportation-related energy costs. For each model of an eligible electric vehicle, the trust may establish different ~~rebate incentive~~ amounts based on the size of the vehicle battery. The trust may establish different ~~rebate incentive~~ amounts for the purpose of providing reasonable opportunity for participation in the program across different customer groups and geographic areas. The trust may establish reasonable limits on the number of ~~rebates incentives~~ per vehicle or per person.

Sec. 2. 35-A MRSA §10126, sub-§4, as enacted by PL 2019, c. 258, §1 and reallocated by RR 2019, c. 1, Pt. A, §54, is amended to read:

4. List of eligible electric vehicles; applications.

The trust shall develop, make available on its publicly accessible website and periodically update a list of eligible electric vehicles and ~~rebates incentives~~ included in the program. The trust shall develop and make available at its offices and on its publicly accessible website all forms and other documents necessary for a person to

apply for and receive a direct ~~rebate incentive~~ under this section.

Sec. 3. Medium duty and heavy duty electric vehicle pilot program. For fiscal years 2023-24 to 2025-26, to the extent that funds within the Electric Vehicle Fund established by the Maine Revised Statutes, Title 35-A, section 10126, subsection 2 allow, the Efficiency Maine Trust, referred to in this section as "the trust," shall establish a pilot program to provide incentives for the purchase or lease of medium duty and heavy duty vehicles in commercial applications that are electric vehicles. For the purposes of this section, "electric vehicle" means a battery electric vehicle as defined in Title 35-A, section 10126, subsection 1, paragraph A. The pilot program must be designed to demonstrate the performance of the electric vehicles that are purchased or leased by pilot program participants and gather information about the electric vehicles' costs, benefits and other considerations relevant to their use and adoption in this State. The pilot program participants must be limited to businesses with 500 or fewer employees, that have their principal place of business in this State and that may use medium duty and heavy duty vehicles, excluding school buses, rated Class 2b through Class 8 under the United States Environmental Protection Agency classification system. In providing incentives for the purchase or lease of medium duty and heavy duty vehicles under the pilot program, the trust shall:

1. Ensure that at least 50% of funds used to provide incentives under the pilot program are provided to businesses with 50 or fewer employees;
2. Give preference to purchases or leases that use supply channels in this State; and
3. Prioritize vehicle types commonly used and commercially available in the State for which the duty cycle proposed by the business is suitable for the electric vehicle model as determined by the trust, while giving consideration for the amount and type of daily use and the potential to improve energy independence and reduce greenhouse gas emissions.

By December 31, 2026, the trust shall submit a report of the activities and findings of the pilot program to the joint standing committee of the Legislature having jurisdiction over energy matters. The committee may report out a bill related to the trust's report to the 133rd Legislature in 2027.

See title page for effective date.

**CHAPTER 536
H.P. 819 - L.D. 1294**

**An Act Regarding the
Ordinances Governing
Residential Units Located in
Buildings in a Location Zoned
for Commercial Use**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4364-C, sub-§3, as enacted by PL 2023, c. 490, §1, is amended to read:

3. Residential units in commercial zones. As necessary to achieve the statewide and regional housing production goals, a municipality may adopt ordinances to allow the establishment of residential units in high-density areas within buildings located in an area zoned for commercial use, including but not limited to vacant or partially vacant retail property. An ordinance establishing a limit on the number of residential units within a building in a location zoned for commercial use, whether previously adopted or adopted pursuant to this subsection, ~~must~~ may be proportional to the space available for residential units. This subsection is not intended to reduce or change health or safety requirements applicable to residential units located in a municipality.

See title page for effective date.

**CHAPTER 537
H.P. 1052 - L.D. 1642**

**An Act to Strengthen the
Teaching of Wabanaki Studies
in Maine Schools**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4706, as amended by PL 2021, c. 247, §1 and affected by §3, is further amended by amending the section headnote to read:

§4706. Instruction in American history, African American studies, Maine studies, ~~Maine Native American history~~ Wabanaki studies and the history of genocide

Sec. 2. 20-A MRSA §4706, sub-§2, as amended by PL 2021, c. 247, §1 and affected by §3, is further amended to read:

2. Maine studies. Maine history, including the Constitution of Maine, Maine geography and environment and the natural, industrial and economic resources of Maine and Maine's cultural and ethnic heritage, must be taught. A required component of Maine studies is

~~Maine Native American Wabanaki studies, and Wabanaki studies may be taught as a component of other content areas, as appropriate, including but not limited to the content areas of English language arts, mathematics, science and fine arts. Maine Native American Wabanaki studies and Maine African American studies~~ must be included in the review of content standards and performance indicators of the learning results conducted in accordance with section 6209, subsection 4. ~~Maine Native American Wabanaki studies~~ must address the following topics:

- A. ~~Maine tribal~~ Wabanaki governments and political systems and their relationship with local, state, national and international governments;
- B. ~~Maine Native American~~ Wabanaki cultural systems and the experience of ~~Maine~~ tribal people throughout history;
- C. ~~Maine Native American~~ Wabanaki territories; and
- D. ~~Maine Native American~~ Wabanaki economic systems.

Sec. 3. Department of Education review of content standards; Wabanaki studies. The Commissioner of Education shall, in the commissioner's next regular review of the content standards and performance indicators by content area pursuant to the Maine Revised Statutes, Title 20-A, section 6209, subsection 4, consider inclusion of Wabanaki studies in content areas other than social studies, as appropriate.

See title page for effective date.

**CHAPTER 538
H.P. 1161 - L.D. 1815**

**An Act to Increase Penalties
for Violations of the Law
Governing Monopolies and
Profiteering**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §1104, sub-§1, as amended by PL 1989, c. 367, is further amended to read:

1. Right of action and damages. Any person, including the State or any political subdivision of the State, injured directly or indirectly in its business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by section 1101, 1102 or 1102-A, may sue for the injury in a civil action. If the court finds for the plaintiff, the plaintiff ~~shall~~ is entitled to recover 3 times the amount of the damages sustained and cost of suit, including necessary and reasonable investigative costs, reasonable experts'

fees and reasonable attorney's fees. The State may recover equitable monetary relief, including restitution and disgorgement.

Sec. 2. 10 MRSA §1104, sub-§3, as amended by PL 1991, c. 137, §3, is further amended to read:

3. Civil penalty. Each course of conduct that constitutes a violation of section 1101 or 1102 is a civil violation for which a civil penalty of not more than ~~\$100,000~~ \$250,000 for each defendant may be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section bars a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 bars any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

Sec. 3. 10 MRSA §1109, sub-§3, as amended by PL 1991, c. 488, is further amended to read:

3. Report. The person acquiring stock or assets under subsection 2 shall provide notice of this acquisition to the Department of the Attorney General at least ~~30~~ 90 days prior to the date of acquisition. That period may be shortened with the consent of the Attorney General.

Sec. 4. 10 MRSA §1109, sub-§5, as enacted by PL 1989, c. 750, is amended to read:

5. Penalty. Violation of this section is a civil violation for which a civil penalty not to exceed ~~\$10,000~~ \$50,000 may be assessed.

See title page for effective date.

CHAPTER 539

S.P. 783 - L.D. 1921

**An Act to Amend the Laws
Regarding State-chartered
Credit Unions**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 9-B MRSA §823, sub-§1, as enacted by PL 1975, c. 550, §1, is amended to read:

1. Sale of negotiable checks and money orders instruments. A credit union may engage directly in the business of selling, issuing or registering ~~checks or money orders~~ negotiable instruments to its members.

Sec. 2. 9-B MRSA §842, sub-§2, as amended by PL 2003, c. 322, §§29 to 31, is further amended to read:

2. Powers and duties. The board of directors shall manage the affairs, funds and records of the credit union and shall meet as often as necessary, but not less than once a month, notice of ~~such the~~ meeting to be made in the manner prescribed in the bylaws. The superintendent may approve fewer meetings upon a credit union's demonstration of good cause. As set forth below, the special duties of the board of directors ~~shall be~~ are:

A. To act upon applications for membership, or to appoint a membership committee of one or more membership officers from among the members of the credit union, other than the treasurer, an assistant treasurer or loan officer, who may be authorized by the board to approve applications for membership under such conditions as the board may prescribe; ~~provided, as long as that such~~ committee or membership officer so authorized shall submit submits to the board at each ~~monthly~~ meeting a list of approved or pending applications for membership received since the previous ~~monthly~~ meeting, together with ~~such~~ other related information as the bylaws or board may require;

B. To fix from time to time the maximum amount, both secured and unsecured, ~~which that~~ may be loaned to any one member, except as limited by chapter 85, and to establish a written loan policy pursuant to section 851, which must be reviewed and ratified at least annually;

C. To authorize the employment of ~~such a~~ person or persons as may be necessary to carry on the business of the credit union; and to fix the compensation of ~~such those~~ employees, including the treasurer;

D. To borrow money to carry on the functions of the credit union, subject to the limitation set forth in section 822;

E. To authorize the conveyance of property;

F. To purchase a blanket bond in an amount ~~which that~~ is not less than an amount recommended by the superintendent, which ~~shall must~~ be required of the treasurer and of each other officer and other employee having custody of funds or property;

G. To limit the number of shares that may be owned by one member or nonmember as provided in section 817, and ~~such that~~ limitation must be applied uniformly;

H. To have charge of the investment of funds and to establish a written investment policy pursuant to section 861, which must be reviewed and ratified at least annually;

I. To perform such other duties as the members may from time to time require;

J. To appoint a supervisory committee of not ~~less~~ fewer than 3 members, not more than one member of which may be a director. If the duties of the supervisory committee are conducted by an independent public accountant and the board has contracted for an annual audit by an independent public accountant pursuant to section 844, a supervisory committee need not be appointed;

K. To appoint a credit committee of not ~~less~~ fewer than 3 members; or to establish a written loan policy ~~which that~~ provides for the designation of one or more loan officers in lieu of a credit committee and ~~with~~ provides that all loans are subject to ratification by the full board;

L. To appoint an executive committee, when the bylaws so provide, consisting of not ~~less~~ fewer than 3 members of the board with authority to invest funds or borrow in the name of the credit union, except that the board may establish a written investment policy ~~which that~~ provides for the designation of a qualified individual to have charge of making investments, subject to ratification by the full board;

M. To suspend any or all members of the credit and supervisory committees for failure to perform their duties;

N. To fill vacancies occurring between annual meetings in the board of directors and in the credit committee and supervisory committee until the election or appointment and qualification of their successors;

O. To establish and provide for compensation of loan officers appointed by the credit committee; and ~~of~~ for auditing assistance requested by the supervisory committee;

P. To designate a depository or depositories for the funds of the credit union;

Q. To declare dividends in the way and manner provided in the bylaws and in accordance with this Part;

R. To determine from time to time the rate of interest consistent with the laws of this State ~~which shall that must~~ be charged on loans; ~~and to determine from time to time~~ and the amount of interest rebate and the interval on which such rebate, if any, ~~shall be~~ is computed; and

S. To perform or authorize any action consistent with this Part not specifically reserved by the by-laws for the members.

Sec. 3. 9-B MRSA §847, sub-§1, as amended by PL 2017, c. 143, §9, is repealed and the following enacted in its place:

1. Grounds for expulsion. A manager or chief executive officer of a credit union may expel from the credit union any member who:

A. Has not carried out the member's engagement with the credit union;

B. Has been convicted of a criminal offense;

C. Neglects or refuses to comply with the provisions of this Part or the bylaws of the credit union;

D. Has deceived the credit union or a committee of the credit union with regard to the use of borrowed money;

E. Has substantially and repeatedly violated the official policies of the credit union;

F. Has demonstrated dangerous, threatening or abusive behavior, as defined in rules adopted by the National Credit Union Administration, in such a way as to disrupt the operations of the credit union;
or

G. Has been convicted of fraud, attempted fraud, conspiracy to commit fraud or other illegal conduct in relation to the credit union, including illegal conduct in which an employee of the credit union was conducting business on behalf of the credit union.

Sec. 4. 9-B MRSA §847, sub-§4 is enacted to read:

4. Expulsion policy; appealing an expulsion.

The manager or chief executive officer of a credit union shall inform an expelled member of the grounds for the expulsion, and the expelled member may appeal the expulsion to the board of directors. A decision by the board regarding an expulsion is final. By January 1, 2025, the board of directors of a credit union shall establish a written expulsion policy and expulsion appeals process that clearly informs members of a member's right to appeal an expulsion decision. The credit union shall annually provide the expulsion policy and expulsion appeals process to members of the credit union.

Sec. 5. 9-B MRSA §856, as enacted by PL 1975, c. 500, §1, is amended to read:

§856. Loans to other credit unions

Subject to the approval of its board of directors, a credit union may make loans to other credit unions ~~located in this State; provided that~~ and to credit unions organized pursuant to provisions of federal law or credit unions organized under the laws of another state as long as the aggregate loans outstanding at any one time to

any one credit union shall do not exceed 10% of the share capital and surplus of the lending credit union.

See title page for effective date.

**CHAPTER 540
S.P. 854 - L.D. 2026**

**An Act to Authorize Medical
Waivers for Menhaden Fishing
Licenses**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6310, sub-§1, as amended by PL 2011, c. 266, Pt. A, §3, is further amended to read:

1. Appeal of license denial. A person who is denied a Class I, Class II or Class III lobster and crab fishing license because that person does not meet the eligibility requirements of section 6421, subsection 5, paragraph A; a person who is denied a handfishing sea urchin license, a sea urchin dragging license or a sea urchin hand-raking and trapping license because that person does not meet the eligibility requirements of section 6749-O, subsection 2-A; or a person who is denied a hand fishing scallop license or a scallop dragging license because that person does not meet the eligibility requirements of section 6706, subsection 2; or a person who is denied a resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license because that person does not meet the eligibility requirements of section 6502-C, subsection 1-B may appeal to the commissioner under this section for a review of that license denial.

Sec. 2. 12 MRSA §6310, sub-§2, ¶D is enacted to read:

D. A resident commercial menhaden fishing license or a nonresident commercial menhaden fishing license may be issued to a person on appeal only if a substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for that license and the person documents that the person fished for menhaden while in possession of the same license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person must request an appeal under this paragraph within one year of the onset of the illness or medical condition.

See title page for effective date.

**CHAPTER 541
S.P. 860 - L.D. 2032**

**An Act to Improve Maine's
Labor Laws by Changing the
Laws Governing Elections of
Collective Bargaining Agents
for Certain Public Employees**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §979-F, as amended by PL 1981, c. 277, is further amended to read:

§979-F. Determination of bargaining agent

1. Voluntary recognition. Any state employee organization may file a request with the public employer alleging that a majority of the state employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the public employer and the employees' organization. ~~Such~~ The request shall ~~must~~ describe the grouping of jobs or positions ~~which that~~ constitute the unit claimed to be appropriate and ~~shall~~ must include a demonstration of majority support. ~~Such~~ The request for recognition shall ~~may~~ be granted by the public employer ~~unless the public employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.~~

1-A. Majority sign-up. If a request by a state employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's designee finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in question, the executive director or the executive director's designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections.

A. The executive director of the board, or his the executive director's designee upon signed request of a public employer alleging that one or more state employees or state employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of state employees, pursuant to subsection 1-A, or upon signed petition

of at least 30% of a bargaining unit of state employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit. ~~Such an~~ The election may be conducted at suitable work locations or through the United States mail provided, nevertheless, that and the procedures adopted and employed by the Maine Labor Relations Board shall maintain the anonymity of the voter from both board must ensure that neither the employee organizations ~~and nor~~ the management representatives involved in the election have access to information that would identify a voter.

B. The ballot ~~shall~~ must contain the name of ~~such~~ the organization under paragraph A and that of any other organization showing written proof of at least 10% representation of the state employees within the unit, together with a choice for any state employee to designate that ~~he~~ the state employee does not desire to be represented by any bargaining agent. ~~Where~~ When more than one organization is on the ballot and no one of the 3 or more choices receives a majority vote of the state employees voting, a run-off election ~~shall~~ must be held. The run-off ballot ~~shall~~ must contain the 2 choices ~~which~~ that received the largest and 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director ~~of the board~~ or the executive director's designee shall certify ~~it~~ the organization as the bargaining agent. The bargaining agent certified as representing a bargaining unit ~~shall~~ must be recognized by the public employer as the ~~sole~~ and exclusive bargaining agent for all of the employees in the bargaining unit ~~unless~~ and until a decertification election by secret ballot ~~shall be~~ is held and the bargaining agent declared by the executive director ~~of the board~~ as not representing a majority of the unit.

C. Whenever 30% of the employees in a certified bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question ~~shall be~~ of decertification are the same as for representation as a bargaining agent hereinbefore set forth as established in this subsection.

D. ~~No~~ A question concerning representation may ~~not~~ be raised within one year of a certification or attempted certification. ~~Where~~ When there is a valid collective bargaining agreement in effect, ~~no~~ a question concerning unit or representation may ~~not~~ be raised except during the period not more than 90 days nor less than 60 days prior to the expiration date of the agreement. Unit clarification proceedings are not subject to this time limitation and may be brought at any time consistent with section 979-E, subsection 3.

E. The bargaining agent certified by the executive director ~~of the board~~ or his the executive director's designee as the exclusive bargaining agent shall ~~be required to~~ represent all the public state employees within the unit without regard to membership in the organization certified as the bargaining agent, ~~provided~~ except that any public state employee at any time may present ~~his~~ that state employee's grievance to the public employer and have ~~such~~ that grievance adjusted without the intervention of the bargaining agent, if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect and if the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of ~~such~~ the grievance.

Sec. 2. 26 MRSA §1025, as corrected by RR 2021, c. 2, Pt. A, §91, is amended to read:

§1025. Determination of bargaining agent

1. Voluntary recognition. ~~A~~ A university, academy or community college employee organization may file a request with the university, academy or community colleges alleging that a majority of the university, academy or community college employees in an appropriate bargaining unit as established in section 1024-A wish to be represented for the purpose of collective bargaining between the university, academy or community colleges and the employees' organization. ~~Such~~ The request must describe the grouping of jobs or positions that constitute the unit claimed to be appropriate and must include a demonstration of majority support. ~~Such~~ The request for recognition ~~must~~ may be granted by the university, academy or community colleges ~~unless the university, academy or community colleges desire that an election determine whether the organization represents a majority of the members in the bargaining unit.~~ In the event that the request for recognition is granted by the university, academy or community colleges, the executive director shall certify the organization so recognized as the bargaining agent.

1-A. Majority sign-up. If a request by a university, academy or community college employee organization for recognition pursuant to subsection 1 is not granted by the university, academy or community college, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's designee finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in

question, the executive director or the executive director's designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections.

A. ~~The executive director of the board, upon signed request of the university, academy or community college alleging that one or more university, academy or community college employees or employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of university, academy or community college employees or the executive director's designee, pursuant to subsection 1-A, or upon signed petition of at least 30% of a bargaining unit of university, academy or community college employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit. Such an~~ The election may be conducted at suitable work locations or through the United States mail, and the procedures adopted and employed must ensure that neither the employee organizations ~~or~~ nor the management representatives involved in the election have access to information that would identify a voter.

B. The ballot ~~shall~~ **must** contain the name of ~~such~~ the organization under paragraph A and that of any other organization showing written proof of at least 10% representation of the university, academy or community college employees within the unit, together with a choice for any university, academy or community college employee to designate that the employee does not desire to be represented by any bargaining agent. ~~Where~~ When more than one organization is on the ballot, and no one of the 3 or more choices receives a majority vote of the university, academy or community college employees voting, a run-off election ~~shall~~ **must** be held. The run-off ballot ~~shall~~ **must** contain the 2 choices ~~which~~ that received the largest and 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director ~~or the executive director's designee~~ shall certify ~~it~~ the organization as the bargaining agent. The bargaining agent certified as representing a bargaining unit ~~shall~~ **must** be recognized by the university, academy or community colleges as the ~~sole and~~ exclusive bargaining agent for all of the employees in the bargaining unit ~~unless and~~ until a decertification election by secret ballot ~~shall be~~ **is** held and the bargaining agent declared by the executive director as not representing a majority of the unit.

C. Whenever 30% of the employees in a bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question ~~shall be~~ of decertification are the same as for representation as a bargaining agent ~~herein before set forth~~ as established in this subsection.

D. ~~No~~ A question concerning representation may ~~not~~ be raised within one year of a certification or attempted certification. ~~Where~~ When there is a valid collective bargaining agreement in effect, ~~no~~ a question concerning unit or representation may ~~not~~ be raised except during the period not more than 90 days nor less than 60 days prior to the expiration date of the agreement.

E. The bargaining agent certified by the executive director ~~or a the executive director's designee~~ as the exclusive bargaining agent for a unit ~~is required to~~ shall represent all the university, academy or community college employees within the unit without regard to membership in the organization certified as the bargaining agent, except that any university, academy or community college employee may present at any time that employee's grievance to the ~~employer~~ university, academy or community college and have that grievance adjusted without the intervention of the bargaining agent; if the adjustment is not inconsistent with the terms of any collective bargaining agreement then in effect and if the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of that grievance.

Sec. 3. 26 MRSA §1287, as enacted by PL 1983, c. 702, is amended to read:

§1287. Determination of bargaining agent

1. Voluntary recognition. Any judicial employee organization may file a request with the public employer alleging that a majority of the judicial employees in an appropriate bargaining unit wish to be represented for the purpose of collective bargaining between the public employer and the employees' organization. The request ~~shall~~ **must** describe the grouping of jobs or positions ~~which~~ that constitute the unit claimed to be appropriate and ~~shall~~ **must** include a demonstration of majority support. The request for recognition ~~shall~~ **may** be granted by the public employer, ~~unless the public employer desires that an election determine whether the organization represents a majority of the members in the bargaining unit.~~

1-A. Majority sign-up. If a request by a judicial employee organization for recognition pursuant to subsection 1 is not granted by the public employer, the executive director or the executive director's designee shall examine the demonstration of support. If the executive director or the executive director's designee

finds that a majority of the employees in a unit appropriate for bargaining have signed valid authorizations designating the employees' organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the board may not direct an election but shall certify the employees' organization as the representative. However, if the majority status of the employees in the appropriate unit is in question, the executive director or the executive director's designee shall call an election to determine whether the organization represents a majority of the members in the bargaining unit.

2. Elections. ~~The executive director of the board, or his the executive director's designee, upon signed request of a public employer alleging that one or more judicial employees or judicial employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of judicial employees pursuant to subsection 1-A, or upon signed petition of at least 30% of a bargaining unit of judicial employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit. Such an~~ The election may be conducted at suitable work locations or through the United States mail, provided that and the procedures adopted and employed by the board shall maintain the anonymity of the voter from both must ensure that neither the employee organizations and nor the management representatives involved in the election have access to information that would identify a voter.

3. Voting.

A. The ballot ~~shall~~ must contain the name of the organization and that of any other organization showing written proof of at least 10% representation of the judicial employees within the unit, together with a choice for any judicial employee to designate that ~~he the judicial employee~~ does not desire to be represented by any bargaining agent. When more than one organization is on the ballot and no one of the 3 or more choices receives a majority vote of the judicial employees voting, a ~~run-off~~ run-off election ~~shall~~ must be held. The ~~runoff~~ run-off ballot ~~shall~~ must contain the 2 choices ~~which that~~ received the largest and 2nd largest number of votes. When an organization receives the majority of votes of those voting, the executive director ~~of the board or the executive director's designee~~ shall certify ~~it the organization~~ as the bargaining agent. The bargaining agent certified as representing a bargaining unit ~~shall~~ must be recognized by the public employer as the ~~sole and~~ exclusive bargaining agent for all of the employees in the bargaining unit, ~~unless and~~ until a decertification

election by secret ballot ~~shall be~~ is held and the bargaining agent declared by the executive director ~~of the board~~ as not representing a majority of the unit.

B. Whenever 30% of the employees in a certified bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question ~~shall be~~ of decertification are the same as for representation as a bargaining agent as ~~set forth~~ established in this ~~chapter~~ section.

C. ~~No A~~ question concerning representation may ~~not~~ be raised within one year of a certification or attempted certification. ~~Where~~ When there is a valid collective bargaining agreement in effect, ~~no~~ a question concerning unit or representation may ~~not~~ be raised; except during the period not more than 90 days nor less than 60 days prior to the expiration date of the agreement. Unit clarification proceedings are not subject to this time limitation and may be brought at any time consistent with section 1286, subsection 4.

D. The bargaining agent certified by the executive director ~~of the board or his the executive director's~~ designee as the exclusive bargaining agent shall ~~be required to~~ represent all the judicial employees within the unit without regard to membership in the organization certified as the bargaining agent, ~~provided~~ except that any judicial employee at any time may present ~~his that~~ judicial employee's grievance to the public employer and have that grievance adjusted without the intervention of the bargaining agent; if the adjustment is not inconsistent with the terms of a collective bargaining agreement then in effect and if the bargaining agent's representative has been given reasonable opportunity to be present at any meeting of the parties called for the resolution of that grievance.

See title page for effective date.

**CHAPTER 542
H.P. 1311 - L.D. 2049**

**An Act to Increase Safety for
Child Welfare Services
Workers**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §517, sub-§8 is enacted to read:

8. Unmarked vehicles for child welfare purposes. Notwithstanding Title 5, section 7, an unmarked motor vehicle used regularly for work protecting the welfare of children under Title 22, chapter 1071, when authorized by the Secretary of State and upon approval

from the appropriate requesting authority, is exempt from displaying a special registration plate.

See title page for effective date.

CHAPTER 543

H.P. 1324 - L.D. 2062

An Act to Amend the Laws Governing Real Estate Appraisers and Appraisal Management Companies

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §14011, sub-§7, as enacted by PL 2011, c. 286, Pt. L, §1, is amended to read:

7. Exemption from standard. The following are exempt from the requirements of the Uniform Standards of Professional Appraisal Practice, ~~Standard 3 (2011), Standards 3 and 4 (2024):~~

- A. A board member serving in the capacity of assigned complaint officer while performing an investigation or testifying at an adjudicatory hearing;
- B. A board member serving in the capacity of reviewer while reviewing the work experience of an applicant for licensure; and
- C. An investigator employed by or retained by the department while performing an investigation or testifying at an adjudicatory hearing.

Sec. 2. 32 MRSA §14039, sub-§2, as enacted by PL 2013, c. 547, §18 and affected by §19, is amended to read:

2. Certified level license required. A certified general real property appraiser or certified residential real property appraiser who has held a license in any jurisdiction for a minimum of 3 years and within the last 3 years has not had a license suspended or revoked or been subject to other disciplinary action that limits the licensee's legal eligibility to perform real estate appraisal activity may supervise a trainee real property appraiser.

Sec. 3. 32 MRSA §14042, sub-§4, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

4. Appraisal management service. "Appraisal management service" means one or more of the following:

- A. Recruiting, selecting and retaining appraisers;
- B. Contracting with appraisers to perform appraisal assignments;
- C. Managing the process of having an appraisal performed, including, ~~but not limited to:~~ providing administrative services such as receiving appraisal

orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants, collecting fees from creditors and secondary market participants for services provided and paying appraisers for services performed; and

- ~~(1) Providing administrative services;~~
- ~~(2) Receiving appraisal orders and appraisal reports;~~
- ~~(3) Submitting completed appraisal reports to creditors and secondary market participants;~~
- ~~(4) Collecting fees from creditors and secondary market participants for services provided; and~~
- ~~(5) Paying appraisers for services performed; and~~

D. Reviewing and verifying the work of appraisers.

Sec. 4. 32 MRSA §14042, sub-§18, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

18. Federally regulated appraisal management company. "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 United States Code, Section 1813 and regulated by the federal Office of the Comptroller of the Currency; ~~Office of the Inspector General,~~ the Board of Governors of the Federal Reserve System; or the Federal Deposit Insurance Corporation.

See title page for effective date.

CHAPTER 544

H.P. 1363 - L.D. 2139

An Act to Add Schedule V Substances to the Controlled Substances Prescription Monitoring Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §7246, sub-§1, as enacted by PL 2003, c. 483, §1, is amended to read:

1. Controlled substance. "Controlled substance" means a controlled substance included in schedules II, III ~~or~~ IV or V of 21 United States Code, Section 812 or 21 Code of Federal Regulations, Section 1308.

See title page for effective date.

**CHAPTER 545
H.P. 1374 - L.D. 2150**

**An Act to Require
Constitutional Officers to
Complete Harassment
Training**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 5 MRSA §90-H is enacted to read:

§90-H. Required training regarding harassment

The Secretary of State shall attend and complete annually a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment.

Sec. 2. 5 MRSA §158 is enacted to read:

§158. Required training regarding harassment

The Treasurer of State shall attend and complete annually a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment.

Sec. 3. 5 MRSA §191, sub-§5 is enacted to read:

5. Required training regarding harassment.

The Attorney General shall attend and complete annually a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment.

See title page for effective date.

**CHAPTER 546
H.P. 1377 - L.D. 2153**

**An Act to Clarify MaineCare
Copayments**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 22 MRSA §3173-C, sub-§2, as amended by PL 2011, c. 458, §1 and affected by §4, is further amended to read:

2. Prescription drug services. ~~Except as provided in this subsection and subsections 3 and 4, a pharmacy shall charge a MaineCare member \$3.00 for each drug prescription that is an approved MaineCare service. The department shall adopt and follow procedures to ensure compliance with the requirements of 42 United States Code, Section 1396o-1. A pharmacy that has followed the procedures adopted by the department to ensure compliance with the requirements of 42 United States Code, Section 1396o-1 may refuse to dis-~~

~~pense the drug if the copayment is not paid. Copayments must be capped at \$30 per month per member. Total copayments must be capped per member per month at no more than the dollar amount equivalent to 10 times the copayment amount. If a member is prescribed a drug in a quantity specifically intended by the provider or pharmacist, for the recipient's health and welfare, to last less than one month, only one payment for that drug for that month is may be required.~~

Sec. 2. 22 MRSA §3173-C, sub-§3, ¶F, as amended by PL 2023, c. 405, Pt. A, §61, is repealed.

Sec. 3. 22 MRSA §3173-C, sub-§3, ¶G, as enacted by PL 1983, c. 240, is amended to read:

G. Any other service or services required to be exempt under the provisions of the United States Social Security Act, Title XIX and successors to it;

Sec. 4. 22 MRSA §3173-C, sub-§3, ¶H is enacted to read:

H. Primary care services; and

Sec. 5. 22 MRSA §3173-C, sub-§3, ¶I is enacted to read:

I. Community-based behavioral health services.

Sec. 6. 22 MRSA §3173-C, sub-§7, as amended by PL 2017, c. 407, Pt. A, §76, is further amended to read:

7. Copayments. ~~Notwithstanding any other provision of law, the following copayments per service per day are imposed and reimbursements are reduced, or both, to the following levels: The department shall consider, in any reduction in reimbursement to providers or imposition of copayments, the need to maintain provider participation in the Medicaid program to the extent required by 42 United States Code, Section 1396a(a)(30)(A) or any successor provision of law.~~

The department shall maintain copayments on the following services that are nominal in amount and that may contain exclusions per service category:

- A. Outpatient hospital services, ~~\$3;~~
- B. Home health services, ~~\$3;~~
- C. Durable medical equipment services, ~~\$3;~~
- D. Private duty nursing and personal care services, ~~\$5 per month;~~
- E. Ambulance services, ~~\$3;~~
- F. Physical therapy services, ~~\$2;~~
- G. Occupational therapy services, ~~\$2;~~
- H. Speech therapy services, ~~\$2;~~
- I. Podiatry services, ~~\$2;~~
- J. Psychologist services, ~~\$2;~~
- K. Chiropractic services, ~~\$2;~~

- L. Laboratory and x-ray services, ~~\$1~~;
- M. Optical services, ~~\$2~~;
- N. Optometric services, ~~\$3~~;
- ~~O. Mental health clinic services, \$2;~~
- ~~P. Substance use disorder services, \$2;~~
- Q. Hospital inpatient services, ~~\$3 per patient day~~; and
- ~~R. Federally qualified health center services, \$3 per patient day, effective July 1, 2004; and~~
- S. Rural health center services, ~~\$3 per patient day~~.
- T. Prescription drug services.

~~The department may adopt rules to adjust the copayments set forth in this subsection. The rules may adjust amounts to ensure that copayments are deemed nominal in amount and may include monthly limits or exclusions per service category. The need to maintain provider participation in the Medicaid program to the extent required by 42 United States Code, Section 1396a(a)(30)(A) or any successor provision of law must be considered in any reduction in reimbursement to providers or imposition of copayments.~~

Sec. 7. 22 MRSA §3173-C, sub-§8, as enacted by PL 2011, c. 458, §2 and affected by §4, is amended to read:

8. Notification. The department shall notify each MaineCare member who is subject to the copayment requirement in subsection 2 of the copayment requirements, any exemptions and limitations prior to coding the member's information for required copayments and shall notify the member again during annual recertification of eligibility. The department shall publish a list of all copayments and amounts by service category on the department's publicly accessible website.

See title page for effective date.

CHAPTER 547

H.P. 859 - L.D. 1345

**An Act to Permit
Municipalities to Establish by
Ordinance a Program for
Partial Deferral of Property
Taxes for Seniors**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §6235 is enacted to read:

§6235. Municipal authority; partial deferral of property taxes for seniors

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Deferred property taxes" means the amount of property taxes assessed on an eligible homestead, the collection of which is deferred by the municipality under a program.

B. "Eligible homestead" means a homestead owned and occupied by an eligible individual who is eligible for a homestead exemption under chapter 105, subchapter 4-B for the property tax year during which an application for stabilization is made.

C. "Federal poverty level" means the nonfarm income official poverty line for a family of the size involved, as defined by the federal Office of Management and Budget and revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981.

D. "Homestead" has the same meaning as under section 681, subsection 2 and may include mobile homes if expressly included in a municipal ordinance adopted under this section.

E. "Household income" has the meaning set out in section 6201, subsection 7.

F. "Partial property tax deferral" means the deferral of the payment of property taxes assessed on an eligible homestead in excess of the stabilized taxes assessed on that eligible homestead.

G. "Program" means a stabilization and tax deferral program adopted by a municipality pursuant to subsection 2.

H. "Stabilize" means to set the amount of property tax required to be paid by a taxpayer on an eligible homestead in the property tax year during which the taxpayer first qualifies for the program and to maintain that amount each year thereafter.

I. "Stabilized taxes" means the amount of property tax to be billed to and due from the taxpayer on the taxpayer's eligible homestead in each year of the program.

J. "Tax-deferred property" means the property upon which taxes are partially deferred under a program.

K. "Taxes" or "property taxes" means ad valorem taxes, assessments, fees and charges entered on the assessment and tax roll.

L. "Taxpayer" means an individual who is responsible for payment of property taxes and has applied to participate or is currently participating in a program.

2. Authority. The legislative body of a municipality may by ordinance adopt a stabilization and partial

property tax deferral program to provide benefits to seniors with homesteads in the municipality. The ordinance must:

A. Require that the taxpayer be a permanent resident of the State as defined in section 681, subsection 4;

B. Require that the taxpayer have owned and occupied a homestead as a permanent residence in the municipality for a minimum number of years, either consecutive or cumulative, prior to application for the program;

C. Specify the minimum age that qualifies a taxpayer as a senior as of April 1st preceding the date of the taxpayer's application for the program; and

D. Establish the minimum household income in relation to the federal poverty level for purposes of eligibility for the program.

A program may impose additional standards of eligibility and procedures, as long as those standards are established by the municipality by ordinance, except that a taxpayer who is deferring property taxes under any other property tax deferral program administered by the State, including, but not limited to, the program set forth in chapter 908, is not eligible to participate in a program adopted by a municipality pursuant to this section.

3. Application. A municipality that adopts a program shall develop an application for the program and establish a due date for a taxpayer to submit an application. A taxpayer may apply to the municipality in which the taxpayer's homestead is located requesting that the municipality stabilize the amount of property tax assessed on that individual's homestead and defer the payment and collection of property taxes on the homestead in excess of the stabilized taxes in the subsequent year. A new application is required for each year for which stabilization is requested, subject to conditions set forth in the municipal ordinance that adopts the program, which may include a grace period for reapplication each year or automatic disqualification from the program for failure to file an application as required by ordinance. The municipality shall determine by ordinance whether taxpayers may be eligible to participate in the program with a new application following disqualification.

An application, information submitted in support of an application and files and communications relating to an application for stabilization and partial deferral of property taxes under the program are confidential. Hearings and proceedings held by a municipality on an application must be held in executive session unless otherwise requested by the applicant. Nothing in this paragraph applies to the recording of liens under subsection 6, the recording of lists under subsection 4 or any enforcement proceedings undertaken by the municipality pursuant to this section or other applicable law.

4. Stabilization and deferral. If a taxpayer satisfies the eligibility criteria set forth in the municipal ordinance establishing the program and satisfies the municipal application criteria, the municipality shall stabilize the amount of property tax assessed on the taxpayer's homestead as of the most recent April 1st assessment prior to application for the program. The municipality shall then defer the payment and collection of property tax assessed on the eligible homestead in excess of the stabilized taxes in subsequent years, as long as the taxpayer remains eligible for the program as set forth in this section and the municipal ordinance authorizing the program.

The taxpayer must remain responsible for the payment of stabilized taxes to remain eligible for the program. Notwithstanding the partial deferral of the payment and collection of property tax in excess of the stabilized taxes under the program, the lien established on the eligible homestead under section 552 continues for the purpose of protecting the municipal interest in the eligible homestead. Interest on the amount of deferred property taxes accrues at the rate of 0.5 percentage points above the otherwise applicable rate for delinquent taxes unless the municipality adopts a lower interest rate by ordinance. In order to preserve the right to enforce the lien, the municipality must record in the county registry of deeds a list of properties within the municipality that have become eligible for stabilization and partial property tax deferral. The list must contain a description of each property as listed in the municipal valuation together with the name of the taxpayer listed on the valuation. The list must be updated annually to reflect the addition or deletion of properties, the amount of deferred taxes accrued for each property and payments received.

The municipality shall make available upon request the most recent list of tax-deferred properties of that municipality required to be filed with the county registry of deeds under this subsection. The municipality may publish and release as public information statistical summaries concerning the program as long as the release of the information does not jeopardize the confidentiality of individually identifiable information. For the purposes of this section, "individually identifiable information" does not include information required to be included on liens or lists filed with the county registry of deeds pursuant to this section.

The recording of the properties under this subsection is notice that the municipality claims a lien against those properties in the amount of the deferred taxes plus interest together with any fees paid to the county registry of deeds in connection with the recording. For a property deleted from the list, the recording serves as notice of release or satisfaction of the lien, even though the amount of taxes, interest or fees is not listed.

5. Events requiring the payment of deferred tax and interest. Subject to subsection 7, all deferred property taxes and accrued interest must be paid pursuant to subsection 6 when:

- A. The taxpayer dies;
- B. Some person other than the taxpayer becomes the owner of the property;
- C. The tax-deferred property is no longer occupied by the taxpayer as a permanent residence, except that this paragraph does not apply if the taxpayer is required to be absent from the eligible homestead for health reasons;
- D. The tax-deferred property is a mobile home and is moved out of the State, if mobile homes are identified as eligible homesteads by municipal ordinance adopted under this section; or
- E. The taxpayer fails to pay the stabilized taxes in any tax year.

6. Lien. When it is determined that one of the events set out in subsection 5 has occurred and that a property is no longer eligible for partial property tax deferral under this section, the municipality shall send notice by certified mail to the taxpayer, or the taxpayer's heirs or devisees, listing the total amount of deferred property taxes, including accrued interest and costs of all the years and establishing a due and payable date. For events listed in subsection 5, paragraphs A, B, C and E, payment is due within 45 days of the date of the notice. When the event listed in subsection 5, paragraph D occurs, the total amount of deferred property taxes is due and payable 5 days before the date of removal of the property from the State. The municipality shall include in the notice a statement that the lien enforcement procedures pursuant to chapter 105, subchapter 9 apply. If the deferred property tax liability of a property has not been satisfied by the date established pursuant to this subsection, the municipality may enforce the lien according to procedures in chapter 105, subchapter 9.

Partial payments accepted during the 18-month redemption period provided for in section 943 may not interrupt or extend the redemption period or in any way affect foreclosure procedures.

7. Transfer of eligibility. If one of the events listed in subsection 5 occurs, and the ownership of the eligible homestead is transferred to another member of the same household, the transferee may apply to the municipality for continuation of the stabilization and partial property tax deferral if the transferee meets the conditions of this section and the municipal ordinance authorizing the program.

8. Repeal of program. A municipality that has adopted a program may discontinue it through the same procedure by which the program was adopted except

that any property taxes deferred under the program continue to be deferred under the conditions of the program on the date it was ended.

See title page for effective date.

CHAPTER 548
H.P. 1322 - L.D. 2060

An Act to Amend Licensing Requirements for Landscape Architects

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

Whereas, current law does not allow applicants for licensure in this State as landscape architects to sit for the required examination before completing all of the required education and years of practical experience; and

Whereas, current law creates a discrepancy, with no apparent reason or justification, between the licensing requirements for landscape architects and the licensing requirements for architects; and

Whereas, current law thus creates an additional barrier for potential applicants for licensure as landscape architects to take the examination; and

Whereas, the examination vendor has temporarily agreed to review education and experience qualifications for examination candidates through 2024 and has asked that this issue be addressed as soon as possible; 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:

Sec. 1. 32 MRSA §220, sub-§2, ¶B, as repealed and replaced by PL 2009, c. 415, Pt. A, §16, is amended by amending subparagraph (1) to read:

- (1) To Except as otherwise provided in this chapter, to be qualified for admission to the examination a license to practice landscape architecture in this State, an applicant must submit evidence to the board that the applicant has passed an examination administered by a national council of landscape architectural registration boards or an equivalent examination specified by board rule and:

(a) The applicant has completed a course of study in a school or college of landscape architecture approved by the board, with graduation evidenced by a diploma setting forth a satisfactory degree, and ~~2 years of~~ practical experience in landscape architectural work ~~of a grade and character satisfactory to~~ as prescribed by the board by rule; or

(b) The applicant has training or practical experience, or a combination of both, that in the opinion of the board is fully equivalent to that required in division (a).

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

Effective March 19, 2024.

CHAPTER 549

S.P. 871 - L.D. 2070

An Act to Implement a Facility-based Monitoring System for Slot Machines

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

Whereas, the current contract between the Department of Public Safety, Gambling Control Board and the 3rd party operating the central site monitoring system on behalf of the Gambling Control Board expires on June 30, 2024; and

Whereas, it is necessary to enact the changes authorizing the transition from a central site monitoring system to a facility-based monitoring system before the expiration of the current contract; 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:

Sec. 1. 8 MRSA §1001, sub-§13-B is enacted to read:

13-B. Facility-based monitoring system. "Facility-based monitoring system" means an on-site computer system at a casino or slot machine facility that is accessible by the department to which all slot machines at the casino or slot machine facility communicate for the purpose of auditing capacity and real-time information retrieval of the details of any financial

event that occurs in the operation of the casino or slot machine facility, door openings and closings, power failure and malfunction.

Sec. 2. 8 MRSA §1003, sub-§2, ¶J, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is repealed.

Sec. 3. 8 MRSA §1003, sub-§2, ¶J-1 is enacted to read:

J-1. Ensure the board or the director or staff has the ability to regulate, manage and audit the operation, financial data and program information relating to slot machines that enables the department to audit the operation, financial data and program information of a casino or slot machine facility licensee, as required by the board, and provide the department with the ability to monitor at any time on a real-time basis wagering patterns, payouts, tax collection and compliance with rules adopted by the board for the regulation and control of slot machines operated under this chapter;

Sec. 4. 8 MRSA §1003, sub-§2, ¶K, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

K. ~~Maintain~~ Ensure the board or the director or staff, in collaboration with the casino operator or slot machine operator, has the ability to activate and deactivate the operation of individual slot machines via the central site monitoring system under authority of board staff or persons contracted by the board;

Sec. 5. 8 MRSA §1003, sub-§2, ¶M, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

M. Inform commercial track operators applying for a license to operate slot machines that any slot machines licensed by the board must be compatible with the central site a facility-based monitoring system of on-line monitoring used by the board;

Sec. 6. 8 MRSA §1003, sub-§2, ¶N, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

N. Cause the central site monitoring system to be disabled, in collaboration with the casino operator or slot machine operator, a slot machine to be disabled that does not meet registration requirements provided by this chapter or rules adopted under this chapter or as directed by the department;

Sec. 7. 8 MRSA §1003, sub-§2, ¶O, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

O. Cause the central site monitoring system to be disabled, in collaboration with the casino operator or slot machine operator, a slot machine to be disabled and cause the department to seize the proceeds of

that slot machine if the funds from that slot machine have not been distributed, deposited or allocated in accordance with section 1036;

Sec. 8. 8 MRSA §1004, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

§1004. Central site Facility-based monitoring system

1. Generally. In order to facilitate the auditing and security programs ~~required by section 1003, subsection 2 and in addition to the requirements of~~ under section 1003, subsection 2, paragraphs J to O, all slot machines at a casino or slot machine facility must communicate electronically with the central site monitoring system ~~required pursuant to section 1003, subsection 2, paragraph J~~ licensee's facility-based monitoring system. ~~The board shall select a central site monitoring system.~~ The central site facility-based monitoring system, in addition to other functions the board determines necessary, must:

- A. Be a fully operational slot machine control system that has the capability of supporting all slot machines licensed for operation ~~in the State~~ at the casino or slot machine facility and is capable of being upgraded to maintain a fully operational and proper reporting capability;
- B. Use a widely accepted gaming industry protocol to facilitate slot machine manufacturers' ability to communicate with the ~~central site~~ facility-based monitoring system;
- C. Have the capability to support progressive slot machines, both in-house and wide-area, as approved by the board. For purposes of this paragraph, "progressive slot machine" means a slot machine or series of slot machines in which the payback amount to an individual player increases as that player continues to play the slot machine or slot machines;
- D. Allow the slot machine operator to install independent player tracking systems to include cashless technology as approved by the board;
- E. Be incapable of altering the statistical awards of slot machines, as designated by the slot machine manufacturer and approved by the board;
- F. Provide redundancy to ensure that each component of the ~~network~~ facility-based monitoring system is capable of operating independently if another component of the ~~network~~ facility-based monitoring system fails and to ensure that all transactional data is captured and secured; and
- G. Have the ability to meet the reporting and control requirements set forth in section 1003, subsection 2, paragraphs A to F S.

An on-site computer system that is accessible by the department through read-only access and was in operation as of January 1, 2024 at a casino or slot machine facility operated by a person licensed under section 1011 is considered a facility-based monitoring system under this chapter.

~~**2. Third party contractor.** If the board contracts with a 3rd party to operate the central site monitoring system, the 3rd party must meet, as determined by the board, the suitability requirement described in section 1016, subsection 2.~~

~~**3. Initial acquisition of central site monitoring system.** The board shall select the central site monitoring system presenting the lowest overall cost alternative, taking into consideration the capital costs, operating costs and impact on gross slot machine revenues, that is capable of satisfying the requirements of this section and section 1003, as determined by the board.~~

Sec. 9. 8 MRSA §1006, sub-§1, ¶D, as enacted by PL 2005, c. 11, §1, is amended to read:

D. Financial, statistical and surveillance information related to the applicant or licensee that is obtained by the board or department from ~~the central site~~ a facility-based monitoring system or surveillance devices, except that such records or information may be disclosed with the written consent of the licensee as the facility-based monitoring system operator;

Sec. 10. 8 MRSA §1006, sub-§3, as enacted by PL 2005, c. 11, §1, is repealed.

Sec. 11. 8 MRSA §1006, sub-§4, as amended by IB 2009, c. 2, §28, is further amended to read:

4. Monitoring and surveillance records and information. Financial, statistical and surveillance information obtained by the board or department from ~~the central site~~ a facility-based monitoring system or surveillance devices is confidential and may not be disclosed, except as provided in subsection 1, paragraph D. The board shall prepare and make publicly available monthly and annual reports on the results of slot machine and table game operations using the information described in this subsection pursuant to section 1003, subsection 2, paragraphs Q and R, as long as the board takes appropriate measures to protect the confidentiality of specific information designated as confidential by this section.

Sec. 12. 8 MRSA §1020, sub-§2, ¶F, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

F. Must have technology compatible with the ~~central site~~ licensee's facility-based monitoring system used by the board;

Sec. 13. 8 MRSA §1020, sub-§4, as amended by PL 2019, c. 614, §4, is further amended to read:

4. Examination Certification of slot machines and associated equipment. The board shall, in cooperation with the department, ~~examine~~ approve qualified independent laboratories for certification of slot machines and slot machine associated equipment of from slot machine distributors and gambling services vendors seeking registration as required in this chapter. The board shall require the slot machine distributor or gambling services vendor seeking examination and approval certification of the slot machine or slot machine associated equipment to pay the board-approved independent laboratory the anticipated cost of the examination certification before the examination occurs certification is completed. After the examination occurs, the board shall refund overpayments or charge and collect amounts sufficient to reimburse the board for underpayments of actual cost. The board may contract for the examinations of slot machines and slot machine associated equipment as required by this section adopt rules to establish the approval process to verify certifications, approve shipments and inspect slot machines. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 14. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF Gambling Control Board Z002

Initiative: Reduces allocations for contracted services related to a central site monitoring system for slot machines.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$500,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$500,000)

Sec. 15. Effective date. This Act takes effect June 30, 2024.

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

Effective June 30, 2024.

CHAPTER 550

S.P. 881 - L.D. 2088

An Act to Change the Number of Agency Liquor Stores Allowed in Certain Municipalities and to Convene a Stakeholder Group Regarding Licensing and Operations

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

Whereas, the Department of Administrative and Financial Affairs, Bureau of Alcoholic Beverages and Lottery Operations awards available agency liquor store licenses twice a year, once in the fall before the holidays and ski season and once in the spring before the summer tourism season; and

Whereas, the department has not yet opened the spring round of agency liquor store license awards; and

Whereas, the changes in this legislation need to take effect before the next round of awards so that municipalities affected by the changes may be awarded an additional agency liquor store license prior to the busy summer tourism season; 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:

Sec. 1. 28-A MRSA §453, sub-§1-A, ¶E, as enacted by PL 2019, c. 74, §1, is amended to read:

E. Seven agency liquor stores in a municipality with a population over ~~45,000~~ 10,000 but less than 20,001;

Sec. 2. 28-A MRSA §453, sub-§1-A, ¶F, as enacted by PL 2019, c. 74, §1, is repealed.

Sec. 3. 28-A MRSA §453, sub-§1-A, as amended by PL 2021, c. 172, §1, is further amended by amending the first blocked paragraph to read:

The bureau may issue one additional agency liquor store license beyond those otherwise authorized by this subsection in a any municipality ~~with a population of less than 10,000.~~ The bureau may consider the impact of seasonal population or tourism and other related any information provided by the municipality requesting an additional agency liquor store license.

Sec. 4. Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations to convene stakeholder group regarding licensing and operation of agency liquor stores. The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall convene a stakeholder group to examine how agency liquor stores, as defined in the Maine Revised Statutes, Title 28-A, section 2, subsection 1, are licensed and operated in order to better understand how agency liquor stores are distributed throughout the State and to evaluate the effectiveness of the current system for consumers, the general public, local law enforcement officials, municipalities, the State and entities licensed in this State for the sale of liquor. The stakeholder group must include, at a minimum, representatives of agency liquor stores, on-premises retail licensees as defined in Title 28-A, section 2, subsection 27, paragraph B, off-premises retail licensees as defined in Title 28-A, section 2, subsection 27, paragraph A, certificate of approval holders under Title 28-A, sections 1361 and 1381 and in-state manufacturers licensed under Title 28-A, section 1355-A; wholesale licensees as defined in Title 28-A, section 2, subsection 34; municipal representatives; and local law enforcement officials. No later than November 6, 2024, the bureau shall submit a report summarizing any conclusions reached and proposals supported by the stakeholder group, which may include suggested legislation, to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The committee may submit legislation related to the report to the 132nd Legislature in 2025.

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

Effective March 19, 2024.

CHAPTER 551

H.P. 1357 - L.D. 2133

An Act to Expand the Use of Career and Technical Education Centers in the Development of the Electrician Workforce

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

Whereas, there is a shortage of electricians in the State; and

Whereas, this legislation will enable applicants for a journeyman-in-training electrician license to use completion of approved career and technical education

programs toward qualification for the license examination and to receive a significant credit of work hours toward the work hours required for licensure; and

Whereas, it is important that this legislation take effect immediately in order to allow more applicants for journeyman-in-training electrician licensure to qualify sooner; 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:

Sec. 1. 32 MRSA §1202-B, sub-§3, ¶B, as enacted by PL 2023, c. 327, §2, is amended by amending subparagraph (3) to read:

(3) Completion of at least 2,000 work hours in the field of electrical installations as a licensed helper electrician and a vocational-electrical program of a state department of corrections; ~~or~~

Sec. 2. 32 MRSA §1202-B, sub-§3, ¶B, as enacted by PL 2023, c. 327, §2, is amended by amending subparagraph (4) to read:

(4) Comparable work experience, education or training, or any combination of comparable work experience, education or training, completed within the State or outside the State, that is acceptable to the board; ~~or~~

Sec. 3. 32 MRSA §1202-B, sub-§3, ¶B, as enacted by PL 2023, c. 327, §2, is amended by enacting a new subparagraph (5) to read:

(5) Completion of a 2-year secondary school career and technical education electrical program approved pursuant to Title 20-A, section 8306-B and completion of at least 6,000 work hours in the field of electrical installations as a licensed helper electrician. An individual applying pursuant to this subparagraph may take the examination upon graduating from the program and is credited 1,000 work hours in the field of electrical installations. The individual must complete any remaining work hours prior to applying for a journeyman-in-training license.

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

Effective March 19, 2024.

**CHAPTER 552
H.P. 211 - L.D. 337**

**An Act to Amend the Law
Governing the Regulation of
Manufactured Housing to
Increase Affordable Housing**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 30-A MRSA §4358, sub-§2, as amended by PL 1995, c. 199, §1, is further amended to read:

2. Location of manufactured housing. Municipalities shall permit manufactured housing to be placed or erected on individual house lots ~~in a number of locations on undeveloped lots~~ where single-family dwellings are allowed, subject to the same requirements as single-family dwellings, except as otherwise provided in this section.

~~A. For the locations required by this section, municipal ordinances may not require that manufactured housing on individual lots be greater than 14 feet in width, although municipalities~~ Municipalities may establish design criteria, including, but not limited to, a pitched, shingled roof; a permanent foundation; and exterior siding that is residential in appearance, ~~provided that as long as:~~

- (1) The requirements do not have the effect of circumventing the purposes of this section; and
- (2) The design requirements ~~may are not be~~ used to prevent the relocation of any manufactured housing, regardless of its date of manufacture, that is legally sited within the municipality as of August 4, 1988.

B. Providing one or more zones or locations where mobile home parks or mobile home subdivisions or developments are allowed does not constitute compliance with this section.

C. This section does not prohibit municipalities from establishing controls on manufactured housing ~~which that~~ are less restrictive than are permitted by this section.

D. Municipalities may not prohibit manufactured housing, regardless of its date of manufacture, solely on the basis of a date of manufacture before June 14, 1976, or the failure of a unit to have been manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70. Municipalities may apply the design standards permitted by this section to all manufactured housing, regardless of its date of manufacture, and may apply reasonable safety standards

to manufactured housing built before June 15, 1976, or not built in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

E. Notwithstanding any ~~other~~ provision of law to the contrary, manufactured housing and any modular home that meets construction standards for state-certified manufactured homes housing adopted pursuant to Title 10, section 9042 must be allowed in all zones where other single-family homes are allowed.

See title page for effective date.

**CHAPTER 553
S.P. 257 - L.D. 589**

**An Act to Ensure That the
Maine Electric Grid Provides
Additional Benefits to Maine
Ratepayers**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 35-A MRSA §3148 is enacted to read:

§3148. Periodic review of grid-enhancing technology

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Grid-enhancing technology" means any hardware or software technology that enables enhanced or more efficient flow of electricity across the existing electric transmission and distribution system. "Grid-enhancing technology" does not include generation assets or energy storage.

B. "Large investor-owned transmission and distribution utility" has the same meaning as in section 3201, subsection 12.

2. Periodic review. Beginning January 15, 2025, and every 5 years thereafter, the commission shall conduct a review or contract with a consultant to conduct a review of available grid-enhancing technology that could be implemented by a large investor-owned transmission and distribution utility to reduce or defer the need for investment in grid infrastructure in the State. The commission may produce a report or contract with a consultant to produce a report describing the grid-enhancing technology identified in the review. The commission may file information or the report for use in rate cases or other proceedings involving a large investor-owned transmission and distribution utility, including the integrated grid planning proceeding required pursuant to section 3147, subsection 2.

Sec. 2. 35-A MRSA §3802, sub-§1-A is enacted to read:

1-A. Beneficial load. "Beneficial load" means:

A. An increase in electric load that is consistent with the principles of beneficial electrification; or

B. The excess electrical capacity within the grid, the use of which is consistent with beneficial electrification and, when feasible, avoids the need for significant investment in or expenditures for additional grid infrastructure.

"Beneficial load" includes electric load that is used to reduce peak demand or shift the demand to lower cost time periods.

Sec. 3. 35-A MRSA §3803, sub-§2, as enacted by PL 2023, c. 328, §1, is amended to read:

2. Plan for promoting beneficial electrification for end uses of energy. The trust shall develop a 3-year beneficial electrification plan for end uses of energy as part of the trust's triennial plan in accordance with section 10104, subsection 4 and provide annual updates to the plan in accordance with section 10104, subsection 6. ~~In developing its beneficial electrification plan for end uses, the trust shall consult with relevant departments and agencies.~~

A. In developing its beneficial electrification plan for end uses that promotes beneficial electrification, the trust shall:

(1) Consult with relevant departments and agencies;

(2) Consider incentivizing the appropriate placement of and promoting commercial or industrial beneficial load; and

(3) Integrate the ongoing energy planning efforts of the office as appropriate.

B. In developing its beneficial electrification plan under this subsection, the trust shall consider:

(1) Incorporating the assumptions and advancing the findings and recommendations of the office in its "Maine Energy Plan: Pathway to 2040" study launched in August 2023, part of the comprehensive state energy plan required by Title 2, section 9, subsection 3, paragraph C;

(2) Whether, in order to enable more efficient generation and transmission planning, a certain type or location of electric load is beneficial load;

(3) Integrating with and informing the commission's consideration of grid planning priorities pursuant to section 3147; and

(4) Seeking input from transmission and distribution utilities and relevant agencies and organizations in the State.

Sec. 4. Efficiency Maine Trust beneficial electrification update. By February 1, 2025, the trust shall provide a written update on its beneficial electrification planning as well as any recommendations, which may include proposed legislation, to improve its planning activities or to advance beneficial electrification, as defined in the Maine Revised Statutes, Title 35-A, section 3802, subsection 1, and siting of beneficial load, as defined in Title 35-A, section 3802, subsection 1-A, to the joint standing committee of the Legislature having jurisdiction over energy matters. The committee may report out a bill related to beneficial electrification or the trust's recommendations to the 132nd Legislature in 2025.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides one-time funding for contracted consulting services.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$102,100
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$102,100

See title page for effective date.

CHAPTER 554

H.P. 1138 - L.D. 1775

An Act to Establish a Clean Hydrogen Pilot Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §123 is enacted to read:

§123. Clean hydrogen pilot program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Clean hydrogen" means hydrogen produced through a process that results in a life-cycle greenhouse gas emissions rate of not greater than 0.45 kilograms of carbon dioxide or carbon dioxide equivalents per kilogram of hydrogen generated, as determined by the commission in accordance with the applicable requirements of the federal act and IRS production tax credit regulations.

B. "Federal act" means the Inflation Reduction Act of 2022, Public Law 117-169, 136 Stat. 1818.

C. "IRS production tax credit regulations" means regulations of the federal Internal Revenue Service adopted pursuant to the provisions of the federal act that govern clean hydrogen production tax credits.

D. "Pilot program" or "program" means the clean hydrogen program established pursuant to this section.

E. "Qualifying facility" means a facility that produces clean hydrogen and:

- (1) Is located in the State;
- (2) Meets applicable requirements for a federal clean hydrogen production tax credit under the federal act and IRS production tax credit regulations; and
- (3) Has a peak electricity demand of no more than 20 megawatts.

2. Pilot program. The commission, in collaboration with the Governor’s Energy Office and the Department of Environmental Protection, shall establish a pilot program in accordance with this section. The pilot program must be designed to allow the commission to select a proposal for a qualifying facility that meets the requirements of this section. The commission shall administer the program in accordance with this section and shall ensure that such administration is in the public interest and:

- A. Accounts for and is designed to advance the renewable energy and climate policies and goals of the State;
- B. Minimizes potential negative environmental and community effects;
- C. Maximizes air quality, health and workforce benefits; and
- D. Encourages high standards of safety performance.

3. Program requirements; qualifying facility. By December 31, 2025, the commission shall issue a request for proposals for the development and operation of a qualifying facility. The proposal selected for the program must:

- A. Identify, for the clean hydrogen produced by the qualifying facility, an offtake facility that is an end user located in the State that serves the industrial or transportation sector in the State;
- B. Demonstrate that the use of the clean hydrogen by the offtake facility pursuant to paragraph A will reduce the offtake facility’s greenhouse gas emissions;
- C. Demonstrate that the owner or operator of the qualifying facility:

(1) Has control over the site where the qualifying facility is to be located; and

(2) Has technical and financial capacity to develop, operate and decommission the qualifying facility;

D. Demonstrate construction and operations safety performance history relating to hydrogen and non-hydrogen aspects of the qualifying facility and identify an individual who will be responsible for the qualifying facility’s safety program;

E. Describe how the qualifying facility will minimize potential negative environmental and community effects of its development and operation;

F. Describe how the qualifying facility will maximize workforce benefits as well as air quality and health; and

G. Provide a business development and management plan that describes:

- (1) The scope of the project to develop the qualifying facility, including anticipated hydrogen production volumes;
- (2) Development timelines for the qualifying facility, including permitting milestones;
- (3) Feedstocks to be used;
- (4) End uses for the clean hydrogen produced by the qualifying facility;
- (5) The impact of a special contract that may be approved in accordance with subsection 5;
- (6) Anticipated funding from public and private sources; and
- (7) How the qualifying facility will align with the State’s renewable energy and climate policies and goals.

4. Proposal selection. If the commission, after consultation with the Governor’s Energy Office and the Department of Environmental Protection, finds that a proposal for the development and operation of a qualifying facility meets the requirements of this section, the commission may select that qualifying facility for participation in the program.

If more than one proposal for the development and operation of a qualifying facility meets the requirements of this section, the commission shall give preference to the proposal that provides the greatest benefit to rate-payers and is likely to result in the greatest reduction in greenhouse gas emissions.

The commission shall, to the extent practicable, make a determination of whether to select a proposal under this subsection and provide notice of its decision to all facilities that submitted proposals to participate in the program within 120 days of the closing of the request for proposal process.

The commission may not select more than one proposal for participation in the pilot program.

5. Special contract selection. After selecting a qualifying facility for participation in the program under subsection 4, the commission shall direct the transmission and distribution utility in whose territory the qualifying facility is located to negotiate with that qualifying facility for a special contract that the commission may approve in accordance with section 703, subsection 3-A and as provided in this subsection. The commission may approve a special contract between the selected qualifying facility and the transmission and distribution utility in whose territory the proposed facility is located if the commission determines that the contract for service is necessary to make the development of the qualifying facility viable and cost-effective. The commission may approve a special contract for no more than 20 megawatts of electricity pursuant to this subsection.

6. Wage requirements. The owner or operator of a qualifying facility selected for the program pursuant to subsection 4 shall ensure that all persons engaged in the construction, alteration or repair of the qualifying facility, including all employees, contractors and subcontractors, are paid wages that are not less than the prevailing hourly wage for work of a similar character in the locality in which the qualifying facility is located as most recently determined by the Department of Labor, Bureau of Labor Standards in accordance with Title 26, section 1308 and in compliance with applicable requirements of the federal act and IRS production tax credit regulations.

7. Production requirements; special contract termination. If the commission determines that the qualifying facility selected for the program pursuant to subsection 4 is not meeting the anticipated clean hydrogen production volumes provided in its business development and management plan under subsection 3, paragraph G, the commission may order the transmission and distribution utility to terminate the special contract approved pursuant to subsection 5.

8. Rules. The commission may adopt rules to implement this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 555
S.P. 867 - L.D. 2039

**An Act to Amend the Law
Regarding the Board of the
Finance Authority of Maine to
Allow for the Addition of a
Proxy Designee**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §965, sub-§4, ¶B, as amended by PL 1985, c. 344, §12 and PL 2011, c. 657, Pt. W, §5, is further amended to read:

B. One natural resources commissioner designated by the Governor from either the Department of Agriculture, Conservation and Forestry or the Department of Marine Resources, or that commissioner's designee; and

See title page for effective date.

CHAPTER 556
H.P. 1326 - L.D. 2064

**An Act to Amend the Laws
Regarding Certain Advisory
Councils and Boards Related to
the Department of Marine
Resources**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6024, sub-§1-A, as amended by PL 2023, c. 207, §4, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 17 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council ~~and~~, the chair of the Shellfish Advisory Council ~~and~~ the chair of the Aquaculture Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining ~~9~~ 8 members must include one member who

is listed on the saltwater recreational fishing registry established in section 6312 and does not hold a state marine harvesting license, one public member, one member who is a member of a federally recognized Indian nation, tribe or band in the State, 4 persons who hold a nonharvesting-related license under this Part, ~~and one person representing recreational saltwater anglers and one person representing the aquaculture industry.~~ The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The Governor shall select the member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do not make a unanimous joint recommendation, the Governor shall appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State. The composition of the council must reflect a ~~geographical~~ geographic distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council ~~and~~, the chair of the Shellfish Advisory Council and the chair of the Aquaculture Advisory Council shall serve until a new chair of the Lobster Advisory Council, a new chair of the Sea Urchin Zone Council ~~or~~, a new chair of the Shellfish Advisory Council or a new chair of the Aquaculture Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6080, as repealed by PL 2011, c. 344, §19 and reenacted by c. 598, §9, is amended to read:

§6080. Aquaculture Advisory Council

1. Appointment; composition. The Aquaculture Advisory Council, referred to in this section as ~~the "council"~~ "the council" and established by Title 5, section 12004-I, subsection 57-C, consists of ~~5~~ 7 members who are appointed by the commissioner as follows. ~~The commissioner or the commissioner's designee is a non-voting, ex officio member of the council. The commissioner shall appoint 4 members from the State's aquaculture industry. No more than 2 of the appointed members may represent similar segments of the State's aquaculture industry.~~

A. The commissioner shall appoint at least 5 and up to 6 members from the aquaculture industry. In making appointments under this paragraph, the

commissioner shall ensure geographic representation as well as representation of multiple sectors of the aquaculture industry and representation of businesses operating at different scales within the aquaculture industry.

B. The commissioner shall appoint one member who is a member of the public with expertise in matters related to the work of the council. If the number of members appointed pursuant to paragraph A is fewer than 6, then the commissioner shall appoint one additional member who is a member of the public with expertise in matters related to the work of the council.

In making appointments, the commissioner may consider nominations from the council and from associations representing the interests of persons involved in the aquaculture industry.

2. Term. Council members serve for 3 years and continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive terms. In the case of a vacancy, the commissioner shall promptly fill the vacancy.

3. Purpose. The council shall make recommendations to the commissioner ~~and the joint standing committee of the Legislature having jurisdiction over marine resources matters concerning expenditures from the Aquaculture Management Fund for the purposes described under section 6072-D and concerning other matters of interest to the aquaculture industry.~~

A. Matters of interest to the aquaculture industry, including, but not limited to, the leasing and licensing process, seed source, animal health, gear, compliance and research; and

B. Expenditures from the Aquaculture Management Fund for the purposes described in section 6072-D, subsection 4.

The council shall bring forward to the commissioner matters of concern to the aquaculture industry and assist the commissioner with the dissemination of information to members of the aquaculture industry.

~~**4. Chair and officers**~~ **Officers.** ~~The officers of the council annually shall choose one of its members to serve as chair for a one year term. The council may select other officers and designate their duties are the chair and vice-chair. The term of the officers is one year. The council shall elect a member of the council for each officer position at the first regular meeting of each year.~~

5. Meetings. The council shall meet at least ~~once~~ twice each year, and the meetings may not be held within the same quarter. It may also meet at other times at the call of the chair ~~or the chair's designee~~ or the commissioner ~~or the commissioner's designee~~. The council may conduct a meeting by means of a conference call linking 2 or more members of the council.

7. Compensation. Council members are entitled to expenses according to Title 5, chapter 379, which are paid from the Aquaculture Management Fund established in section 6072-D.

Sec. 3. 12 MRSA §6465, sub-§2, as amended by PL 2021, c. 491, §3, is further amended to read:

2. Research, education and development board. The commissioner shall appoint a research, education and development board and consult with the board regarding the expenditures from the fund. The board is composed of ~~one member from each of the following organizations~~ the following individuals:

- ~~A. A statewide association representing the interests of persons who harvest lobster commercially;~~
- ~~B. An association representing the interests of persons who harvest lobster commercially in Washington and Hancock counties;~~
- ~~C. A southern Maine association representing the interests of persons who harvest lobster commercially;~~
- ~~D. A statewide import export lobster dealers' association;~~
- ~~E. A statewide lobster pound owners' association;~~
- ~~F. A statewide lobster processors' association;~~
- ~~G. The Maine Lobster Marketing Collaborative under section 6455-A;~~
- ~~H. The Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and~~
- ~~I. An international lobster institute. This member must be a resident of the State.~~
- J. Three individuals representing the interests of persons who harvest lobster commercially. These individuals must reflect a geographic distribution along the coast of the State;
- K. Three individuals representing the interests of persons who hold wholesale seafood licenses with lobster permits;
- L. One individual representing the Maine Lobster Marketing Collaborative under section 6455-A;
- M. One individual representing the Lobster Advisory Council established by Title 5, section 12004-I, subsection 58; and
- N. One individual who has expertise in lobster science.

Members are entitled to compensation according to Title 5, chapter 379.

See title page for effective date.

**CHAPTER 557
H.P. 1381 - L.D. 2161**

An Act to Make Technical Corrections to the Maine Juvenile Code, the Maine Criminal Code and the Intelligence and Investigative Record Information Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §3010, sub-§3, as enacted by PL 2021, c. 365, §9 and affected by §37, is amended to read:

3. Juvenile history record information pertaining to adjudications. Notwithstanding subsection 2, if a juvenile has been adjudicated as having committed a juvenile crime that would constitute murder or a Class A, B or C crime if the juvenile adjudicated were an adult, then that adjudication and any resulting disposition imposed, but no other related juvenile history record information, may be disclosed publicly. Any adjudication and related disposition sealed pursuant to section 3308-C, subsection 10 is not subject to public disclosure pursuant to this subsection.

Sec. 2. 15 MRSA §3308-C, sub-§10, ¶E, as amended by PL 2021, c. 701, §1, is further amended to read:

E. Notice of the court's order certifying its granting of the juvenile's petition to seal juvenile case records pursuant to paragraph B or notice of the court's order of automatic sealing pursuant to paragraph C must be provided to the Department of Public Safety, Bureau of State Police, State Bureau of Identification if the adjudication is for a juvenile crime the ~~criminal records~~ juvenile history record information of which are is maintained by the State Bureau of Identification pursuant to Title 25, section 1541. Notice of the order may be sent by electronic transmission. The State Bureau of Identification or the appropriate agency upon receipt of the notice shall promptly update its records relating to each of the juvenile adjudications included in the notice. For purposes of this paragraph, "juvenile history record information" has the same meaning as in section 3010, subsection 1, paragraph E.

Sec. 3. 16 MRSA §805-A, sub-§2, as enacted by PL 2023, c. 235, §3, is repealed.

Sec. 4. 17-A MRSA §1604, sub-§5, ¶B, as amended by PL 2023, c. 316, §12 and c. 455, §3, is further amended to read:

B. If the State pleads and proves that, at the time any crime under chapter 9, 11, 12, 13, 27 or 35;

section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or 752-F was committed, or an attempt of any such crime was committed, the individual had 2 or more prior convictions under chapter 9, 11, 12, 13, 27 or 35, excluding former section 853-A; section 402-A, subsection 1, paragraph A; or section 752-A, 752-C or 752-F, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be.

(1) In the case of a Class A crime, the sentencing class is not elevated, but the prior record must be assigned special weight by the court when imposing a sentence.

(2) Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this paragraph, for violations under chapter 11, the dates of prior convictions may have occurred at any time.

This paragraph does not apply to section 210-A if the prior convictions have already served to elevate the sentencing class under section 210-A, subsection 1, paragraph C or E or any other offense in which prior convictions have already served to elevate the sentencing class.

This paragraph does not apply to murder under section 201 or to former section 853-A.

See title page for effective date.

**CHAPTER 558
S.P. 270 - L.D. 653**

An Act to Establish the Maine Commission on Public Defense Services and Establish Public Defender Offices for Aroostook, Penobscot and Piscataquis Counties

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

Whereas, the State's constitutional and statutory obligations include ensuring that each person facing a potential loss of liberty in a criminal or juvenile proceeding is provided with effective representation; and

Whereas, due to a lack of attorneys currently eligible for appointment, more than 500 adult criminal defendants eligible for a court-appointed attorney are currently without counsel, of whom at least 150 are currently in custody; and

Whereas, in at least 10 District Court locations across the State, there are no attorneys currently eligible for appointment to represent juveniles charged with certain types of offenses; and

Whereas, this legislation changes the name of the Maine Commission on Indigent Legal Services to the Maine Commission on Public Defense Services and establishes authority for the commission to establish 2 new public defender offices, one serving Aroostook County and one serving Penobscot and Piscataquis counties, the 2 areas of the State identified by the commission as experiencing the greatest need for additional indigent legal services; and

Whereas, it is important to authorize establishment of these offices as soon as possible; 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:

Sec. 1. 2 MRSA §6, sub-§13, as enacted by PL 2021, c. 398, Pt. GGG, §2, is amended to read:

13. Range 37. The salary of the executive director of the Maine Commission on ~~Indigent Legal~~ Public Defense Services is within salary range 37.

Sec. 2. 4 MRSA c. 37, headnote is amended to read:

CHAPTER 37

MAINE COMMISSION ON ~~INDIGENT LEGAL~~ PUBLIC DEFENSE SERVICES

Sec. 3. 4 MRSA §1801, as enacted by PL 2009, c. 419, §2, is amended to read:

§1801. Maine Commission on ~~Indigent Legal~~ Public Defense Services; established

The Maine Commission on ~~Indigent Legal~~ Public Defense Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide efficient, high-quality representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest.

Sec. 4. 4 MRSA §1802, sub-§2, as enacted by PL 2009, c. 419, §2, is amended to read:

2. **Commission.** "Commission" means the Maine Commission on ~~Indigent Legal~~ Public Defense Services under section 1801.

Sec. 5. 5 MRSA §959, as enacted by PL 2009, c. 419, §3, is amended to read:

§959. Maine Commission on ~~Indigent Legal~~ Public Defense Services

1. **Major policy-influencing positions.** The following positions are major policy-influencing positions within the Maine Commission on ~~Indigent Legal~~ Public Defense Services. Notwithstanding any other provision of law to the contrary, these positions and their successor positions are subject to this chapter:

A. Executive director.

Sec. 6. 5 MRSA §1591, sub-§6, as enacted by PL 2021, c. 398, Pt. EEE, §1, is amended to read:

6. Maine Commission on ~~Indigent Legal~~ Public Defense Services. Any All Other balance remaining in the Maine Commission on Public Defense Services, Maine Commission on ~~Indigent Legal~~ Public Defense Services program, General Fund account at the end of any fiscal year must be carried forward for use by the commission in the next fiscal year.

Sec. 7. 5 MRSA §12004-G, sub-§25-A, as enacted by PL 2009, c. 419, §4, is amended to read:

25-A.

Legal Services	Maine Commission on Indigent Legal <u>Public Defense Services</u>	Legislative Per Diem Plus Expenses	4 MRSA §1801
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Sec. 8. 15 MRSA §2115-A, sub-§8, as amended by PL 2013, c. 159, §14, is further amended to read:

8. **Fees and costs.** The Law Court shall allow counsel fees and costs for the defense of appeals under this section, to be paid by the Maine Commission on ~~Indigent Legal~~ Public Defense Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

Sec. 9. 15 MRSA §2115-A, sub-§9, as amended by PL 2013, c. 159, §15, is further amended to read:

9. **Appeals to Federal Court; fees and costs.** The Law Court shall allow attorney's fees for court appointed counsel when the State appeals a judgment to any Federal Court or to the United States Supreme Court on certiorari. Any fees allowed pursuant to this subsection must be paid out of the accounts of the Maine Commission on ~~Indigent Legal~~ Public Defense

Services under Title 4, section 1801. The compensation paid by the commission may not exceed the rates established by the commission for the payment of counsel providing indigent legal services.

Sec. 10. 34-A MRSA §3049, sub-§3, ¶D, as enacted by PL 2013, c. 434, §4, is amended to read:

D. If the person is indigent, costs of counsel and all other costs, including all costs on appeal, must be provided by the Maine Commission on ~~Indigent Legal~~ Public Defense Services as in other civil cases.

Sec. 11. 36 MRSA §191, sub-§2, ¶EEE, as enacted by PL 2017, c. 284, Pt. UUUU, §16 and reallocated by c. 375, Pt. D, §1, is amended to read:

EEE. The disclosure by employees of the bureau to an authorized representative of the Maine Commission on ~~Indigent Legal~~ Public Defense Services for determining the eligibility for indigent legal services and the ability to reimburse expenses incurred for assigned counsel and contract counsel under Title 4, chapter 37.

Sec. 12. 36 MRSA §5219-ZZ, sub-§1, ¶B, as enacted by PL 2021, c. 473, §2 and reallocated by RR 2021, c. 1, Pt. A, §48, is amended by amending subparagraph (2) to read:

(2) Is rostered by the Maine Commission on ~~Indigent Legal~~ Public Defense Services to accept court appointments to represent clients in an underserved area;

Sec. 13. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Maine Commission on Indigent Legal Services" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Maine Commission on Public Defense Services" or "commission" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 14. Transition provisions. The following provisions govern the transition of the Maine Commission on Indigent Legal Services to the Maine Commission on Public Defense Services.

1. The Maine Commission on Public Defense Services is the successor in every way to the powers, duties and functions of the former Maine Commission on Indigent Legal Services.

2. Each member of the Maine Commission on Indigent Legal Services appointed by the Governor and confirmed by the Legislature pursuant to the Maine Revised Statutes, Title 4, section 1803 is declared to be a member of the Maine Commission on Public Defense Services for the remainder of that member's unexpired term.

3. All existing rules, regulations and procedures in effect, in operation or adopted in or by the Maine Commission on Indigent Legal Services or any of its administrative units or officers are declared in effect and continue in effect until rescinded, revised or amended by the proper authority.

4. All existing contracts, agreements and compacts currently in effect for the Maine Commission on Indigent Legal Services continue in effect.

5. Any positions authorized and allocated subject to the personnel laws to the former Maine Commission on Indigent Legal Services are transferred to the Maine Commission on Public Defense Services and continue to be authorized.

6. All records, property and equipment previously belonging to or allocated for the use of the former Maine Commission on Indigent Legal Services become, on the effective date of this Act, part of the property of the Maine Commission on Public Defense Services.

7. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the "Maine Commission on Indigent Legal Services" may be used by the Maine Commission on Public Defense Services until existing supplies of those items are exhausted.

Sec. 15. Carrying balance in fiscal year 2023-24; Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward for the Maine Commission on Indigent Legal Services any remaining balance in the Personal Services line category in the Maine Commission on Indigent Legal Services program, General Fund account to the next fiscal year.

Sec. 16. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes one District Defender position, one Assistant Defender II position, 2 Assistant Defender I positions, one Paralegal position, one Public Service Coordinator I position and one Office Specialist II Supervisor position for a public defender office serving Aroostook County and reduces All Other funding to fund the positions.

GENERAL FUND	2023-24	2024-25
POSITIONS -	7.000	7.000
LEGISLATIVE COUNT		
Personal Services	\$224,226	\$896,905
All Other	(\$224,226)	(\$896,905)
GENERAL FUND TOTAL	\$0	\$0

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes one District Defender position, 3 Assistant Defender II positions, 2 Assistant Defender I positions, 2 Paralegal positions, 2 Public Service Coordinator I positions and one Office Specialist II Supervisor position for a public defender office serving Penobscot and Piscataquis counties and reduces All Other funding to fund the positions.

GENERAL FUND	2023-24	2024-25
POSITIONS -	11.000	11.000
LEGISLATIVE COUNT		
Personal Services	\$331,387	\$1,325,548
All Other	(\$331,387)	(\$1,325,548)
GENERAL FUND TOTAL	\$0	\$0

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes one Public Service Coordinator I position in the public defender office serving Kennebec County and reduces All Other funding to fund the position.

GENERAL FUND	2023-24	2024-25
POSITIONS -	1.000	1.000
LEGISLATIVE COUNT		
Personal Services	\$23,792	\$95,167
All Other	(\$23,792)	(\$95,167)
GENERAL FUND TOTAL	\$0	\$0

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes one Public Service Manager II position and 2 Office Specialist II positions within the central office of the Maine Commission on Indigent Legal Services and reduces All Other funding to fund the positions.

GENERAL FUND	2023-24	2024-25
POSITIONS -	3.000	3.000
LEGISLATIVE COUNT		
Personal Services	\$77,048	\$308,195
All Other	(\$77,048)	(\$308,195)
GENERAL FUND TOTAL	\$0	\$0

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

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

Effective March 21, 2024.

CHAPTER 559

H.P. 1416 - L.D. 2209

An Act to Increase the Cap on Bonds Issued by the Maine State Housing Authority to Reflect Current Housing Production Needs in the State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4907, sub-§1, as amended by PL 2001, c. 631, §1, is further amended to read:

1. Limitations on amount of outstanding principal. The Maine State Housing Authority may not at any time have an aggregate principal amount outstanding, in excess of ~~\$2,150,000,000~~ \$3,000,000,000 of mortgage purchase bonds secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4906, subsection 3, paragraph A applies. Mortgage purchase bonds of the Maine State Housing Authority secured by capital reserve funds to which section 4906, subsection 3, paragraph A does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement of guaranty with a banking or other financial organization or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount outstanding at any time not to exceed \$300,000,000.

See title page for effective date.

CHAPTER 560

S.P. 305 - L.D. 747

An Act Regarding the Reporting of Adult Name Changes by the Probate Courts to the State Bureau of Identification

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure; 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, ensuring that the timely and accurate reporting of all name changes to the Department of Public Safety, Bureau of State Police, State Bureau of Identification is essential to the operations of the State Bureau of Identification; 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. 18-C MRSA §1-701, as amended by PL 2021, c. 559, §§1 to 3, is further amended to read:

§1-701. Process to change name

1. Petition, request; where filed. This section governs the process to change the name of a person.

A. A person may petition to change that person's name in the Probate Court in the county where the person resides.

B. A parent or guardian of a minor may petition to change a minor's name in the Probate Court in the county where the minor resides, unless the District Court has exclusive jurisdiction pursuant to Title 4, section 152, subsection 5-A, in which case the petition must be filed in the District Court.

C. A parent or guardian may request to change a minor's name as part of a proceeding concerning parentage or other parental rights, including actions for divorce, parental rights and responsibilities, post-judgment motions and any other proceeding involving parental rights with respect to the minor, in the District Court without filing a separate petition if the parent or guardian asserts good cause.

D. A minor may petition for a name change through an emancipation proceeding without filing a separate petition if the minor asserts good cause.

E. A change of a minor's name may not be ordered pursuant to a protection from abuse order under Title 19-A, section 4007.

For purposes of this section, "parent" means a person who, with respect to the minor, has established parentage pursuant to Title 19-A, chapter 61 and whose parental rights have not been terminated.

For purposes of this section, "guardian" means a person appointed by a court to make decisions with respect to

the personal affairs of an individual. "Guardian" includes a coguardian and a permanency guardian appointed under Title 22, section 4038-C but does not include a guardian ad litem.

For purposes of this section, "bureau" means the Department of Public Safety, Bureau of State Police, State Bureau of Identification.

2. Adult's name change. Upon receipt of a petition filed by an adult under subsection 1, paragraph A, the court may change the name of that adult. The court may not require public notice before approving the name change. Before approving the name change, the court shall notify the petitioner that:

A. The name change order will be public unless the court grants a request by the petitioner to make the name change order confidential as provided in subsection 3-A; and

B. An abstract of the name change order will be transmitted to the bureau unless the court grants a request by the petitioner not to transmit the abstract of the name change order to the bureau as provided in subsection 3-B, paragraph C.

2-A. Notice and name change; minors. A parent or guardian who has filed a petition under subsection 1, paragraph B or has requested a name change in a District Court proceeding under subsection 1, paragraph C shall provide notice pursuant to the applicable rules of procedure to any other parent, any guardian and any person or agency with legal custody of the minor; to the guardian ad litem if one is currently appointed; and to the minor if the minor is 14 years of age or older. To protect the safety of the minor for whom the name change is sought, the court may limit notice required under this subsection if the parent who has sole parental rights and responsibilities shows by a preponderance of the evidence that:

- A. The minor is a victim of abuse; or
- B. The minor or petitioner is currently in reasonable fear of the minor's or petitioner's safety.

2-B. Evaluation of minor's name change. Upon proof of service of the notice required under subsection 2-A and after providing an opportunity for those entitled to notice to respond to the petition:

- A. The court shall change a minor's name by agreement of all parties, which a party may indicate by signing a waiver; or
- B. In the event that not all parties agree to the name change, the court shall consider the following factors to assess whether the request or petition is in the best interest of the minor:

- (1) The minor's expressed preference, if the minor is of sufficient age and maturity to articulate a basis for preferring a particular name;

- (2) If the minor is 14 years of age or older, whether the minor consents or objects to the name change petition;

- (3) The extent to which the minor uses a particular name;

- (4) Whether the minor's name is different from any of the minor's siblings and the degree to which the minor associates and identifies with siblings on any side of the minor's family;

- (5) The difficulties, harassment or embarrassment that the minor may experience by bearing the current or proposed name; and

- (6) Any other factor the court considers relevant to the minor's best interests, including the factors outlined in Title 19-A, section 1653, subsection 3.

If the court finds that the name change is in the best interest of the minor by a preponderance of the evidence, the court shall change the minor's name.

3. Record Name change of minor; confidentiality. The court shall make and preserve a record of a name change of a minor. The court may make the record of the name change confidential or not public.

3-A. Name change of adult; confidentiality. The court shall make and preserve a record of a name change of an adult. Upon request, the court may order that the name change be confidential if the court finds that, under the circumstances, the adult's interest in maintaining the confidentiality of the record outweighs the public interest in the disclosure of the record. In making this determination, the court shall consider the following factors:

- A. Whether the adult is a victim of abuse;
- B. Whether the adult is currently in reasonable fear of the adult's safety;
- C. Whether the adult is a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B;
- D. The results of the criminal history record check and any other background checks ordered under subsection 5. There is a rebuttable presumption that the public interest in the disclosure of the record outweighs the adult's interest in maintaining the confidentiality of the record if the adult was convicted of murder or a Class A, Class B or Class C crime within the 10 years immediately preceding the filing of the petition under subsection 1, paragraph A or was convicted of a Class D or Class E crime within the 5 years immediately preceding the filing of the petition; and
- E. Any other factor that the court considers relevant.

The court may not order that the name change be confidential under this subsection if the adult is currently under official supervision as a probationer, a parolee or a sex offender on supervised release or is currently required to register as a sex offender.

3-B. Transmission of adult name change to bureau. This subsection governs transmission of adult name change orders to the bureau.

A. Except as provided in paragraph C, the court shall electronically transmit to the bureau an abstract of any name change order of an adult issued on or after January 1, 2025 pursuant to this section. The abstract must include the adult's former name, new name and date of birth; whether the court ordered that the record of the name change be confidential under subsection 3-A; and, if known to the court and not otherwise confidential, the adult's physical address and the number associated with the adult's criminal history record information, as defined in Title 16, section 703, subsection 3 or other number assigned by the bureau.

B. Title 16, section 704, subsection 3 and Title 16, section 705, subsection 4 govern dissemination of criminal history record information by a Maine criminal justice agency for an adult whose name has been changed pursuant to an order made confidential under subsection 3-A.

C. Upon request and upon a showing of extraordinary circumstances, the court may order that an abstract of a name change order of an adult made confidential under subsection 3-A not be transmitted to the bureau.

4. Filing fee. The fee for filing a name change petition is \$75.

5. Background checks. The court may shall require a person an adult seeking a name change to undergo one or more of the following background checks: a criminal history record check; The court may require a minor seeking a name change to undergo a criminal history record check and may require any person seeking a name change to undergo a motor vehicle record check; or a credit check. The court may require the person to pay the cost of each background check required.

6. Denial of petition brought for improper purpose. The court may not change the name of a person if the court has reason to believe that the person is seeking the name change for purposes of defrauding another person or entity or for purposes otherwise contrary to the public interest. There is a rebuttable presumption that the name change is brought for purposes contrary to the public interest if the adult is currently under official supervision as a probationer, a parolee or a sex offender on supervised release or is currently required to register as a sex offender.

PART B

Sec. B-1. 16 MRSA §704, sub-§3 is enacted to read:

3. Public criminal history record information of person whose legal name has been changed. Except as provided in this subsection, a Maine criminal justice agency may disseminate public criminal history record information associated with each former and current legal name of a person whose name has been changed to any person or public or private entity for any purpose. If an order changing the person's name was made confidential under Title 18-C, section 1-701, subsection 3-A or any other provision of law, a Maine criminal justice agency:

A. May not disclose the existence or nonexistence of the person's legal name change to any person or public or private agency that is not authorized to receive confidential criminal history record information under section 705; and

B. In response to a request for public criminal history record information from any person or public or private agency that is not authorized to receive confidential criminal history record information under section 705, may not disseminate public criminal history record information about a person that is associated with any legal name of the person not included within the request.

Sec. B-2. 16 MRSA §705, sub-§4 is enacted to read:

4. Confidential criminal history record information of person whose legal name has been changed. Regardless of whether the order changing a person's name was made confidential under Title 18-C, section 1-701, subsection 3-A or any other provision of law, a Maine criminal justice agency may disseminate confidential criminal history record information associated with each former and current legal name of a person whose name has been changed to any person or public or private entity that is authorized to receive confidential criminal history record information under subsection 1-A.

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

Effective March 25, 2024.

**CHAPTER 561
H.P. 811 - L.D. 1263**

**An Act to Require Certain
School Identification Cards to
Include the Telephone Number
of a Suicide and Crisis Hotline**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §13 is enacted to read:

§13. Suicide and crisis hotline

1. Secondary student identification cards. A school administrative unit that issues identification cards to secondary students enrolled in the school administrative unit shall ensure that identification cards issues to secondary students contain the 988 telephone number for the national suicide and crisis hotline.

2. Postsecondary student identification cards. A public postsecondary educational institution in the State that issues identification cards to students enrolled in the public postsecondary educational institution shall ensure that identification cards contain the 988 telephone number for the national suicide and crisis hotline.

3. Student-facing locations. In addition to the requirements in subsection 1 or 2, when applicable, a school administrative unit or public postsecondary educational institution shall place the 988 telephone number for the national suicide and crisis hotline in at least one location regularly accessed by students, including, but not limited to, a sticker on school-issued electronic devices or on the home page of an online student portal.

See title page for effective date.

CHAPTER 562

S.P. 853 - L.D. 2025

An Act to Provide for Medical and Vessel Breakdown License Exceptions for Commercial Menhaden License Holders

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §6502-C, sub-§2, as enacted by PL 2019, c. 640, §4, is amended to read:

2. Licensed activity; commercial license. The holder of a commercial menhaden fishing license may fish for, take, possess, ship, transport or sell menhaden that the holder has taken using the vessel named on the license. A commercial menhaden fishing license also authorizes the crew members aboard the vessel named on the license to fish for, take, possess, ship or transport menhaden when the license holder is aboard the vessel.

Sec. 2. 12 MRSA §6502-C, sub-§2-A is enacted to read:

2-A. License exception; illness, disability. Notwithstanding subsection 2, the commissioner may temporarily authorize an individual other than the holder of a commercial menhaden fishing license to fish for, take, possess, ship, transport or sell menhaden when the license holder is not present if the license holder documents to the commissioner that an illness or disability temporarily prevents the license holder from fishing for

or taking menhaden and requests in writing to the commissioner that the commissioner authorize another holder of a commercial menhaden fishing license to fish for or take menhaden from the license holder's vessel or the vessel named on the temporarily authorized license holder's license. The commissioner's authorization may require the temporarily authorized license holder to fish for, take, possess and land menhaden separately from the temporarily authorized license holder's own menhaden to ensure that harvest limits are not exceeded. A temporary authorization granted by the commissioner to another license holder due to the illness or disability of the license holder may not exceed one menhaden fishing season.

Sec. 3. 12 MRSA §6502-C, sub-§2-B is enacted to read:

2-B. Exception to using the vessel named on the license holder's license for commercial license holders. Notwithstanding subsection 2, the commissioner may temporarily authorize a holder of a commercial menhaden fishing license to use a vessel other than the vessel named on that license holder's license to fish for, take, possess, ship or transport menhaden if the license holder documents to the commissioner that the vessel named on that license holder's license has become temporarily inoperable because of an accident or a mechanical failure and requests in writing to the commissioner that the commissioner authorize the use of another vessel to fish for or take menhaden. The commissioner's authorization may require the license holder to fish for, take, possess and land menhaden separately from any menhaden taken under another license listing the same vessel to ensure that harvest limits are not exceeded. An authorization granted by the commissioner to a license holder due to an accident or a mechanical failure may not exceed 2 weeks. The commissioner may authorize one 2-week extension per license holder during the menhaden fishing season.

Sec. 4. 12 MRSA §6502-C, sub-§3, as enacted by PL 2019, c. 640, §4, is amended to read:

3. Licensed activity; noncommercial license. The holder of a noncommercial menhaden fishing license may fish for, take or possess menhaden that the holder has taken using the vessel named on the license. A noncommercial menhaden fishing license authorizes the crew members aboard the vessel named on the license to fish for, take or possess menhaden when the license holder is aboard the vessel.

See title page for effective date.

**CHAPTER 563
S.P. 859 - L.D. 2031**

**An Act to Make Changes to the
State's Marine Resources Laws**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 12 MRSA §6078-A, as amended by PL 2013, c. 301, §6, is repealed.

Sec. 2. 12 MRSA §6305, sub-§1, as amended by PL 2013, c. 468, §9, is further amended to read:

1. Exhibit on demand. When any person is engaged in an activity that is licensed under marine resources' laws, that person shall have that license in that person's actual possession ~~and shall, on~~. At the request of a marine patrol officer or other authorized person, the person shall exhibit that person's license.

Sec. 3. 12 MRSA §6305, sub-§1-A, as amended by PL 2013, c. 468, §9, is further amended to read:

1-A. Photo identification. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have a government-issued identification card with that person's photograph and date of birth in that person's actual possession ~~and shall, on~~. At the request of a marine patrol officer or other authorized person, the person shall present the government-issued identification card with that person's photograph and date of birth.

Sec. 4. 12 MRSA §6305, sub-§1-B, as enacted by PL 2013, c. 468, §9, is amended to read:

1-B. Elver transaction card. When a person is engaged in an activity for which a license is required under section 6302-A, subsection 3, paragraph E, E-1, F or G or section 6505-A, that person shall have the elver transaction card issued by the department under section 6505-A to that person in that person's actual possession ~~and shall, on~~. At the request of a marine patrol officer or other authorized person, the person shall present the elver transaction card.

Sec. 5. 12 MRSA §6749-Q, sub-§4, as enacted by PL 1993, c. 740, §3, is amended to read:

4. Wholesale seafood license with a sea urchin buyer's permit. ~~Five~~ One hundred ~~and sixty~~ dollars on a wholesale seafood license with a sea urchin buyer's permit; and

Sec. 6. 12 MRSA §6803, sub-§2, ¶E, as amended by PL 2001, c. 421, Pt. B, §50 and affected by Pt. C, §1, is further amended to read:

E. Anyone harvesting, possessing, shipping, or transporting ~~or selling~~ seaweed that has detached naturally and is dead.

Sec. 7. 12 MRSA §6808, sub-§4-B is enacted to read:

4-B. Municipal exemption. Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport green crabs if the green crabs are taken by a person acting at the direction of a municipal shellfish management committee, established pursuant to section 6671, subsection 2, for the purpose of municipal shellfish management. Green crabs taken under this exemption may not be sold.

See title page for effective date.

**CHAPTER 564
H.P. 1327 - L.D. 2065**

**An Act to Amend Maine's
Aquaculture Leasing Laws**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 12 MRSA §6072, sub-§1-A, as amended by PL 2021, c. 557, §1, is further amended to read:

1-A. Lease requirement; finfish and suspension culture. Except as provided in ~~paragraphs B and B-1~~ and sections 6072-A, 6072-B and 6072-C, it is unlawful for a person who does not have a lease issued by the commissioner under this section to construct or operate in the coastal waters of the State a facility for the culture of finfish in nets, pens or other enclosures or for the suspended culture of any other marine organism. For the purposes of this subsection, "suspended culture" includes all forms of culture except for the placement of marine organisms on the ocean bottom without the use of gear of any type.

~~B. A person operating a facility in the coastal waters of the State, on or before the effective date of this subsection, for the culture of finfish in nets, pens or other enclosures or for the suspended culture of shellfish that is not leased under this section must register the facility with the commissioner on or before January 1, 1992 on a form specified by the commissioner. A person registering under this paragraph must submit a completed lease application on or before July 1, 1992. A registrant whose application under this paragraph is denied shall immediately cease operations at the facility and remove all related structures from the coastal waters of the State.~~

~~B-1. A person operating a facility in the coastal waters of the State for the suspended culture of a marine organism other than shellfish that is not~~

~~leased under this section must register the facility with the commissioner on or before January 1, 1994 on a form specified by the commissioner. A person registering under this paragraph must submit a completed lease application on or before July 1, 1994. A registrant whose application under this paragraph is denied shall immediately cease operations at the facility and remove all related structures from the coastal waters of the State.~~

~~C. The commissioner may not consider an application for a lease under this section on an area registered under paragraph B or B-1 from a person other than the registrant prior to rendering a final decision on any application submitted by a registrant under paragraph B or B-1.~~

A person who violates this subsection is subject to a civil penalty, payable to the State, of no more than \$1,000 for each day of the violation.

Sec. 2. 12 MRSA §6072, sub-§5, as amended by PL 1999, c. 591, §1, is further amended to read:

5. Application review. The commissioner shall review the application and set a hearing date if the commissioner is satisfied that the written application is complete, the application indicates that the lease could be granted and the applicant has preliminarily demonstrated that the applicant has the financial and technical capability capabilities to carry out the proposed activities. When the commissioner has determined that the application is complete, the commissioner shall forward a copy of the completed application and notice of hearing to the known riparian owners of riparian land within 1,000 feet of the proposed lease and to the municipal officers of the municipality or municipalities in which or adjacent to which the lease is proposed. A municipality must be granted intervenor status upon written request.

Sec. 3. 12 MRSA §6072, sub-§6, ¶B, as amended by PL 2021, c. 52, §2, is further amended to read:

~~B. Under~~ Notwithstanding the provisions of Title 5, section 9052, subsection 3, paragraph A, the leasing procedure must require notice to the general public notice of hearing must be published once in a newspaper of general circulation in the area of the State affected and by any other manner considered appropriate by the department at least 30 days before the hearing. The commissioner may require the applicant to reimburse the department for costs incurred by the department in providing public notice under this paragraph.

Sec. 4. 12 MRSA §6072, sub-§7-A, ¶F, as amended by PL 2011, c. 655, Pt. II, §4 and affected by §11 and amended by c. 657, Pt. W, §5, is further amended by repealing the first blocked paragraph.

Sec. 5. 12 MRSA §6072, sub-§12, as amended by PL 2021, c. 52, §5, is further amended by amending the 3rd blocked paragraph to read:

A lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4. Public notice must be given to the entities required to receive notice under subsection 6. A person may provide to the commissioner comments on the proposed lease renewal ~~within 30 days of receipt of notice~~ by the 30-day deadline specified in the applicable notice to the entities required to receive notice under subsection 6 or within 30 days of publication of the proposed renewal. A hearing must be held if it is requested in writing by 5 10 persons within the 30 days. The commissioner may review multiple leases concurrently during the lease renewal process.

Sec. 6. 12 MRSA §6072, sub-§12-A, ¶A, as amended by PL 2009, c. 229, §2, is further amended to read:

A. An application to transfer a lease pursuant to this subsection must be made on forms provided by the commissioner. When the commissioner determines that the application is complete, the commissioner shall give notice of the proposed transfer to the public, the owners of riparian land within 1,000 feet of the lease site and the municipal officers of the municipality within which the lease is located. The notice must provide an opportunity to submit written comments on the proposed lease transfer within ~~14~~ 30 days.

Sec. 7. 12 MRSA §6072, sub-§12-D is enacted to read:

12-D. Conversion of a limited-purpose lease. A person who holds a limited-purpose lease for commercial purposes pursuant to section 6072-A may apply to convert that lease to a lease under this subsection as long as the application is for the same lease area and same operations authorized by the limited-purpose lease.

A. An application to convert a limited-purpose lease pursuant to this subsection must be made on forms provided by the commissioner and must be received in accordance with time frames specified in section 6072-A, subsection 20-A. A person may submit information used in applying for the limited-purpose lease to meet the application requirements of this subsection. If the commissioner determines the information is not valid or relevant to the lease application under this subsection, the commissioner shall require the person to submit additional information.

B. In any municipality with a shellfish conservation program under section 6671, the commissioner may not issue a lease under this subsection for the intertidal zone within the municipality without the consent of the municipal officers. The applicant must also submit written permission from every

owner of riparian land whose land to the low-water mark will be used.

C. Upon determining that an application is complete, the commissioner shall provide notice of the conversion application to owners of riparian land within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the lease activity would take place. The applicant shall provide the names and addresses of known owners of riparian land within 1,000 feet of the proposed location of the lease. The names and addresses must be taken from the current property tax roster on file at the local municipal office or, for an unorganized territory, with the Department of Administrative and Financial Services, Bureau of Revenue Services. The commissioner shall publish a summary of the application in a newspaper of general circulation in the area of the State in which the lease conversion is proposed. The commissioner may require the applicant to reimburse the department for costs incurred by the department in providing public notice under this paragraph. A person may provide comments to the commissioner on the application by the 30-day deadline specified in the applicable notice to owners of riparian land or municipal officers or within 30 days of publication of the newspaper notice.

D. The department may consider the original site review when the lease was evaluated pursuant to section 6072-A or conduct another assessment of the proposed lease and surrounding area to evaluate the possible effects of the lease conversion on any new uses of the area, including ecologically significant flora and fauna as they relate to the conditions specified in subsection 7-A.

E. The commissioner may hold a public hearing on the proposed conversion. The commissioner shall hold a public hearing if 10 or more persons request a public hearing during the 30-day comment periods provided in paragraph C.

F. The commissioner shall provide notice of a public hearing to owners of riparian land within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the operations would take place. The commissioner shall publish notice of a hearing in a newspaper of general circulation in the area of the State in which the lease conversion is proposed at least 30 days before the hearing. The commissioner may require the applicant to reimburse the department for costs incurred by the department in providing public notice under this paragraph.

G. In evaluating the proposed lease conversion, the commissioner shall take into consideration the conditions specified in subsection 7-A.

Sec. 8. 12 MRSA §6072, sub-§13, ¶B, as amended by PL 2017, c. 159, §5, is further amended to read:

B. For procedures to issue, transfer, review, assign, expand, convert or revoke leases;

Sec. 9. 12 MRSA §6072-A, sub-§5, as amended by PL 2021, c. 52, §10, is further amended to read:

5. Notice of application. Upon determining that an application is complete, the commissioner shall provide notice of a limited-purpose lease application to owners of riparian land within 1,000 feet of the proposed location of the lease and to the municipal officers of the municipality in which the limited-purpose lease activity would take place. The applicant shall provide the names and addresses of known owners of riparian ~~land~~ land within 1,000 feet of the proposed location of the lease. The names and addresses must be taken from the current property tax roster on file at the local municipal office or, for an unorganized territory, with the Department of Administrative and Financial Services, Bureau of Revenue Services for an unorganized territory. The commissioner shall publish a summary of the application in a newspaper of general circulation in the area proposed for a limited-purpose lease. The commissioner may require the applicant to reimburse the department for costs incurred by the department in providing public notice under this subsection. A person may provide, ~~within 30 days of receipt of notice or within 30 days of publication of a limited-purpose lease summary, comments~~ to the commissioner on the proposed limited-purpose lease by the 30-day deadline specified in the applicable notice to owners of riparian land or municipal officers or within 30 days of publication of the limited-purpose lease summary.

Sec. 10. 12 MRSA §6072-A, sub-§6, as enacted by PL 1997, c. 231, §6, is amended to read:

6. Public hearing. The commissioner may hold a public hearing on the proposed limited-purpose lease. The commissioner shall hold a public hearing if ~~5~~ 10 or more persons request a public hearing within the 30-day comment periods provided in subsection 5.

Sec. 11. 12 MRSA §6072-A, sub-§18, as amended by PL 2011, c. 93, §5, is further amended to read:

18. Scientific lease renewal. A limited-purpose lease for scientific research may be renewed. A scientific research lease renewal is an adjudicatory proceeding under Title 5, chapter 375, subchapter 4, but a public hearing is not mandatory unless it is requested in writing by ~~25~~ 10 or more persons. The commissioner may review multiple leases concurrently during the lease renewal process. The commissioner shall renew a limited-purpose lease for scientific research unless the commissioner finds that:

- A. The ~~lease holder~~ leaseholder has not complied with the terms of the limited-purpose lease;
- B. Research has not been conducted during the term of the lease; or
- C. It is not in the best interest of the State to renew the limited-purpose lease.

Sec. 12. 12 MRSA §6072-A, sub-§20-A is enacted to read:

20-A. Extension for conversion of a commercial lease. If a person who holds a limited-purpose lease for commercial aquaculture research and development submits an application under section 6072, subsection 12-D for that same lease area and the same operations before the expiration of that limited-purpose lease, and if the commissioner does not make a decision under section 6072, subsection 12-D before the expiration of that limited-purpose lease, the limited-purpose lease remains in effect until the commissioner makes a decision under section 6072, subsection 12-D. If the commissioner grants the person a lease under section 6072, subsection 12-D, that person's limited-purpose lease remains in effect until the effective date of the lease issued under section 6072, subsection 12-D. If the commissioner denies that person a lease under section 6072, subsection 12-D, that person's limited-purpose lease remains in effect until 30 days after the commissioner's decision.

Sec. 13. 12 MRSA §6673, sub-§2-A, as amended by PL 2011, c. 655, Pt. II, §5 and affected by §11 and amended by c. 657, Pt. W, §5, is further amended by repealing the first blocked paragraph.

See title page for effective date.

CHAPTER 565

H.P. 1335 - L.D. 2076

An Act to Exempt from Excise Tax Vehicles of Active Duty Service Members Deployed Out-of-state

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §1483, sub-§16, as amended by PL 2013, c. 532, §1, is further amended to read:

16. Active military ~~stationed in Maine.~~ Vehicles owned, including those jointly owned with a spouse, by a person on active duty serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State or outside the State or who is deployed for military service for a period of more than 180 days or was deployed for a period of at least 180 consecutive days, a portion or all of which occurred in the 12 months preceding the request

for an exemption from excise tax, and who did not previously receive an exemption for that deployment. Joint ownership of the vehicle must be indicated in the vehicle's title documentation. A member of the Armed Forces of the United States ~~stationed in the State,~~ or that member's spouse, who desires to register that member's vehicle in this State pursuant to this subsection shall present ~~certification~~ documentation of the member's eligibility from the commander of the member's post, station or base, or from the commander's designated agent, ~~that the member is permanently stationed at that post, station or base.~~ For purposes of this subsection, "a person on active duty serving in the Armed Forces of the United States" ~~does not include~~ includes a member of the National Guard or the Reserves of the United States Armed Forces as long as the person satisfies the service requirements of this subsection. For purposes of this subsection, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A.

Sec. 2. 36 MRSA §1483-A, as enacted by PL 2011, c. 313, §1 and affected by §2, is repealed.

See title page for effective date.

CHAPTER 566

H.P. 1355 - L.D. 2131

An Act to Support Extended Learning Opportunities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §1, sub-§11-A is enacted to read:

11-A. Extended learning opportunity. "Extended learning opportunity" means an experience outside of the traditional classroom, with an emphasis on community-based career exploration, which may be credit bearing.

Sec. 2. 20-A MRSA §4703, sub-§8, as enacted by PL 2009, c. 313, §7, is amended to read:

8. Dual enrollment. Dual enrollment; ~~or~~

Sec. 3. 20-A MRSA §4703, sub-§9, as enacted by PL 2009, c. 313, §7, is amended to read:

9. Gifted and talented programs. Gifted and talented programs; ~~and~~

Sec. 4. 20-A MRSA §4703, sub-§10 is enacted to read:

10. Extended learning opportunities. Extended learning opportunities.

See title page for effective date.

**CHAPTER 567
H.P. 1378 - L.D. 2154**

**An Act to Make Corrections
and Updates to the Laws
Affecting Children and
Families**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 18-C MRSA §9-403, sub-§2, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is repealed.

Sec. 2. 22 MRSA §3931, sub-§15, as enacted by PL 2021, c. 457, §2, is amended to read:

15. Rules. The department ~~shall~~ may adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 22 MRSA §8301-A, sub-§1-A, ¶B-1 is enacted to read:

B-1. "Emergency circumstances" means a situation in which the department determines there are extenuating and urgent circumstances that necessitate a family child care provider's or child care facility's having to relocate or the establishment of a new family child care provider or child care facility. "Emergency circumstances" includes, but is not limited to, a situation affecting the home or child care facility such as a natural disaster, contamination, fire, water damage, unsafe environmental conditions, a pandemic or the unplanned closure of another family child care provider or child care facility.

Sec. 4. 22 MRSA §8301-A, sub-§6, as enacted by PL 2021, c. 35, §21, is repealed.

Sec. 5. 22 MRSA §8301-A, sub-§6-A is enacted to read:

6-A. Temporary license. The department may issue a temporary license to a licensed child care facility or family child care provider in a new location or to a new child care facility or family child care provider. The department may issue a temporary license, which is valid pending final action on the application by the department, only under the following conditions:

A. The licensed child care facility or family child care provider moves to a new location and:

(1) All applicable standards have been met except a requirement that is dependent on the action of an agency of State Government or a contractor of that agency; and

(2) Through no action by the child care facility or family child care provider that causes a significant delay, timely issuance of a provisional

or full license has been delayed by the agency or contractor under subparagraph (1); or

B. Due to emergency circumstances, the licensed child care facility or family child care provider moves to a new location or a new child care facility or family child care provider is established and the department determines that:

(1) The child care facility or family child care provider has completed a criminal background check as required by rules adopted pursuant to section 8302-A, subsection 1, paragraph J and section 8302-A, subsection 2, paragraph K;

(2) The child care facility or family child care provider is eligible to provide child care; and

(3) A preliminary evaluation of the facility or home finds that all applicable laws and rules relating to minimum standards of health and safety have been met.

See title page for effective date.

**CHAPTER 568
S.P. 932 - L.D. 2193**

**An Act to Improve Access to
Affordable Wireless
Communications by Allowing
the Public Utilities Commission
to Designate Eligible
Telecommunications Carriers**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §7104, sub-§10 is enacted to read:

10. Designation of eligible service providers. The commission may designate any provider or reseller of commercial mobile radio service, as defined in 47 Code of Federal Regulations, Section 20.3, as an eligible telecommunications carrier for purposes of receiving federal universal service support and offering services supported by federal universal service support mechanisms pursuant to 47 United States Code, Sections 214(e)(1) and 214(e)(2) and 47 Code of Federal Regulations, Section 54.201. The commission may adopt rules necessary to implement this subsection. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 569
H.P. 1425 - L.D. 2222**

**An Act Establishing a State
Calendar for the State of
Maine**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 5 MRSA §90-H is enacted to read:

§90-H. State calendar

The Secretary of State or the secretary's designee shall establish a state calendar that includes important religious days and holidays of residents of the State and citizens of the United States.

1. Purpose of state calendar; limitation. The state calendar must be established to assist state agencies when scheduling events involving members of the public. Notwithstanding any provision of law to the contrary, inclusion on the state calendar does not establish a paid holiday for an employee of the State or an employee of a private entity.

2. Administration. By April 15, 2034, and every 10 years thereafter, the Secretary of State or the secretary's designee shall review and update the state calendar in consultation with persons representing the Christian, Muslim and Jewish faith communities, other religious traditions practicing in the State, immigrants in the State, the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations, as established in section 12004-J, subsection 19, and the federally recognized Indian nations, tribes and bands located in the State.

3. Distribution. The Secretary of State or the secretary's designee shall distribute no later than June 1st the state calendar for the next calendar year to all state agencies. The Secretary of State shall post the calendar on the publicly accessible website of the office of the Secretary of State.

See title page for effective date.

**CHAPTER 570
H.P. 1433 - L.D. 2234**

**An Act to Require Telephone
Solicitors to Use the Reassigned
Numbers Database**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 10 MRSA §1499-B, sub-§1, ¶D-2 is enacted to read:

D-2. "Reassigned numbers database" means a database created and maintained by the Federal Communications Commission that identifies whether a telephone number has been reassigned.

Sec. 2. 10 MRSA §1499-B, sub-§6, as amended by PL 2007, c. 489, §3, is further amended to read:

6. Telephone solicitation violations. It is a violation of this section for a telephone solicitor to initiate a telephone sales call to a consumer if that consumer's telephone number has been on the national or state do-not-call registry, established by the Federal Trade Commission, for at least 3 months prior to the date the call is made or to fail to use the reassigned numbers database to verify that a consumer's telephone number has not been reassigned prior to initiating a telephone sales call to that consumer. A telephone solicitor is not liable for violating this section if the telephone solicitor can demonstrate that:

A. As part of the telephone solicitor's routine business practice, the telephone solicitor has established and implemented written procedures to comply with this section;

B. As part of the telephone solicitor's routine business practice, the telephone solicitor has trained its personnel, and any entity assisting in its compliance, in the procedures established pursuant to paragraph A;

C. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor has recorded and maintained a list of telephone numbers the telephone solicitor may not contact;

D. As part of the telephone solicitor's routine business practice, the telephone solicitor uses a process to prevent telemarketing to any telephone number on any list established pursuant to paragraph C or on the national do-not-call registry, employing a version of the national do-not-call registry obtained from the Federal Trade Commission no more than 31 days prior to the date any call is made, and maintains records documenting this process;

E. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor monitors and enforces compliance with the procedures established pursuant to paragraph A; ~~and~~

E-1. As part of the telephone solicitor's routine business practice, the telephone solicitor or another person acting on behalf of the telephone solicitor uses the reassigned numbers database to verify that a consumer's telephone number has not been reassigned prior to initiating a telephone sales call to that consumer; and

F. Any subsequent call otherwise violating this section is the result of error.

See title page for effective date.

CHAPTER 571

S.P. 966 - L.D. 2244

An Act to Implement the Recommendations of the Department of the Secretary of State, Bureau of Motor Vehicles' Motor Vehicle Dealer Display Area and Licensing Requirements Working Group

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §851, sub-§4, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. With an improved display area of not less than ~~5,000~~ 3,500 square feet in or immediately adjoining it;

See title page for effective date.

CHAPTER 572

S.P. 967 - L.D. 2245

An Act to Clarify the Definition of "Underground Facility" and Reduce Administrative Burdens Under the So-called Dig Safe Law

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §3360-A, sub-§1, ¶E, as amended by PL 2019, c. 592, §1, is further amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas, liquefied propane gas or other substances and including, but not limited to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. ~~Except for liquefied propane gas distribution systems that have underground pipes, "underground facility" does not include liquefied propane gas distribution systems that are not included~~

~~within the scope of 49 Code of Federal Regulations, Part 192. "Underground facility" does not include highway drainage culverts or under drains;~~

(1) Highway drainage culverts or under drains; or

(2) Liquefied propane gas distribution systems that have underground pipes located on a residential lot if:

(a) The residential lot has no more than one structure connected by underground pipes to a liquefied propane gas distribution system;

(b) The structure that is connected by underground pipes to a liquefied propane gas distribution system contains no more than 2 dwelling units; and

(c) The liquefied propane gas tank is located 25 feet or less from that structure.

Sec. 2. 23 MRSA §3360-A, sub-§1, ¶F, as amended by PL 2001, c. 577, §3, is further amended to read:

F. "Underground facility operator" means the owner or operator of any underground facility, other than an underground oil storage facility as defined in Title 38, section 562-A, subsection 21 or an airport aviation fuel hydrant piping system, used in furnishing electric, telephone, telegraph, gas, petroleum transportation, liquefied propane gas or cable television service. "Underground facility operator" does not include a municipality or a public utility with fewer than 5 full-time employees or fewer than 300 customers or a person that owns underground facilities on its own property for commercial or residential purposes.

Sec. 3. Public Utilities Commission; rules.

The Public Utilities Commission shall initiate rulemaking to amend its rule Chapter 895: Underground Facility Damage Prevention Requirements to reduce the administrative burdens for underground facility operators as defined in the Maine Revised Statutes, Title 23, section 3360-A, subsection 1, paragraph F. Notwithstanding Title 23, section 3360-A, subsection 13, rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 573
H.P. 522 - L.D. 833**

**An Act to Establish Separate
Inauguration and Transition
Committees for a Governor-
elect and to Limit Donations to
Each**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 1 MRSA §1051, as amended by PL 2019, c. 564, §1, is further amended by amending the section headnote to read:

§1051. Gubernatorial ~~transition committee~~ inauguration and transition committees

Sec. 2. 1 MRSA §1051, sub-§2, as amended by PL 2019, c. 564, §1, is further amended to read:

2. ~~Transition and inaugural activities~~ Inauguration committee; funding. A person may solicit and accept donations for the purpose of financing costs related to the ~~transition to office and~~ inauguration of a Governor-elect. A person who accepts donations for ~~these purposes must~~ this purpose shall establish a committee and appoint a treasurer who is responsible for keeping records of donations and for filing a financial disclosure statement required by this section. All donations received must be deposited in a separate and segregated account and may not be commingled with any contributions received by any candidate or political committee ~~or~~ any personal or business funds of any person or donations received by a committee established under subsection 2-A. All donations received by the committee established under this subsection must be used for expenses related to the ~~transition to office or~~ inauguration; any surplus funds must be disposed of pursuant to subsection 7. A person may make donations to the committee established under this subsection aggregating no more than the amount that an individual may contribute to a gubernatorial candidate under Title 21-A, section 1015, subsection 1.

Sec. 3. 1 MRSA §1051, sub-§2-A is enacted to read:

2-A. Transition committee; funding. A person may solicit and accept donations for the purpose of financing costs related to the transition to office of a Governor-elect. A person who accepts donations for this purpose shall establish a committee and appoint a treasurer who is responsible for keeping records of donations and for filing a financial disclosure statement required by this section. All donations received must be deposited in a separate and segregated account and may not be commingled with any contributions received by any candidate or political committee, any personal or business funds of any person or donations received by a committee established under subsection 2.

All donations received by the committee established under this subsection must be used for expenses related to the transition to office; any surplus funds must be disposed of pursuant to subsection 7. A person may make donations to the committee established under this subsection aggregating no more than the amount that an individual may contribute to a gubernatorial candidate under Title 21-A, section 1015, subsection 1, except that the appropriation from the Governor-elect's Expense Account under Title 2, section 3 may be transferred, in whole or in part, to the committee established under this subsection.

Sec. 4. 1 MRSA §1051, sub-§4, as amended by PL 2019, c. 564, §1, is further amended to read:

4. Limitation on fund-raising activity. A committee established pursuant to this section may accept donations until March 31st of the year following the gubernatorial election. The commission may authorize the acceptance of donations after March 31st of the year following the gubernatorial election if ~~the~~ a committee requests such authorization in order to pay a debt or loan related to the transition to office for a committee established under subsection 2-A or inauguration for a committee established under subsection 2.

See title page for effective date.

**CHAPTER 574
H.P. 903 - L.D. 1407**

**An Act to Amend the Maine
Insurance Code Regarding
Payments by Health Insurance
Carriers to Providers**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 24-A MRSA §4303, sub-§9, as amended by PL 2021, c. 311, §1, is further amended to read:

9. Notice of amendments to provider agreements. A carrier offering or renewing a health plan in this State shall notify a participating provider of a proposed amendment to a provider agreement at least 60 days prior to the amendment's proposed effective date and may file such notice of a proposed amendment to a provider agreement only 4 times per calendar year on January 1st, April 1st, July 1st and October 1st, except that, at any time, a carrier may file a notice of a proposed amendment in response to a requirement of the State or Federal Government or due to a change in current procedural terminology codes used by the American Medical Association. If an amendment that has substantial impact on the rights and obligations of providers is made to a manual, policy or procedure document referenced in the provider agreement, such as material changes to fee schedules or material changes to

procedural coding rules specified in the manual, policy or procedure document, the carrier shall provide 60 days' notice to the provider. If the change is to a reimbursement policy and the estimated aggregate change to participating provider reimbursement as a result of the change is more than \$500,000 per year, the notice must include the carrier's good faith estimate of the total annual financial impact of the amendment on the aggregate amount of reimbursement payments made by the carrier to all providers within the State with whom the carrier has a provider agreement. After the 60-day notice period has expired, the amendment to a manual, policy or procedure document becomes effective and binding on both the carrier and the provider subject to any applicable termination provisions in the provider agreement, except that the carrier and provider may mutually agree to waive the 60-day notice requirement. This subsection may not be construed to limit the ability of a carrier and provider to mutually agree to the proposed change at any time after the provider has received notice of the proposed amendment. If the notice required by this subsection is provided by electronic communication, the subject line of the electronic communication must indicate that notice of an amendment to a provider agreement or manual, policy or procedure document is included in the communication and the notice of the amendment must be provided as an attachment to the communication, as a separate document. As part of the notice required under this subsection, a carrier shall provide a copy of the revised provider agreement, manual, policy or procedure document without changes being noted and a copy of the revised provider agreement, manual, policy or procedure document with changes being noted by underlining added language and by striking through deleted language.

Sec. 2. 24-A MRSA §4303, sub-§10, as amended by PL 2007, c. 106, §1, is further amended to read:

10. Limits on retrospective denials. A Except as provided in paragraphs C and D, a carrier offering a health plan in this State may not impose on any provider any retrospective denial of a previously paid claim or any part of that previously paid claim unless: the carrier has provided the reason for the retrospective denial in writing to the provider and the time that has elapsed since the date of payment of the previously paid claim does not exceed 12 months.

~~A. The carrier has provided the reason for the retrospective denial in writing to the provider; and~~

~~B. The time that has elapsed since the date of payment of the previously paid claim does not exceed 12 months. The retrospective denial of a previously paid claim may be permitted beyond 12 months from the date of payment only for the following reasons:~~

- (1) ~~The claim was submitted fraudulently;~~

~~(2) The claim payment was incorrect because the provider or the insured was already paid for the health care services identified in the claim;~~

~~(3) The health care services identified in the claim were not delivered by the provider;~~

~~(4) The claim payment was for services covered by Title XVIII, Title XIX or Title XXI of the Social Security Act;~~

~~(5) The claim payment is the subject of adjustment with another insurer, administrator or payor; or~~

~~(6) The claim payment is the subject of legal action.~~

C. The retrospective denial of a previously paid claim may be permitted from 12 months from the date of payment until no later than 36 months from the date of payment for the following reasons only:

(1) The claim payment was incorrectly made because the provider or the insured was already paid in full for the health care services identified in the claim;

(2) The health care services identified in the claim were not delivered by the provider;

(3) The claim payment is the subject of adjustment with another insurer, administrator or payor; or

(4) The claim payment is the subject of legal action.

D. The retrospective denial of a previously paid claim may be permitted beyond 12 months from the date of payment for the following reasons only:

(1) The claim was submitted fraudulently; or

(2) The claim payment was for services covered by Title XVIII, Title XIX or Title XXI of the Social Security Act.

For purposes of this subsection, "retrospective denial of a previously paid claim" means any attempt by a carrier to retroactively collect payments already made to a provider with respect to a claim by requiring repayment of such payments, reducing other payments currently owed to the provider, withholding or setting off against future payments or reducing or affecting the reimbursement rates for future claim payments to the provider in any other manner. The provider has 6 months from the date of notification under this subsection to determine whether the insured has other appropriate insurance that was in effect on the date of service. Notwithstanding the terms of the provider agreement, the carrier shall allow for the submission of a claim that was previously denied by another insurer because of the insured's transfer or termination of coverage.

See title page for effective date.

CHAPTER 575
H.P. 1111 - L.D. 1732

An Act Regarding the General Assistance Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §4302-A is enacted to read:

§4302-A. Training for overseers and municipal officials

1. Training required. No later than the 120th day after appointment or election, an overseer, municipal official designated by the overseers to administer this chapter and any municipal official appointed to administer this chapter shall complete training on the requirements of this chapter.

2. Training; minimum requirements. The department shall ensure that all overseers and municipal officials have access to training required in subsection 1, at no cost to the overseer or municipal official, that can be completed in less than 4 hours and is accessible either in person, online or via a pre-recorded video presentation. At a minimum, the training must include instruction on the purpose of the general assistance program, the delivery of trauma-informed services and culturally and linguistically appropriate services as defined in section 4305, subsection 7 and the laws governing the general assistance program's administration, procedures and requirements.

Sec. 2. 22 MRSA §4304, sub-§1, as amended by PL 1991, c. 209, §1, is further amended to read:

1. Local office. There must be in each municipality a general assistance office or designated place where any person may apply for general assistance ~~at during the municipality's regular, reasonable times designated by the municipal officers business hours.~~ Notice must be posted of these times, the name of the overseer available to take applications in an emergency at all other times, the fact that the municipality must issue a written decision on all applications within 24 hours and the department's toll-free telephone number for reporting alleged violations in accordance with section 4321.

Sec. 3. 22 MRSA §4305, sub-§7 is enacted to read:

7. Appropriate services. A municipality, in administering a general assistance program, shall provide trauma-informed services and culturally and linguistically appropriate services to all applicants. For purposes of this subsection, "trauma-informed services" means services that acknowledge and are informed by the widespread effects of trauma and recognize the potential paths for recovery; recognize the unique signs and symptoms of trauma in applicants, clients, families and staff; respond by fully integrating knowledge about

trauma into policies, procedures and practices; and seek to actively avoid retraumatization. For purposes of this subsection, "culturally and linguistically appropriate services" means services that are designed to serve culturally diverse populations in a person's preferred language; function effectively within the context of cultural beliefs, behaviors and needs presented by a person who applies to or is a recipient of assistance from a general assistance program and the person's community; contribute to a work environment that supports diversity; promote community engagement; build trust and relationships with applicants and recipients; actively support and enable recipients to make informed choices; and value and facilitate the exchange of information with recipients.

Sec. 4. 22 MRSA §4307, sub-§4, as amended by PL 2017, c. 130, §1, is further amended to read:

4. Special circumstances. Overseers of a municipality may not move or transport an applicant or recipient into another municipality to relieve their municipality of responsibility for that applicant's or recipient's support. The municipality of responsibility for relocations and institutional settings is as follows.

A. When an applicant or recipient requests relocation to another municipality and the overseers of a municipality assist that person to relocate to another municipality, the municipality from which that person is moving continues to be responsible for the support of the recipient ~~for 30 days, including processing applications and determining eligibility for assistance, unless otherwise agreed upon by the affected municipalities, for 6 months~~ after relocation. As used in this paragraph, "assist" includes:

- (1) Granting financial assistance to relocate; and
- (2) Making arrangements for a person to relocate.

B. If an applicant is in a group home, shelter, rehabilitation center, nursing home, hospital or other institution at the time of application and has either been in that institution for ~~6~~ 12 months or less, or had a residence immediately prior to entering the institution ~~which that~~ the applicant had maintained and to which the applicant intends to return, the municipality of responsibility is the municipality where the applicant was a resident immediately prior to entering the institution and that municipality continues to be responsible for the support of the recipient, including processing applications and determining eligibility for assistance, unless otherwise agreed upon by the affected municipalities. For the purpose of this paragraph, a hotel, motel or similar place of temporary lodging is considered an institution when a municipality:

- (1) Grants financial assistance for a person to move to or stay in temporary lodging;
- (2) Makes arrangements for a person to stay in temporary lodging;
- (3) Advises or encourages a person to stay in temporary lodging; or
- (4) Illegally denies housing assistance and, as a result of that denial, the person stays in temporary lodging.

Sec. 5. 22 MRSA §4323, sub-§1, as corrected by RR 2021, c. 2, Pt. B, §202, is amended by enacting a new last blocked paragraph to read:

The department is responsible for ensuring that each municipality complies with its duty to provide trauma-informed services and culturally and linguistically appropriate services as defined in section 4305, subsection 7. The department shall provide mandatory training to municipalities to ensure that a municipality is able to comply with the requirements of this chapter.

Sec. 6. 22 MRSA §4323, sub-§6 is enacted to read:

6. Database. Beginning on July 1, 2025, the department shall provide overseers access to an Internet-based, real-time database containing the information necessary to properly determine an applicant’s eligibility.

Sec. 7. 22 MRSA §4327 is enacted to read:

§4327. Reporting

The department shall use municipal reports, data from the statewide online database required under section 4323, subsection 6 and other metrics to generate a general assistance report to be submitted to the joint standing committee of the Legislature having jurisdiction over general assistance matters no later than January 30, 2026 and no later than January 30th of each odd-numbered calendar year thereafter. The initial report must include recommendations regarding a potential extension of the general assistance eligibility period beyond the 30-day limit established in section 4310, subsection 4. All reports must include metrics for: the number of individuals and families who received funds; the basic necessities for which those funds were provided; the length of time those funds were received; which municipalities accessed technical assistance and the number of times that technical assistance was requested, including instances outside of normal business hours; the type of technical assistance municipalities required; the number of calls to the department’s general assistance hotline; and the number and content of complaints received and additional metrics as determined necessary by the department. The report must also include data illustrating municipal poverty levels, or regional or county poverty data when municipal-level poverty data

is unavailable, and data regarding the use of other public benefit programs such as the Supplemental Nutrition Assistance Program and the Temporary Assistance for Needy Families program in each municipality.

Sec. 8. Application. That section of this Act that enacts the Maine Revised Statutes, Title 22, section 4302-A applies to all overseers and municipal officials serving on and after the effective date of this Act.

See title page for effective date.

CHAPTER 576

H.P. 1317 - L.D. 2055

An Act to Delay Implementation of Electronic Visit Verification for Hospice Providers Within the MaineCare Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §3174-NNN is enacted to read:

§3174-NNN. Rules regarding electronic visit verification for hospice services

The department may adopt rules regarding the use of electronic visit verification for providers offering hospice services under the MaineCare program. Rules adopted under this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. For purposes of this section, "electronic visit verification" means a system under which visits conducted as part of hospice services are electronically verified with respect to the type of service performed, the individual receiving the service, the date of the service, the location of service delivery, the individual providing the service and the time the service begins and ends.

Sec. 2. Department to delay implementation of electronic visit verification for hospice services. The Department of Health and Human Services may not implement electronic visit verification earlier than March 1, 2025 for providers offering hospice services under the MaineCare program.

Sec. 3. Report. By February 1, 2025, the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on efforts to combat fraud, waste and abuse in the delivery

of hospice services, shall include in the report information on federal initiatives that include Medicaid hospice providers and shall make recommendations regarding the application of electronic visit verification to hospice services under the MaineCare program.

See title page for effective date.

CHAPTER 577

S.P. 913 - L.D. 2117

An Act to Amend the Laws Regarding Sports Wagering Licensing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 8 MRSA §1206, sub-§4, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

4. Fees. The fee for an initial or renewed facility sports wagering license issued prior to September 1, 2024 is \$4,000 and for an initial or renewed facility sports wagering license issued on or after September 1, 2024 is \$1,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.

Sec. 2. 8 MRSA §1206, sub-§5, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205. The failure of a facility sports wagering licensee to maintain its underlying off-track betting license voids the facility sports wagering license.

Sec. 3. 8 MRSA §1206, sub-§6, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

6. Temporary license. An applicant for a facility sports wagering license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee ~~of \$4,000~~ under subsection 4. If the director determines that the applicant is qualified under subsection 2, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a

temporary facility sports wagering license. A temporary license issued under this subsection is valid for ~~one year~~ the length of the term of the license under subsection 5 or until a final determination on the facility sports wagering license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a facility sports wagering license under this chapter, the director shall issue the initial facility sports wagering license, at which time the temporary license terminates. The initial facility sports wagering license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024. Sports wagering conducted under authority of a temporary license must comply with the facility operator's house rules adopted under section 1211.

Sec. 4. 8 MRSA §1207, sub-§4, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

4. Fees. The fee for an initial or renewed mobile sports wagering license issued prior to September 1, 2024 is \$200,000 and for an initial or renewed mobile sports wagering license issued on or after September 1, 2024 is \$50,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.

Sec. 5. 8 MRSA §1207, sub-§5, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205.

Sec. 6. 8 MRSA §1207, sub-§6, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

6. Temporary license. An applicant for a mobile sports wagering license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee ~~of \$200,000~~ under subsection 4. If the director determines that the applicant is qualified under subsection 2, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for

a license under this section, the director may issue a temporary mobile sports wagering license. A temporary license issued under this subsection is valid for ~~one year~~ the length of the term of the license under subsection 5 or until a final determination on the mobile sports wagering license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a mobile sports wagering license under this chapter, the director shall issue the initial mobile sports wagering license, at which time the temporary license terminates. The initial mobile sports wagering license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024. Sports wagering conducted under authority of a temporary license must comply with the mobile operator's house rules adopted under section 1211.

Sec. 7. 8 MRS §1208, sub-§4, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

4. Fees. The fee for an initial or renewed supplier license issued prior to September 1, 2024 is \$40,000 and for an initial or renewed supplier license issued on or after September 1, 2024 is \$10,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.

Sec. 8. 8 MRS §1208, sub-§5, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205.

Sec. 9. 8 MRS §1208, sub-§6, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

6. Temporary license. An applicant for a supplier license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee ~~of \$40,000~~ under subsection 4. If the director determines that the applicant is qualified under subsection ~~2~~ 1, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not

aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary supplier license. A temporary license issued under this subsection is valid for ~~one year~~ the length of the term of the license under subsection 5 or until a final determination on the supplier license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a supplier license under this chapter, the director shall issue the initial supplier license, at which time the temporary license terminates. The initial supplier license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024.

Sec. 10. 8 MRS §1209, sub-§4, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

4. Fees. The fee for an initial or renewed management services license issued prior to September 1, 2024 is \$40,000 and for an initial or renewed management services license issued on or after September 1, 2024 is \$10,000. The fee must be retained by the director for the costs of administering this chapter. In addition to the license fee, the director may charge a processing fee for an initial or renewed license in an amount equal to the projected cost of processing the application and performing any background investigations. If the actual cost exceeds the projected cost, an additional fee may be charged to meet the actual cost. If the projected cost exceeds the actual cost, the difference may be refunded to the applicant or licensee.

Sec. 11. 8 MRS §1209, sub-§5, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

5. Term of license. Except as provided in subsection 6, a license granted or renewed under this section prior to September 1, 2024 is valid for 4 years and a license granted or renewed under this section on or after September 1, 2024 is valid for one year unless sooner revoked by the director or the commissioner under section 1205.

Sec. 12. 8 MRS §1209, sub-§6, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

6. Temporary license. An applicant for a management services license may submit with the application a request for a temporary license. A request for a temporary license must include the initial license fee ~~of \$40,000~~ under subsection 4. If the director determines that the applicant is qualified under subsection 1, meets the requirements established by rule for a temporary license and has paid the initial license fee and the director is not aware of any reason the applicant is ineligible for a license under this section, the director may issue a temporary management services license. A temporary license issued under this subsection is valid for ~~one year~~

the length of the term of the license under subsection 5 or until a final determination on the management services license application is made, whichever is sooner. If after investigation the director determines that the applicant is eligible for a management services license under this chapter, the director shall issue the initial management services license, at which time the temporary license terminates. The initial management services license is valid for 4 years from the date that the temporary license was issued by the director for an applicant that applied for an initial license prior to September 1, 2024 and for one year from the date that the temporary license was issued by the director for an applicant that applied for an initial license on or after September 1, 2024.

See title page for effective date.

**CHAPTER 578
S.P. 901 - L.D. 2108**

**An Act to Amend Maine's
Charitable Organization
Gaming Laws**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17 MRSA §317-A, sub-§1, ¶E, as amended by PL 2001, c. 342, §2, is further amended to read:

E. Immediately suspend or revoke a commercial beano hall permit if there is probable cause to believe that the permittee or the permittee's employee committed murder or a Class A, B or C crime or violated a provision of Title 17-A, chapter 15, 29, 37 or 39; ~~and~~

Sec. 2. 17 MRSA §317-A, sub-§1, ¶F, as amended by PL 2017, c. 284, Pt. JJJJ, §20, is further amended to read:

F. Issue a subpoena in the name of the Gambling Control Unit in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the court in doing so, punish that witness

in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court;

Sec. 3. 17 MRSA §317-A, sub-§1, ¶G is enacted to read:

G. In addition to a fine imposed pursuant to section 325, impose a fine of not more than \$100 per violation, after notice of the opportunity for a hearing under subsection 4, on a licensee or registrant or a licensee's or registrant's agent or employee that has violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter; and

Sec. 4. 17 MRSA §317-A, sub-§1, ¶H is enacted to read:

H. Execute a consent agreement that resolves the issue of a fine imposed pursuant to paragraph G on a licensee or registrant or a licensee's or registrant's agent or employee without further proceedings. A consent agreement may be entered into only with the consent of the licensee or registrant or the licensee's or registrant's agent or employee, the Gambling Control Unit and the Department of the Attorney General. A consent agreement does not absolve a person from potential liability for criminal violations.

Sec. 5. 17 MRSA §317-A, sub-§4 is enacted to read:

4. Imposition of fine and opportunity for hearing. The Gambling Control Unit shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection 1, paragraph G and of the right to a hearing pursuant to this subsection. The licensee or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or registrant or the licensee's or registrant's agent or employee violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must be made no later than 10 days after the licensee or registrant is notified of the fine. The imposition of the fine must be stayed pending the hearing; the hearing must be held no later than 30 days after the date the Commissioner of Public Safety receives the request unless otherwise agreed to by the parties or continued upon request of a party for cause shown.

Sec. 6. 17 MRSA §1835-A, sub-§5, as amended by PL 2019, c. 117, §6, is further amended to read:

5. Location. A registration for a game of chance must specify the location where the organization may operate the game. ~~A registrant may not operate games of chance in more than one location at the same time.~~

A. An agricultural society or a bona fide nonprofit organization may operate a game of chance on the grounds of an agricultural society and during the annual fair of the agricultural society. An agricultural society shall determine the number of registrants permitted to operate a game of chance during the annual fair of the agricultural society.

~~B. No more than one registrant may operate a game of chance at a time on the same premises.~~ In any room where a registered game of chance is being conducted, there must be at least one member of the organization registered to conduct games of chance present in that room for every 2 nonmembers who are present. That member must have been a member of the registered organization for at least one year. A member of the organization registered to conduct games of chance, either directly or through another member or guest, may not stake or risk something of value in the registrant's game of chance unless the member has been a member of the organization registered to conduct games of chance for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a registered game of chance to which the general public has access no more than 4 times in a calendar year for a period not to exceed ~~4 consecutive days~~ the duration of the annual fair of an agricultural society or the duration of a special event. The game of chance may be operated at any location described in the organization's registration and may be conducted only by members of the registrant. This subsection does not apply to raffles conducted in accordance with section 1837-A.

Sec. 7. 17 MRSA §1842, sub-§3, ¶D, as amended by PL 2017, c. 284, Pt. KKKKK, §29, is further amended to read:

D. Issue a subpoena in the name of the State Police in accordance with Title 5, section 9060, except that this authority applies to any stage of an investigation under this chapter and is not limited to an adjudicatory hearing. This authority may not be used in the absence of reasonable cause to believe a violation has occurred. If a witness refuses to obey a subpoena or to give any evidence relevant to proper inquiry by the unit, the Attorney General may petition the Superior Court in the county where the refusal occurred to find the witness in contempt. The Attorney General shall cause to be served on that witness an order requiring the witness to appear before the Superior Court to show cause why the witness should not be adjudged in contempt. The court shall, in a summary manner, hear the evidence and, if it is such as to warrant the

court in doing so, punish that witness in the same manner and to the same extent as for contempt committed before the Superior Court or with reference to the process of the Superior Court; ~~and~~

Sec. 8. 17 MRSA §1842, sub-§3, ¶E, as amended by PL 2017, c. 284, Pt. KKKKK, §29, is further amended to read:

E. Require such evidence as the unit determines necessary to satisfy the unit that an applicant or organization licensed or registered to conduct games under this chapter conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding that outline or otherwise explain the purpose for which an organization was founded must, upon request, be forwarded to the Gambling Control Unit. The Gambling Control Unit may require of any licensee, registrant or person registering or of any person operating, conducting or assisting in the operation of a game licensed or registered under this chapter; evidence as the unit may determine necessary to satisfy the unit that the person is a duly authorized member of the licensee, registrant or person registering or a person employed by the licensee, registrant or person registering as a bartender as required by section 1835, subsection 2 and section 1835-A, subsection 2. Upon request, this evidence must be forwarded to the Gambling Control Unit. The Gambling Control Unit may require such evidence as the unit may determine necessary regarding the conduct of games authorized under this chapter to determine compliance with this chapter; ~~;~~

Sec. 9. 17 MRSA §1842, sub-§3, ¶F is enacted to read:

F. In addition to a fine imposed pursuant to section 1844, impose a fine of not more than \$100 per violation, after notice of the opportunity for a hearing under subsection 5-A, on a licensee or registrant or a licensee's or registrant's agent or employee that has violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter; and

Sec. 10. 17 MRSA §1842, sub-§3, ¶G is enacted to read:

G. Execute a consent agreement that resolves the issue of a fine imposed pursuant to paragraph F on a licensee or registrant or a licensee's or registrant's agent or employee without further proceedings. A consent agreement may be entered into only with the consent of the licensee or registrant or the licensee's or registrant's agent or employee, the Gambling Control Unit and the Department of the Attorney General. A consent agreement does not absolve a person from potential liability for criminal violations.

Sec. 11. 17 MRSA §1842, sub-§5-A is enacted to read:

5-A. Imposition of fine and opportunity for hearing. The Gambling Control Unit shall notify the licensee or registrant in writing that a fine is imposed pursuant to subsection 3, paragraph F and of the right to a hearing pursuant to this subsection. The licensee or registrant has the right to request a hearing before the Commissioner of Public Safety or the commissioner's designee. Upon the licensee's or registrant's request for a hearing, the Commissioner of Public Safety shall provide a hearing. The hearing must comply with the Maine Administrative Procedure Act. The purpose of the hearing is to determine whether a preponderance of the evidence establishes that the licensee or registrant or the licensee's or registrant's agent or employee violated a provision of this chapter or a rule of the Gambling Control Unit prescribed by authority of this chapter. A request for a hearing must be made no later than 10 days after the licensee or registrant is notified of the fine. The imposition of the fine must be stayed pending the hearing; the hearing must be held no later than 30 days after the date the Commissioner of Public Safety receives the request unless otherwise agreed to by the parties or continued upon request of a party for cause shown.

See title page for effective date.

**CHAPTER 579
H.P. 1310 - L.D. 2048**

**An Act to Amend the Content
of Notices Provided with
Respect to Tax Liens on
Certain Property**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §942, 3rd ¶, as enacted by PL 2017, c. 478, §2, is amended to read:

For property that constitutes a homestead for which a property tax exemption is claimed under subchapter 4-B, the tax collector shall include with the written notice authorized under this section written notice to the person named on the tax lien mortgage that that person may be eligible to file an application for tax abatement under section 841, subsection 2, indicating that the municipality, upon request, will assist the person in requesting an abatement and provide information regarding the procedures for making such a request. The notice must also indicate that the person may seek assistance from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection regarding options for finding an advisor who can help the person work with the municipality to avoid tax lien foreclosure and provide information regarding ways to contact the bureau sources of assistance including legal

services providers described in Title 4, section 18-A, subsection 1, paragraph B. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, by July 15th annually, shall provide to a statewide organization representing municipalities post on a publicly accessible website information regarding assistance in avoiding tax lien foreclosure to assist municipalities in providing the information required in the notice on accessing sources of assistance, and that information may be used by municipalities in providing the information required in the notice. Before posting this information, the bureau shall consider input, if any, received from legal services providers, counselors and state and federal agencies involved in foreclosure prevention matters.

Sec. 2. 36 MRSA §1281, as amended by PL 2019, c. 401, Pt. A, §12, is further amended to read:

§1281. Payment of taxes; delinquent taxes; publication; certificate filed in registry

Annually, after January 15th but no later than January 31st, the State Tax Assessor shall send by mail to the last known address of each owner of real estate subject to assessment under section 1602, including supplementary taxes assessed under section 1331, upon which taxes remain unpaid a notice in writing, containing a description of the real estate assessed and the amount of unpaid taxes and interest, and alleging that a lien is claimed on that real estate for payment of those taxes, interests and costs, with a demand that payment be made by the next February 21st. For property that constitutes a homestead for which a property tax exemption is claimed under chapter 105, subchapter 4-B, the State Tax Assessor shall include in the written notice written notice to the owner named on the tax lien mortgage that that owner may be eligible to file an application for tax abatement under section 841, subsection 2, indicating that the State Tax Assessor, upon request, will assist the owner in requesting an abatement and provide information regarding the procedures for making such a request. The notice must also indicate that the owner may seek assistance from the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection regarding options for finding an advisor who can help the owner work with the State Tax Assessor to avoid tax lien foreclosure and provide information regarding ways to contact the bureau sources of assistance including legal services providers described in Title 4, section 18-A, subsection 1, paragraph B. The Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection, by July 15th annually, shall provide to a statewide organization representing municipalities and to the State Tax Assessor post on a publicly accessible website information regarding assistance in avoiding tax lien foreclosure to assist municipalities and the State Tax Assessor in providing the information required in the notice on accessing sources of assistance, and that information may be used by the

State Tax Assessor in providing the information required in the notice. Before posting this information, the bureau shall consider input, if any, received from legal services providers, counselors and state and federal agencies involved in foreclosure prevention matters. If the owners of any such real estate are unknown, instead of sending the notices by mail, the assessor shall cause the information required in this section on that real estate to be advertised in the state paper and in a newspaper, if any, of general circulation in the county in which the real estate lies. Such a statement or advertisement is sufficient legal notice of delinquent taxes. If those taxes and interest to date of payment and costs are not paid by February 21st, the State Tax Assessor shall record by March 15th, in the registry of deeds of the county or registry district where the real estate lies, a certificate signed by the assessor, setting forth the name or names of the owners according to the last state valuation, or the valuation established in accordance with section 1331; the description of the real estate assessed as contained in the last state valuation, or the valuation established in accordance with section 1331; the amount of unpaid taxes and interest; the amount of costs; and a statement that demand for payment of those taxes has been made, and that those taxes, interest and costs remain unpaid. The costs charged by the register of deeds for the filing may not exceed the fees established by Title 33, section 751.

See title page for effective date.

**CHAPTER 580
H.P. 1258 - L.D. 1956**

**An Act to Amend the Laws
Governing Optometrists**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-A, sub-§28, as amended by PL 1999, c. 687, Pt. B, §1, is further amended to read:

28.

State Board of Optometry	\$35/Day	32 MRSA §2415
		§19201

Sec. 2. 10 MRSA §8001-A, sub-§6, as enacted by PL 1989, c. 450, §5, is repealed and the following enacted in its place:

6. State Board of Optometry. Optometry, State Board of:

Sec. 3. 24-A MRSA §4314, sub-§1, ¶A, as enacted by PL 2001, c. 408, §1 and affected by §2, is amended to read:

A. "Eye care provider" means a participating provider who is an optometrist licensed to practice optometry pursuant to Title 32, chapter ~~34-A~~ 151,

or an ophthalmologist licensed to practice medicine pursuant to Title 32, ~~chapter 48~~ chapter 36, 48 or 145.

Sec. 4. 32 MRSA c. 34-A, as amended, is repealed.

Sec. 5. 32 MRSA §2594-A, last ¶, as amended by PL 1993, c. 600, Pt. A, §184, is further amended to read:

When the delegated activities are part of the practice of optometry as defined in chapter ~~34-A~~ 151, then the individual to whom these activities are delegated must possess a valid license to practice optometry in Maine or otherwise may perform only as a technician within the established office of a physician and may act solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

Sec. 6. 32 MRSA §3270-A, last ¶, as amended by PL 1993, c. 600, Pt. A, §205, is further amended to read:

When the delegated activities are part of the practice of optometry as defined in chapter ~~34-A~~ 151, then the individual to whom these activities are delegated must possess a valid license to practice optometry in Maine, or otherwise may perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

Sec. 7. 32 MRSA §3300-E, as reallocated by RR 2015, c. 1, §36, is amended to read:

§3300-E. Issuance of prescription for ophthalmic lenses

A physician licensed pursuant to ~~section 3275~~ chapter 36, 48 or 145 may not issue a prescription for ophthalmic lenses, as defined in section ~~2411~~ 19101, subsection ~~40~~ 18, solely in reliance on a measurement of the eye by a kiosk, as defined in section ~~2411~~ 19101, subsection ~~9~~ 13, without conducting an eye examination, as defined in section ~~2411~~ 19101, subsection & 11.

Sec. 8. 32 MRSA c. 151 is enacted to read:

CHAPTER 151
OPTOMETRISTS
SUBCHAPTER 1
GENERAL PROVISIONS

§19101. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. ACCME. "ACCME" means the Accreditation Council for Continuing Medical Education.

2. ACOE. "ACOE" means the Accreditation Council on Optometric Education, which is the accrediting body for professional optometric degree programs, optometric residency programs and optometric technician programs in the United States and Canada.

3. Board. "Board" means the State Board of Optometry.

4. Commissioner. "Commissioner" means the Commissioner of Professional and Financial Regulation.

5. Contact lens. "Contact lens" means any lens placed directly on the surface of the eye, regardless of whether it is intended to correct a visual defect. "Contact lens" includes, but is not limited to, cosmetic, therapeutic and corrective lenses.

6. COPE. "COPE" means the Council on Optometric Practitioner Education.

7. Department. "Department" means the Department of Professional and Financial Regulation.

8. Dispense. "Dispense" means the act of furnishing drug samples, spectacle lenses or contact lenses to a patient.

9. Drug sample. "Drug sample" means a unit of a prescription drug that is not intended to be sold and is intended to promote the sale of the drug.

10. Entrance visual acuity. "Entrance visual acuity" means the corrected or uncorrected acuity presented by the patient prior to the actual eye examination of the patient.

11. Eye examination. "Eye examination" means an assessment of the ocular health and visual status of a patient that meets the minimum requirements of this chapter and that does not consist solely of objective refractive data or information generated by an automated testing device or computer application, including a kiosk or autorefractor, in order to establish a medical diagnosis or refractive error.

12. Individual. "Individual" means a natural person, not an association of individuals or a legally created entity.

13. In person. "In person" means, with regard to a visit between a licensee and a patient, that the licensee and the patient are physically in the same room.

14. Kiosk. "Kiosk" means automated equipment, or a computer application designed to be used on a

telephone, computer or Internet-based device that can be used either in person or remotely to provide refractive data or information.

15. License applicant. "License applicant" means an individual who has applied for licensure to practice optometry in this State, but who has not yet been granted such licensure by the board.

16. Licensee. "Licensee" means an individual who holds a license under this chapter.

17. National Board of Examiners in Optometry. "National Board of Examiners in Optometry," or "NBEO," means an organization that develops, administers, scores and reports results of valid examinations that assess competence in optometry.

18. Nonlegend agent. "Nonlegend agent" means a pharmaceutical drug for which a prescription is not required.

19. Ophthalmic lens. "Ophthalmic lens" means:

A. A spectacle lens or contact lens that has a sphere, cylinder, axis, prism value or a lens ground or formed pursuant to a written prescription; and

B. An optical instrument or device worn or used by an individual that has one or more ophthalmic lenses designed to correct or enhance the individual's vision.

Ophthalmic lenses are also known as glasses or spectacles. "Ophthalmic lens" includes an ophthalmic lens that may be adjusted by the wearer to achieve different types of visual correction or enhancement.

"Ophthalmic lens" does not include an optical instrument or device that is sold without consideration of the visual status of the individual who will use the optical instrument or device.

20. Optometrist. "Optometrist" means an individual who is licensed to practice optometry in the State.

21. Optometrist-patient relationship. "Optometrist-patient relationship" means the relationship that begins when:

A. An individual with an ocular or health-related matter seeks assistance from the licensee;

B. The licensee agrees to undertake examination, diagnosis, consultation or treatment of the individual; and

C. The individual agrees to receive ocular or health care services from the licensee and there has been an in-person encounter between the licensee and the individual, unless the standard of care requires that an individual be seen without an in-person visit, such as in an emergent situation as reasonably determined by the licensee.

"Optometrist-patient relationship" includes the relationship established between a licensee who uses telehealth in providing optometric care and a patient who receives telehealth services through consultation with another licensee or other health care provider who has an established relationship with the patient upon agreement to participate in, or supervise, the patient's care through telehealth, if the standard of care does not require an in-person encounter, and in accordance with evidence-based standards of practice and telehealth practice guidelines that address the clinical and technological aspects of telemedicine.

22. Person. "Person" means an individual, corporation, partnership, professional association or any other entity.

23. Pharmaceutical agent. "Pharmaceutical agent" means any diagnostic and therapeutic substance for use in the diagnosis, cure, treatment, management or prevention of ocular conditions and diseases, but does not include drugs administered exclusively by injection, except injections for the emergency treatment of anaphylactic shock.

24. Practice of optometry. "Practice of optometry" means one or a combination of the following practices:

A. The examination, diagnosis, treatment and management of diseases, injuries and disorders of the eye and associated structures, as well as identification of related systemic conditions affecting the eye without the use of invasive surgery or tissue-altering lasers; and

B. The provision, replacement or duplication of an ophthalmic lens without a written prescription from an individual licensed under the laws of this State to practice either optometry or medicine.

Nothing in this definition prevents an individual or person from merely doing the mechanical work associated with adapting, fitting, bending, adjusting, providing, replacing or duplicating of eyeglasses with ophthalmic lenses.

25. Provider. "Provider" means an individual licensed as an optometrist under this chapter or an individual licensed as an osteopathic physician or medical doctor under chapter 36, 48 or 145 who has also completed a residency in ophthalmology.

26. Successor licensee. "Successor licensee" means a licensee with no fewer than 5 years of licensed optometry experience, who is willing and able to assume responsibility for a licensee's practice on a temporary or permanent basis when the licensee is unwilling or unable to practice optometry pursuant to this chapter.

27. Therapeutic pharmaceutical. "Therapeutic pharmaceutical" means a pharmaceutical agent required

to diagnose, prevent, manage or treat abnormal ocular conditions or diseases.

28. Treatment and management of ocular disease. "Treatment and management of ocular disease" means the examination given by the National Board of Examiners in Optometry.

SUBCHAPTER 2

BOARD OF OPTOMETRY

§19201. Members of State Board of Optometry: appointment; tenure; vacancies; removal

The State Board of Optometry, as established by Title 5, section 12004-A, subsection 28, consists of 6 individuals appointed by the Governor. Five of the appointees must be licensed therapeutic advanced glaucoma optometrists engaged in the actual practice of optometry in this State for a period of at least 5 years prior to their appointment. One of the appointees must be a consumer member who is a resident of this State and has no pecuniary interest in optometry or in the merchandising of optical products. Appointment is for a term of 5 years. Appointments of members must comply with Title 10, section 8009. A member of the board may be removed from office for cause by the Governor. The board has a common seal.

§19202. Powers and duties of the board

The board has the following powers and duties in addition to all other powers and duties imposed by this chapter:

1. Hearings and procedures. The power to hold hearings and take evidence in all matters relating to the exercise and performance of the powers and duties vested in the board and the authority to subpoena witnesses, books, records and documents in hearings before the board;

2. Complaints. The duty to investigate complaints in a timely fashion, whether filed on the board's own motion or lodged with the board or its representatives, regarding the violation of a provision of this chapter or of rules adopted by the board;

3. Fees. The authority to adopt by rules any fees for purposes authorized under this chapter in amounts that are reasonable and necessary for the fees' respective purposes, except that the fee for any one purpose may not exceed \$600;

4. Budget. The duty to submit to the commissioner the board's budgetary requirements in the same manner as is provided in Title 5, section 1665. The commissioner shall in turn transmit these requirements to the Department of Administrative and Financial Services, Bureau of the Budget without revision, alteration or change, unless alterations are mutually agreed upon by the department and the board or the board's designee. The budget submitted by the board to

the commissioner must be sufficient to enable the board to comply with this chapter;

5. Adequacy of the budget and staffing. The duty to ensure that the budget submitted by the board to the commissioner pursuant to subsection 4 is sufficient, if approved, to provide for adequate legal and investigative personnel on the board's staff and that of the Attorney General to ensure that complaints filed pursuant to this chapter can be resolved in a timely fashion;

6. Clerical and staff personnel; duties. The power to appoint staff who serve at the pleasure of the board and who shall assist the board in carrying out the board's duties and responsibilities under this chapter;

7. Authority to delegate. The power to delegate to staff the authority to review and approve applications for licensure pursuant to procedures and criteria established by rule;

8. Authority to order a mental or physical examination. The authority to direct a licensee or license applicant, who by virtue of an application for and acceptance of a license to practice under this chapter is considered to have given consent, to submit to an examination of the board's choice. With respect to a licensee, the board may order that licensee to submit to an examination whenever information is received by the board that would cause the board to reasonably determine that the licensee may be suffering from a mental illness or physical illness that may be interfering with competent practice under this chapter or from the use of intoxicants or drugs to an extent that the use is preventing the licensee from practicing optometry competently and safely. A licensee or license applicant examined pursuant to an order of the board may not prevent the testimony of the examining individual or prevent the acceptance into evidence of the report of the examining individual in a proceeding under this chapter. The board may petition the District Court for immediate suspension of license if the licensee fails to comply with an order of the board to submit to a mental or physical examination pursuant to this subsection; and

9. Report. The duty to submit to the commissioner, on or before August 1st of each year, the board's annual report of its operations and financial position for the preceding fiscal year ending June 30th, together with comments and recommendations the board considers essential.

§19203. Powers and duties of commissioner

1. Liaison. The commissioner shall act as a liaison between the board and the Governor.

2. Limitation. The commissioner may not exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

3. Accessibility to public; provide information. The commissioner may require the board to be accessible to the public for complaints and questions during regular business hours and to provide any information that the commissioner requires to ensure that the board is operating administratively within the requirements of this chapter.

§19204. Rulemaking authority

The board shall adopt rules that are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, license renewal and license reinstatement as well as practice setting standards that apply to individuals licensed under this chapter. Rules adopted pursuant to this chapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUBCHAPTER 3

LICENSURE

§19301. Requirements for licensure

1. Requirements. A license applicant must meet the following requirements before licensure:

- A. Be a graduate of a learning institution accredited by the ACOE;
- B. Pass all examinations required by the board; and
- C. Satisfy all other requirements set forth in this chapter.

2. Waiver or modification. Upon written request from a license applicant, the board may waive or modify licensing requirements if the license applicant demonstrates successful completion of equivalent requirements and the board is otherwise satisfied that granting the license applicant a license will not harm the health, safety and welfare of the public.

§19302. Licensure required

An individual may not practice optometry in this State without first obtaining a license from the board, but this chapter does not apply to individuals already licensed to practice medicine within this State.

§19303. Licensure by endorsement

1. Board to establish process. The board shall establish a process to issue a license by endorsement to a license applicant who presents proof of licensure by another jurisdiction of the United States or a territory of the United States as long as the other jurisdiction or territory maintains substantially equivalent license requirements for the licensed profession or occupation and as long as:

- A. The license applicant is in good standing in all jurisdictions in which the license applicant holds or has held a license. For purposes of this paragraph, "good standing" means that the license applicant does not have a complaint, allegation or

investigation pending, does not have a license that is suspended or subject to practice restrictions and has never surrendered a license or had a license revoked;

B. Cause for denial of a license does not exist under section 19402 or under any other applicable law;

C. The license applicant pays the fee, if any, pursuant to section 19202, subsection 3 and Title 10, chapter 901; and

D. The license applicant passes a jurisprudence examination.

2. Rules. The board shall adopt rules to implement this section.

§19304. Levels of licensure and license requirements for use of pharmaceutical agents

1. Pharmaceutical agents or drug samples.

Only an optometrist licensed under this section may use or dispense pharmaceutical agents or drug samples.

2. Levels of licensure. The following are the levels of licensure.

A. The board may only issue a therapeutic advanced glaucoma license for a new licensee except that a licensee who meets requirements established by the board by rule may apply for a therapeutic advanced glaucoma license.

(1) An optometrist who holds a therapeutic advanced glaucoma license may dispense drug samples at no charge and may use and prescribe any therapeutic pharmaceutical, for ocular conditions including for the treatment of glaucoma. An optometrist with a therapeutic advanced glaucoma license may prescribe any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents.

(2) Nothing in this paragraph may be construed to permit the optometric use of pharmaceutical agents that are:

(a) Controlled substances identified in schedules I and II as described in 21 United States Code, Section 812;

(b) Administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection, except injections for the emergency treatment of anaphylactic shock; and

(c) For the specific treatment of a systemic disease unless the pharmaceutical agent is used specifically for an ocular disease.

(3) Notwithstanding any other provision of this chapter, an optometrist with a therapeutic advanced glaucoma license may provide drug samples at no charge for nonlegend agents, and dispense, prescribe and administer non-legend agents.

(4) An optometrist who is licensed and practiced under the laws of another state and is not authorized to independently treat glaucoma in that state must meet the requirements in the rules established by the board.

(5) A therapeutic advanced glaucoma license includes all the rights and responsibilities of licensees with therapeutic advanced, therapeutic and diagnostic license levels described in paragraphs B to D but allows for the treatment of glaucoma.

B. The therapeutic advanced license includes all the rights and responsibilities of licensees with therapeutic and diagnostic license levels described in paragraphs C and D but excludes the right to treat glaucoma. An optometrist who holds a therapeutic advanced license may provide drug samples at no charge for and may use and prescribe any therapeutic pharmaceutical agent, except for the treatment of glaucoma unless the requirements of paragraph A have been met, including any drug identified in schedules III, IV and V as described in 21 United States Code, Section 812, for any purpose associated with ocular conditions and diseases except for oral chemotherapeutic agents, oral immunosuppressive agents and oral immunostimulant agents, and except that an optometrist who has received a therapeutic advanced license may prescribe one 5-day supply of any analgesic identified in schedules III, IV and V as described in 21 United States Code, Section 812, or any drug that had previously been identified as a schedule III, IV or V drug that has now been reclassified as a schedule I or II drug.

Nothing in this paragraph may be construed to permit the optometric use of pharmaceutical agents that are:

(1) Identified as controlled substances in schedules I and II as described in 21 United States Code, Section 812;

(2) Administered exclusively by subdermal injection, intramuscular injection, intravenous injection, subcutaneous injection or retrobulbar injection, except injections for the emergency treatment of anaphylactic shock; and

(3) Used for the specific treatment of a systemic disease unless the pharmaceutical agent is used specifically for an ocular disease.

Notwithstanding any other provision of this chapter, an optometrist with a therapeutic advanced license may provide drug samples at no charge for nonlegend agents and may dispense, prescribe and administer nonlegend agents.

The board may not issue new therapeutic advanced licenses.

C. The therapeutic license includes all the rights and responsibilities of licensees with a diagnostic license level described in paragraph D. An optometrist who holds a therapeutic license may provide drug samples at no charge for and may use topical therapeutic pharmaceuticals for any purpose associated with ocular conditions and diseases, except for the treatment of glaucoma.

The board may not issue new therapeutic licenses.

D. The diagnostic license level does not permit treatment of eye pathology. A licensee who holds a diagnostic license may use pharmacologic agents only for diagnosing eye disease.

The board may not issue new diagnostic licenses.

§19305. Licensing

1. Annual renewal. An optometrist licensed by the board shall pay annually, before the first day of April, to the board a license renewal fee not in excess of \$600, as established by the board under section 19202.

2. Late fee. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee as established by the board, in addition to the annual renewal fee.

A. A licensee who fails to renew a license for more than 90 days but fewer than 2 years after the date of expiration, may reinstate the license without taking any examination required by the board by filing a new application for renewal, providing evidence of all continuing education credits due and paying the late fee and renewal fee.

B. An individual who fails to renew a license for 2 years or more from the date of expiration may obtain a new license by satisfying all the requirements for licensure in this chapter.

§19306. Display of license

A licensee in active practice shall display the license in a public area of the office where the licensee practices.

§19307. Continuing education

As a condition of renewal of a license to practice, a license applicant must complete continuing education

during the licensing cycle prior to application for renewal. The board may prescribe by rule the content and types of continuing education activities that meet the requirements of this section.

§19308. Standard of care

A licensee shall be held to the same standard of care in diagnosis, treatment and management of patient care as that degree of skill and proficiency commonly exercised by a physician with a specialty in eye care in this State. A licensee shall ensure that the services provided are consistent with the licensee's scope of practice, including the licensee's education, training, experience, ability, licensure and certification.

§19309. Minimum standards for eye examination

1. Minimum standards. The following are minimum standards for an eye examination:

A. A history of the patient's ocular and medical care;

B. A record of the entrance visual acuity of each eye;

C. A physical examination of each eye in an in-person clinical setting by the licensee in accordance with any requirements and restrictions imposed by this chapter and in accordance with the standard of care;

D. An assessment of the examination results;

E. A treatment and management plan;

F. If performing a refraction, the performance of an objective and subjective refraction, when practicable; and

G. Such other standards or requirements as may be established by the board.

§19310. Record keeping

An optometrist shall maintain complete records of all eye care provided, as well as any prescriptions or programs of corrective procedure. This information for each patient must be kept and be available for a period of not fewer than 10 years.

§19311. Operation of kiosks

The following provisions govern the operation of kiosks by any person.

1. Minimum standards for eye examination. Ownership and operation of a kiosk, including use of a kiosk by any person, must comply with the minimum standards for an eye examination under section 19309.

2. Enforcement. In addition to the disciplinary actions available to the board under section 19402, the board has the following powers of enforcement for violations of this chapter that relate in any way to kiosks, their use or the issuance of prescriptions arising out of their use. Nothing in this subsection may be

construed to apply to enforcement for violations by physicians who are governed by the Board of Licensure in Medicine or the Board of Osteopathic Licensure.

A. A person or governmental entity that believes a violation of this chapter in relation to a kiosk has occurred or has been attempted may make an allegation of that fact to the board in writing.

B. If, upon reviewing an allegation under paragraph A, the board determines there is a reasonable basis to believe a violation of this chapter or attempted violation of this chapter has occurred in relation to a kiosk, the use of a kiosk or the issuance of a prescription arising out of kiosk use, the board shall investigate.

C. The board may hold adjudicatory hearings and administer oaths and order testimony to be taken at a hearing or by deposition conducted pursuant to Title 5, chapter 375, subchapter 4 or 5.

D. The board may proceed with an action if the board determines that a violation in relation to a kiosk, the use of a kiosk or the issuance of a prescription arising out of kiosk use has occurred.

E. The board is not required to wait until human harm has occurred to initiate an investigation under this subsection.

F. The board, upon finding, after notice and an opportunity for a hearing, that a person has violated any requirement related to a kiosk, the use of a kiosk or the issuance of a prescription arising out of kiosk use without meeting the minimum standards for an eye examination under section 19309, may impose an administrative fine of not more than \$10,000 for each violation or attempted violation and may issue an order requiring reimbursement of the reasonable costs to the board of investigation and hearing.

G. The board shall advise the Attorney General of the failure of a person to pay a civil penalty imposed following an adjudicatory hearing or to reimburse costs to the board of investigation and hearing imposed under this subsection. The Attorney General may bring an action in a court of competent jurisdiction for the failure to pay any amount imposed under this subsection, including the reasonable costs of investigation and hearing.

H. The board may request that the Attorney General file a civil action seeking an injunction or other appropriate relief to enforce this section. For violations of this section, a court may impose a fine of not more than \$20,000 for each violation.

I. The board may adopt rules to implement, administer and enforce this section. Rules adopted pursuant to this paragraph are routine technical rules under Title 5, chapter 375, subchapter 2-A.

3. Attorney General may initiate action.
Nothing in this section prohibits the Attorney General from initiating an action without referral or request from the board if the Attorney General determines there is a reasonable basis to believe a violation of this section occurred.

4. Prescription filled based in part on measurements from kiosk.
It is neither a violation of this section nor grounds for professional discipline or liability for an optometrist to fill a prescription for a patient based in part on measurements obtained through a kiosk.

§19312. Minimum prescription requirements

1. Minimum requirements. The following are the minimum requirements for prescriptions.

A. A prescription must include the name of the patient, the date of the prescription and the name and office location of the prescriber.

B. An ophthalmic prescription may not contain an expiration date of more than 2 years from the date of the eye examination by the provider unless the prescription contains a statement made by the provider of the reasons why a longer time frame is appropriate based on the medical needs of the patient.

C. For spectacle lenses, a prescription must contain the power for the spectacle lens for each eye and an expiration date.

D. For contact lenses, a prescription must include the date of examination, issue date of the prescription, expiration date, postal address of the prescriber, power, base curve or appropriate designation, diameter when appropriate and brand name or material or both.

E. For pharmaceutical agents, a prescription must include the patient's name, the date issued, the name of the agent, dosage of drugs, the number of refills, the name of the prescriber, the Maine license number of the prescriber, the National Provider Identifier or federal Drug Enforcement Agency number of the prescriber and the prescriber's directions for usage.

Nothing in this paragraph may be construed to restrict the dispensation or sale by an optometrist of contact lenses that contain and deliver pharmaceutical agents authorized under this chapter for use or prescription.

F. A person may not make a prescription for spectacle lenses or contact lenses based solely on the diagnosis of a refractive error of the human eye as generated by a kiosk.

G. A person may not dispense spectacle lenses or contact lenses to an individual without a valid

prescription from a provider issued after an eye examination performed by the provider, except that a licensee may dispense without a prescription spectacle lenses, solely for the correction of vision, that are of uniform focus power in each eye of between plano and +3.25 diopters.

2. Release of contact lens and spectacle prescriptions. The following provisions govern the release of contact lens and spectacle prescriptions.

A. After contact lenses have been properly fitted and the patient released from immediate follow-up care by the optometrist, the optometrist shall provide a copy of the prescription to the patient, at no cost, which must contain the information necessary to properly duplicate the current prescription.

B. After the conclusion of an eye examination, the optometrist shall provide a copy of the spectacle prescription to the patient, at no cost, which must contain the information necessary to properly duplicate the current prescription.

C. The prescribing optometrist is not liable for an injury to or condition of a patient that results from negligence in packaging, manufacturing or dispensing contact lenses by anyone other than the prescribing optometrist.

D. The dispensing party may dispense contact lenses only upon receipt of a written prescription, except that an optometrist may fill a prescription of another optometrist or a physician without a copy of the prescription. Mail order contact lens suppliers must be licensed by and register with the Maine Board of Pharmacy pursuant to Title 32, section 13751 and are subject to discipline by that board for violations of that board's rules and the laws governing the board. An individual who fills a contact lens prescription shall maintain a copy of that prescription for a period of 5 years.

SUBCHAPTER 4
INVESTIGATIONS

§19401. Investigations

1. Board may investigate complaints. The board may investigate a complaint, on its own initiative or upon receipt of a written complaint, regarding non-compliance with or violation of this chapter or of rules adopted by the board, including but not limited to complaints against any person, whether or not licensed under this chapter, related to actions or activities involving a kiosk or telehealth.

2. Disclosure. During the pendency of an investigation, a complaint or investigative record may be disclosed:

A. To a designated complaint officer;

B. To other state or federal agencies when the information contains evidence of possible violations of laws enforced by those agencies; and

C. Pursuant to rules that must be adopted by the department, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure.

3. Notice to licensee; response; dismissal. The board shall notify the licensee of the content of a complaint filed against the licensee as soon as possible, but not later than 60 days from receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the parties.

§19402. Disciplinary actions

1. Forms of disciplinary action; grounds. The board may deny or refuse to renew a license or suspend or revoke a license and may impose other discipline for any of the following reasons:

A. The practice of fraud, deceit or misrepresentation in obtaining a license from the board, or in connection with services rendered while engaged in the occupation or profession for which the person is licensed;

B. Any gross negligence, incompetence, misconduct or violation of an applicable code of ethics or standard of practice while engaged in the practice of optometry;

C. Conviction of a crime to the extent permitted by Title 5, chapter 341;

D. Any violation of the governing law of the board;

E. Any violation of the rules of the board;

F. Engaging in any activity requiring a license under the board that is beyond the scope of acts authorized by the license held;

G. Continuing to act in a capacity requiring a license under the governing law of the board after expiration, suspension or revocation of that license;

H. Aiding or abetting any unlicensed practice by a person who is not licensed as required by the board;

I. Noncompliance with an order or consent agreement of the board;

J. Noncompliance with a document release requirement to provide patient records;

K. Failure to produce any requested documents in the licensee's possession or under the licensee's

control concerning a pending complaint or proceeding or any matter under investigation;

L. Any violation of a requirement imposed pursuant to Title 10, section 8003-G;

M. Misuse of alcohol, drugs or substances that has resulted or foreseeably may result in the licensee performing services in a manner that endangers the health or safety of patients or other individuals;

N. Professional diagnosis of a mental or physical condition that has resulted or foreseeably may result in the licensee performing services in a manner that endangers the health or safety of patients or other individuals;

O. Practicing optometry in or on premises where materials other than those necessary to render optometric services are dispensed to the public;

P. Practicing optometry in or in conjunction with any retail store or other commercial establishment where merchandise is displayed or offered for sale;

Q. Practicing optometry under a name other than that named in the license. Licensees practicing in association with other licensed optometrists or physicians as authorized by this chapter may practice under a name adopted to denote this association if the names of all optometrists and physicians so associated are stated as they appear on each individual's license whenever the association name is used;

R. Practicing optometry as an employee of any person, business or organization not engaged primarily in health care delivery;

S. Splitting or dividing a fee with any person or organization in return for solicitation of customers by that person or organization; and

T. Giving to or accepting from an optician or ophthalmic dispenser a rebate, monetary compensation, discount or gift.

2. Complaint resolution and imposition of disciplinary action by board. The board may resolve a complaint through consent agreements or may, following a hearing, impose one or more of the forms of disciplinary actions in subsection 1 upon a licensee or a license applicant for violations of subsection 1 for violations of this chapter, Title 10, chapter 901 or any other applicable law.

SUBCHAPTER 5

PRACTICE RESTRICTIONS

§19501. Association

1. Association. An optometrist may practice only in an individual capacity under the optometrist's own name or in association with a licensed practitioner of optometry or with a physician.

2. Prohibited mercantile employment. A licensee may not practice optometry as a full or part-time employee of a mercantile establishment or directly or indirectly encourage one's optometric services to be promoted as part of a mercantile or commercial establishment. This prohibition includes the practice of optometry as a lessee of a commercial or mercantile establishment involved in the selling of spectacles, frames, mounting, lenses or other optical devices.

§19502. Corporate practice of optometry

A licensed optometrist may not associate with an individual who is not a licensed optometrist or a copartnership, firm or corporation for the promotion of a commercial practice for profit or division of profit that enables the individual, copartnership, firm or corporation to engage, either directly or indirectly, in the practice of optometry in this State.

SUBCHAPTER 6

TELEHEALTH

§19601. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asynchronous encounter. "Asynchronous encounter" means an interaction between a patient and a licensee through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the patient and the licensee.

2. Store and forward transfer. "Store and forward transfer" means the transmission of a patient's records through a secure electronic system to a licensee.

3. Synchronous encounter. "Synchronous encounter" means a real-time interaction conducted with interactive audio or video connection between a patient and a licensee or between a licensee and another health care provider.

4. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology and includes synchronous encounters, asynchronous encounters, store and forward transfers and telemonitoring.

5. Telemonitoring. "Telemonitoring" means the use of information technology to remotely monitor a patient's health status via electronic means, allowing the licensee to track the patient's health data over time. Telemonitoring may be synchronous or asynchronous.

§19602. Telehealth services permitted

A person licensed under this chapter may provide telehealth services as long as the licensee acts within the

scope of practice of the licensee's license, in accordance with any requirements and restrictions imposed by this subchapter and in accordance with standards of practice.

§19603. Confidentiality

When providing telehealth services, a licensee shall comply with all state and federal confidentiality and privacy laws.

§19604. Professional responsibility

All laws and rules governing professional responsibility, unprofessional conduct and generally accepted standards of practice that apply to a licensee also apply to that licensee while providing telehealth services.

§19605. Rulemaking

The board shall adopt rules governing telehealth services by a person licensed under this chapter in accordance with section 19204. These rules must establish standards of practice and appropriate restrictions for the various types and forms of telehealth services.

SUBCHAPTER 7

PRACTICE STATUS CHANGES

§19701. Succession in practice

1. Optometrist taking over established practice.

An optometrist taking over an established practice shall clearly indicate that the new optometrist is responsible individually for the practice, but the optometrist may use the term: "succeeded by," "successor to" or "succeeding" for a period not exceeding 2 years.

2. Written directive identifying successor licensee. A licensee who is closing a practice shall no later than 30 days prior to closure create and maintain a written directive identifying a successor licensee who is willing to assume the responsibility of the licensee's practice, to maintain continuity of treatment, to transfer medical information and to ensure patient health and safety.

§19702. Closing practice

A licensee who is unwilling or unable to operate a practice pursuant to this chapter shall notify the board as soon as practicable and in no event later than 30 days before closure of the practice if there is no successor licensee.

See title page for effective date.

**CHAPTER 581
H.P. 1252 - L.D. 1948**

**An Act to Amend the State's
Data Governance Program**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §547, as enacted by PL 2021, c. 717, §1, is amended to read:

§547. Data governance program established

The Secretary of State, or the secretary's designee, and the ~~Chief Information Officer~~ Commissioner of Administrative and Financial Services, or the commissioner's designee, shall establish a data governance program.

1. Implementation. Implementation of a data governance program must include:

- A. Establishing data project priorities;
- B. Ensuring data privacy compliance and that best practices are followed;
- C. Developing data structure policies that ensure the best data quality, alignment and availability across systems; and
- D. Establishing data-sharing policies and agreements.

2. Program requirements. The data governance program must:

- A. Support decision making and improve citizen access to government services;
- B. Promote consistent collection of racial and ethnic demographic data;
- C. Use evidence-based strategies to improve data collection;
- D. Address technology barriers that restrict the ability of state agencies to share data between agencies;
- E. Create models for sharing data with the public and for developing policies to reduce disparities and increase equity that take into consideration the norms and expectations of the diverse populations of the State;
- F. Include records management capabilities and compliance; ~~and~~
- G. Ensure that data sharing and usage complies with state and federal laws, rules and regulations; and
- H. Adhere to the records retention schedules developed by the State Archivist pursuant to Title 5, section 95-C.

3. Consultations. Within 30 days of the effective date of this chapter, and at least quarterly thereafter, the Secretary of State, or the secretary's designee, and the Chief Information Officer Commissioner of Administrative and Financial Services, or the commissioner's designee, shall consult at least quarterly with:

A. The Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 to discuss how racial equity will be incorporated in the data governance program as well as in all projects related to the program. The consultation must include discussion of methods for building racial equity considerations into every aspect of the data life cycle, including planning, data collection, data access, algorithms, statistical tools, data analysis, reporting and dissemination; and

B. The State Archivist, or the archivist's designee, regarding the development and implementation of the data governance program and to generate a records management and retention plan and program in compliance with Title 5, section 95-C.

4. Report. The Secretary of State, or the secretary's designee, the ~~Chief Information Officer Commissioner of Administrative and Financial Services, or the commissioner's designee,~~ and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 shall jointly report on the status of the program and the consultations under subsection 3 to the joint standing committee of the Legislature having jurisdiction over state and local government matters annually by February ~~15~~ 15th. The committee may report out a bill based on the report during the legislative session in which the report is received.

5. State agency designee. Each state agency shall designate an employee with the responsibility to oversee the agency's compliance with the data governance program established pursuant to this section.

6. Inventory. The Commissioner of Administrative and Financial Services, or the commissioner's designee, shall work with the state agency designees under subsection 5 to inventory the collection and availability of demographic data fields by the state agency, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status, education, sexual orientation, veteran status, disability status and age. This inventory is distinct from the definitions and standards developed pursuant to subsection 7 and is not itself data collection.

7. Definitions and standards. The Commissioner of Administrative and Financial Services, or the commissioner's designee, shall develop a definition and

standard for certain demographic data fields, including, but not limited to, gender, location, race, ethnicity, birth sex, citizenship, socioeconomic status, education, sexual orientation, veteran status, disability status and age. The definitions and standards must be developed in consultation with the Department of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19.

8. Stakeholder group. To the extent resources are available, the Commissioner of Administrative and Financial Services, or the commissioner's designee, shall work with the Department of the Secretary of State and the Permanent Commission on the Status of Racial, Indigenous and Tribal Populations established by Title 5, section 12004-J, subsection 19 to convene a stakeholder group at least once each year to review progress in developing and implementing the data governance program. When inviting members to the stakeholder group, consideration must be given to racial, ethnic, gender, socioeconomic and other demographic diversity.

See title page for effective date.

CHAPTER 582

H.P. 1414 - L.D. 2207

An Act to Establish Municipal Cost Components for Unorganized Territory Services to Be Rendered in Fiscal Year 2024-25

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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:

Sec. 1. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for

services and reimbursements to be rendered in fiscal year 2024-25 is as follows:

Fiscal Administration - Office of the State Auditor	\$284,273
Education	\$15,658,904
Forest Fire Protection	\$120,000
Human Services - General Assistance	\$55,000
Property Tax Assessment	\$1,430,283
Maine Land Use Planning Commission	\$727,923
TOTAL STATE AGENCIES	\$18,276,383
County Reimbursements for Services	
Aroostook	\$2,332,958
Franklin	\$1,432,782
Hancock	\$164,355
Kennebec	\$12,620
Lincoln	\$83,837
Oxford	\$1,854,047
Penobscot	\$1,999,755
Piscataquis	\$1,946,775
Somerset	\$2,724,299
Washington	\$1,589,668
TOTAL COUNTY SERVICES	\$14,141,096
COUNTY TAX INCREMENT FINANCING DISTRUBUTIONS FROM FUND	
Tax Increment Financing Payments	\$3,189,868
TOTAL REQUIREMENTS	\$35,607,347
COMPUTATION OF ASSESSMENT	
Requirements	\$35,607,347
Less Revenue Deductions:	
General Revenue	
Municipal Revenue Sharing	\$550,000
Homestead Reimbursement	\$300,000
Miscellaneous Revenue	\$10,000
Use of Unassigned Fund Balance	\$3,699,159
TOTAL GENERAL REVENUE DEDUCTIONS	\$4,559,159
Education Revenue	
Land Reserved Trust Interest	\$110,000
Tuition and School Transportation Charges	\$150,000
Special - Teacher Retirement Funding from State	\$250,000
TOTAL EDUCATION REVENUE DEDUCTIONS	\$510,000
TOTAL REVENUE DEDUCTIONS	\$5,069,159
TAX ASSESSMENT BEFORE COUNTY TAXES AND OVERLAY (Title 36, §1602)	\$30,538,188

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

Effective March 28, 2024.

CHAPTER 583
H.P. 1461 - L.D. 2272

An Act Related to Airboats and Airboat Noise Limits

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

Whereas, the Legislature enacted legislation in 2023 to extend the repeal date of the provisions of law establishing airboat noise limits but this legislation did not take effect before the provisions were repealed; and

Whereas, the stakeholder group on airboat noise issues convened pursuant to Public Law 2021, chapter 166 and extended by Public Law 2021, chapter 585 and Public Law 2023, chapter 209 has recommended that the decibel level limits for airboats be reestablished immediately; 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:

Sec. 1. 12 MRSA §13068-A, sub-§10, ¶A, as amended by PL 2021, c. 166, §1, is further amended by amending the first blocked paragraph to read:

As used in this paragraph, "motorboat" does not include an "airboat," ~~which has the same meaning as defined in paragraph A-2 subsection 10-A.~~

Sec. 2. 12 MRSA §13068-A, sub-§10-A is enacted to read:

10-A. Operating airboat that exceeds noise limits. The following provisions govern airboat noise limits.

A. A person may not operate an airboat:

(1) If the noise level of the airboat exceeds 90 decibels as measured in a stationary sound level test as prescribed by SAE standards J-2005;

(2) Between the hours of 7 p.m. and 7 a.m. in such a manner as to exceed a noise level of 75 decibels on the "A" scale as measured by the

SAE standards J-1970, referred to in this paragraph as "the shoreline test," except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a tidal flat; or

(3) After 7 a.m. and before 7 p.m. in such a manner as to exceed a noise level of 90 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a tidal flat.

B. This subsection does not apply to the operation of an airboat by a marine patrol officer appointed under section 6025, subsection 1, a game warden or a municipal law enforcement officer.

C. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$300 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

For purposes of this subsection, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine and "SAE standards" means technical standards adopted by the Society of Automotive Engineers.

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

Effective March 28, 2024.

CHAPTER 584

H.P. 1119 - L.D. 1740

An Act to Protect a Patient's Access to Affordable Health Care with Timely Access to Health Care Prices

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 22 MRSA §1718-B, sub-§2, ¶B, as enacted by PL 2013, c. 515, §2, is amended to read:

B. A health care entity shall inform patients about the availability of prices for the most frequently provided health care services and procedures and the right of a patient to request information about the price of medical services pursuant to section 1718-C, subsection 1 or 2 by posting a notice on prominent display to patients.

Sec. A-2. 22 MRSA §1718-B, sub-§2, ¶B-1 is enacted to read:

B-1. A health care entity shall include notice of a patient's right to request information about the price of medical services pursuant to section 1718-C, subsection 1 or 2 in any written document provided to a patient prior to rendering health care treatment for the purpose of obtaining informed consent to that treatment.

Sec. A-3. 22 MRSA §1718-C, as enacted by PL 2013, c. 560, §2, is repealed and the following enacted in its place:

§1718-C. Patient request for good faith estimate or other information related to price of medical services

1. Uninsured or self-pay patient; good faith estimate. Upon the request of an uninsured or self-pay patient, a health care entity, as defined in section 1718-B, subsection 1, paragraph B, shall provide to the patient a good faith estimate of the total price of medical services to be rendered directly by that health care entity during a single medical encounter as follows.

A. The health care entity shall provide the good faith estimate within the following time frames:

(1) When the medical encounter is scheduled at least 3 business days before the date the medical encounter is scheduled to be furnished or when the patient is seeking urgent care as defined in Title 24-A, section 4301-A, subsection 21, the estimate must be provided no later than one business day after the date of scheduling or the date of the request if the patient is seeking urgent care;

(2) When the medical encounter is scheduled at least 10 business days before the encounter is scheduled to be furnished, the estimate must be provided no later than 3 business days after the date of scheduling; or

(3) In all other circumstances, the estimate must be provided no later than 3 business days after the date of the request.

B. If the health care entity is unable to provide an accurate estimate of the total price of a specific medical service because the amount of the medical service to be rendered during the medical encounter is unknown in advance, the health care entity shall provide a brief description of the basis

for determining the total price of that particular medical service.

C. If the single medical encounter will involve medical services to be rendered by one or more 3rd-party health care entities, the health care entity shall identify each 3rd-party health care entity to enable the uninsured patient to seek an estimate of the total price of medical services to be rendered directly by each health care entity to that patient.

D. A good faith estimate must separately disclose the prices for each component of medical services, including any facility fees or fees for professional services, and the current procedural terminology codes used by the American Medical Association for those services.

E. When providing an estimate as required by this subsection, the health care entity shall also notify the uninsured patient of any financial assistance policy adopted by the health care entity and the availability of public or private health care coverage.

F. Notwithstanding other provisions of this subsection, a health care entity does not violate this subsection if it provides a good faith estimate to the patient in compliance with federal regulations.

2. Insured patient; description of medical services and current procedural terminology codes.

Upon the request of an insured patient, a health care entity, as defined in section 1718-B, subsection 1, paragraph B, shall provide to the patient a description of the medical services to be rendered directly by that health care entity during a single medical encounter and the applicable standard medical codes or current procedural terminology codes used by the American Medical Association for those services as follows.

A. The health care entity shall comply with the request within the following time frames:

(1) When the medical encounter is scheduled at least 3 business days before the date the medical encounter is scheduled to be furnished or when the patient is seeking urgent care as defined in Title 24-A, section 4301-A, subsection 21, the health care entity must respond no later than one business day after the date of scheduling or the date of the request if the patient is seeking urgent care;

(2) When the medical encounter is scheduled at least 10 business days before the encounter is scheduled to be furnished, the health care entity must respond no later than 3 business days after the date of scheduling; or

(3) In all other circumstances, the health care entity must respond no later than 3 business days after the date of the request.

B. If the single medical encounter will involve medical services to be rendered by one or more 3rd-party health care entities, the health care entity shall identify each 3rd-party health care entity to enable the patient to seek a description of the medical services to be rendered directly by that 3rd-party health care entity to that patient and the applicable standard medical codes or current procedural terminology codes used by the American Medical Association for those services.

C. The health care entity shall also notify the patient that the patient may use the information provided to request an estimate of the out-of-pocket costs expected to be paid by the patient from the patient's health insurance carrier.

D. When providing the information required by this subsection, the health care entity shall also notify the insured patient of any financial assistance policy adopted by the health care entity and the availability of other public or private health insurance coverage.

E. Notwithstanding this subsection, if federal regulations are implemented that set forth requirements for health care entities to provide estimates to an insured patient, a health care entity shall comply with federal regulations and does not commit a violation of this subsection.

Sec. A-4. 22 MRSA §1718-J is enacted to read:

§1718-J. Prohibition of collection actions for noncompliance with good faith estimate requirements for uninsured or self-pay patients

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Collection action" means any of the following actions:

(1) Attempting to collect a debt from a patient or patient guarantor by referring the debt directly or indirectly to a debt collector, collection agency or other 3rd party retained by or on behalf of a health care entity;

(2) Suing the patient or patient guarantor or enforcing an arbitration or mediation clause in any health care entity documents, including contracts, agreements, statements and bills; or

(3) Directly or indirectly causing a report to be made to a consumer reporting agency.

B. "Collection agency" has the same meaning as "debt collector" has in Title 32, section 11002, subsection 6.

C. "Consumer reporting agency" means any person that, for monetary fees or dues or on a

cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to 3rd parties. "Consumer reporting agency" includes any person defined in 15 United States Code, Section 1681a(f). "Consumer reporting agency" does not include any business entity that exclusively provides check verification or check guarantee services.

D. "Health care entity" has the same meaning as in section 1718-B, subsection 1, paragraph B.

E. "Items or services" means all items and services, including individual items and services and service packages, that are provided by a health care entity to a patient in connection with an inpatient admission or an outpatient visit for which the patient is charged.

F. "Patient guarantor" means the individual held responsible for a patient's bill.

2. Failure to comply with good faith estimate requirements; relief from collection action. A health care entity that has not provided a good faith estimate in material compliance with section 1718-C, subsection 1 on the date that items or services are purchased by a patient or provided to a patient may not initiate or pursue a collection action against the patient or patient guarantor for a debt owed for the items or services. Unless a health care entity can demonstrate that the health care entity provided a good faith estimate to the patient as requested, the health care entity or hospital may not further pursue a collection action against the patient or patient guarantor.

Sec. A-5. 24-A MRSA §4303, sub-§21, as enacted by PL 2017, c. 232, §6, is amended to read:

21. Health care price transparency tools. Beginning January 1, 2018, a carrier offering a health plan in this State shall comply with the following requirements.

A. A carrier shall develop and make available a website accessible to enrollees and a toll-free telephone number that enable enrollees to obtain information on the estimated costs for obtaining a comparable health care service, as defined in Title 24-A, section 4318-A, subsection 1, paragraph A, from network providers, as well as quality data for those providers, to the extent available. A carrier may comply with the requirements of this paragraph by directing enrollees to the publicly accessible health care costs website of the Maine Health Data Organization.

B. A carrier shall make available to the enrollee through a toll-free telephone number the ability to obtain an estimated cost of a scheduled health care service or a comparable health care service that is

based on a description of the service or the applicable standard medical codes or current procedural terminology codes used by the American Medical Association provided to the enrollee by the provider. Upon an enrollee's request, the carrier shall request additional or clarifying code information, if needed, from the provider involved with the scheduled health care service or comparable health care service. If the carrier obtains specific code information from the enrollee or the enrollee's provider, the carrier shall provide the anticipated ~~charge~~ allowed amount and the enrollee's anticipated out-of-pocket costs based on that code information, to the extent such information is made available to the carrier by the provider. Notwithstanding other provisions of this paragraph, a carrier does not commit a violation of this paragraph if the carrier complies with federal regulations for price transparency relating to an estimate of an enrollee's cost-sharing responsibility.

C. A carrier shall notify an enrollee that the amounts are estimates based on information available to the carrier at the time the request is made and that the amount the enrollee will be responsible to pay may vary due to unforeseen circumstances that arise out of the proposed scheduled health care service or comparable health care service. This subsection does not prohibit a carrier from imposing cost-sharing requirements disclosed in the enrollee's certificate of coverage for unforeseen health care services that arise out of the proposed scheduled health care service or comparable health care service or for a procedure or service that was not included in the original estimate. This subsection does not preclude an enrollee from contacting the carrier to obtain more information about a particular admission, procedure or service with respect to a particular provider.

~~D. Notwithstanding the provisions of this subsection and at the request of a carrier, the superintendent may grant an additional year to comply with the provisions of this subsection as long as the carrier has demonstrated a good faith effort to comply with the provisions of this subsection and has provided the superintendent with an action plan detailing the steps to be taken by the carrier to comply with this subsection no later than January 1, 2019.~~

PART B

Sec. B-1. 22 MRSA §1718-I is enacted to read:

§1718-I. Hospital price transparency

1. Compliance with federal regulations. A hospital must comply with the price transparency requirements established in 45 Code of Federal

Regulations, Part 180, Subparts A and B, as in effect on January 1, 2024.

2. Standard format; rules. A hospital must provide price transparency data in a standardized format established in rule by the Maine Health Data Organization. The Maine Health Data Organization shall adopt by rule a standardized format for a hospital to disclose price transparency data that is the same or substantially similar to any format required by federal regulations. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

3. Failure to comply. A hospital that fails to comply with subsection 2 or any rule adopted by the Maine Health Data Organization may be subject to a fine for failure to comply under section 8705-A. Notwithstanding any provision of law to the contrary, the Maine Health Data Organization shall retain any fine collected from a hospital for a failure to comply with this section pursuant to a compliance action taken under section 8705-A.

4. Determination of material compliance; notice. Upon a determination that a hospital is not in material compliance with subsections 1 and 2, the Maine Health Data Organization shall notify the hospital that the hospital is not in material compliance and require the hospital to take corrective action within 60 days to become materially compliant. The Maine Health Data Organization shall adopt by rule standards for material compliance that align with federal regulations. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 585
S.P. 863 - L.D. 2035**

**An Act Regarding Disclosure
of Flood Risk by Sellers of Real
Estate**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 33 MRSA §173, sub-§5, as amended by PL 2017, c. 181, §2, is further amended to read:

5. Known defects. Any known defects; ~~and~~

Sec. 2. 33 MRSA §173, sub-§6, ¶B, as enacted by PL 2017, c. 181, §3, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; and

Sec. 3. 33 MRSA §173, sub-§7 is enacted to read:

7. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C;

B. Whether, during the time that the prospective seller has owned the property:

(1) Any flood events affected the property or a structure on the property;

(2) Any flood-related damage to a structure occurred on the property;

(3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and

(4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

(1) A general and temporary condition of partial or complete inundation of normally dry areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or

(2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

Sec. 4. 33 MRSA §193, sub-§3, ¶B, as enacted by PL 2019, c. 142, §2, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller-; and

Sec. 5. 33 MRSA §193, sub-§4 is enacted to read:

4. Flood hazard. Information regarding potential flood risks, including:

A. Whether, at the time the seller provides the information to the purchaser, the property is located wholly or partly within an area of special flood hazard mapped on the effective flood insurance rate map issued by the Federal Emergency Management Agency on or after March 4, 2002; the federally designated flood zone for the property indicated on that flood insurance rate map; and a copy of the relevant panel of that flood insurance rate map. For the purposes of this paragraph, "area of special flood hazard" has the same meaning as in Title 38, section 436-A, subsection 1-C;

B. Whether, during the time that the prospective seller has owned the property:

- (1) Any flood events affected the property or a structure on the property;
- (2) Any flood-related damage to a structure occurred on the property;
- (3) Any flood insurance claims were filed for a structure on the property and, if so, the date of each claim; and
- (4) Any past disaster-related aid was provided related to the property or a structure on the property from federal, state or local sources for the purposes of flood recovery and, if so, the date of each payment; and

C. For the purposes of this subsection, "flood" means:

- (1) A general and temporary condition of partial or complete inundation of normally dry areas from:
 - (a) The overflow of inland or tidal waters; or
 - (b) The unusual and rapid accumulation or runoff of surface waters from any source; or
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding

anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as described in subparagraph (1), division (a).

Sec. 6. 33 MRSA §194 is enacted to read:

§194. Delivery and time of disclosure; cancellation of contract

1. Definition. As used in this section, "flood risk disclosure statement" means a statement containing, at minimum, the information required by section 193, subsection 4.

2. Delivery and time of disclosure. The seller of nonresidential real property under this subchapter shall deliver or cause to be delivered a flood risk disclosure statement to the purchaser no later than the time the purchaser makes an offer to purchase, exchange or option the property or exercises an option to purchase the property pursuant to a lease with an option to purchase.

3. Terminate contract. If the seller does not deliver or cause to be delivered a flood risk disclosure statement to the purchaser before the purchaser makes an offer or exercises an option in accordance with subsection 2, the purchaser may terminate any resulting real estate contract or withdraw the offer within 72 hours after receipt of the flood risk disclosure statement.

4. Withdrawal without penalty. If the purchaser terminates a real estate contract or withdraws an offer pursuant to this section, the termination or withdrawal is without penalty to the purchaser and the seller shall promptly return to the purchaser any deposits made by the purchaser.

5. Rights waived. Any rights of the purchaser to terminate a real estate contract provided by this section are waived conclusively if not exercised prior to settlement or occupancy, whichever is earlier, by the purchaser in the case of a sale or exchange, or prior to settlement in the case of a purchase pursuant to a lease with an option to purchase. Any rights of the purchaser to terminate a real estate contract for reasons other than those set forth in this section are not affected by this section.

6. Invalidated. A transfer subject to this subchapter is not invalidated solely because of the failure of any person to comply with this subchapter.

See title page for effective date.

**CHAPTER 586
H.P. 1348 - L.D. 2124**

**An Act to Clarify the Eligibility
of an Off-track Betting Facility
to Receive Funding**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 8 MRSA §300, sub-§1, as amended by PL 2007, c. 539, Pt. G, §12 and affected by §15, is further amended to read:

1. Fund created. The Fund to Stabilize Off-track Betting Facilities is established to provide revenues to those off-track betting facilities licensed and in operation ~~as of December 31, 2003~~ in the State. The fund is a dedicated, nonlapsing fund. All revenues deposited in the fund remain in the fund and must be disbursed in accordance with this section, except that assessments and advances may be withdrawn in accordance with section 267-A.

Sec. 2. 8 MRSA §300, sub-§2, as enacted by PL 2003, c. 687, Pt. A, §4 and affected by §11, is amended to read:

2. Distribution. On May 30th, September 30th and January 30th, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each of ~~Maine's the State's~~ the State's off-track betting facilities licensed and in operation as of ~~December 31, 2003~~ the date of the distribution. Distributions must be made in equal amounts to each off-track betting facility in operation as of the date of the distribution.

See title page for effective date.

**CHAPTER 587
H.P. 1380 - L.D. 2156**

**An Act to Authorize the
Provision of Emergency
Medical Treatment for Certain
Dogs**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 32 MRSA §85, sub-§9 is enacted to read:

9. Dogs. Notwithstanding section 4860, an emergency medical services person licensed under this chapter may provide emergency medical treatment to a law enforcement dog, as defined in Title 14, section 164-B, paragraph B, or to a search and rescue dog, as defined in Title 14, section 164-B, paragraph D, in

accordance with protocols adopted by the Medical Direction and Practices Board.

Sec. 2. 32 MRSA §88-B, sub-§1, ¶A, as enacted by PL 2019, c. 617, Pt. C, §3, is amended to read:

A. The Medical Direction and Practices Board shall create, adopt and maintain the Maine Emergency Medical Services protocols. When adopting or amending any protocols related to providing emergency medical treatment pursuant to section 85, subsection 9, the Medical Direction and Practices Board shall consult with an individual with expertise in emergency veterinary medicine designated by the State Board of Veterinary Medicine.

See title page for effective date.

**CHAPTER 588
S.P. 855 - L.D. 2027**

**An Act Regarding the Property
Tax Exemption, Business
Equipment Tax Exemption and
Business Equipment Tax
Reimbursement for Facilities
Storing Spent Nuclear Fuel and
Radioactive Waste**

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

Whereas, there is currently ambiguity in the law establishing exemptions from property taxation for air pollution control facilities; and

Whereas, without this legislation clarifying the law, an affected municipality could soon suffer a large loss of revenue; 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:**

Sec. 1. 36 MRSA §656, sub-§1, ¶E, as amended by PL 2007, c. 438, §20, is further amended by amending subparagraph (1) in the first blocked paragraph to read:

As used in this ~~paragraph~~ subparagraph, unless the context otherwise indicates, the following terms have the following meanings.

(a) "Facility" means any disposal system or any treatment works, appliance, equipment, machinery, installation or structures installed, acquired or placed in operation primarily for the purpose of reducing, controlling or eliminating water pollution caused by industrial, commercial or domestic waste.

(b) "Disposal system" means any system used primarily for disposing of or isolating industrial, commercial or domestic waste and includes thickeners, incinerators, pipelines or conduits, pumping stations, force mains and all other constructions, devices, appurtenances and facilities used for collecting or conducting water borne industrial, commercial or domestic waste to a point of disposal, treatment or isolation, except that which is necessary to the manufacture of products.

(c) "Industrial waste" means any liquid, gaseous or solid waste substance capable of polluting the waters of the State and resulting from any process, or the development of any process, of industry or manufacture.

(d) "Treatment works" means any plant, pumping station, reservoir or other works used primarily for the purpose of treating, stabilizing, isolating or holding industrial, commercial or domestic waste.

(e) "Commercial waste" means any liquid, gaseous or solid waste substance capable of polluting the waters of the State and resulting from any activity which is primarily commercial in nature.

(f) "Domestic waste" means any liquid, gaseous or solid waste substance capable of polluting the waters of the State and resulting from any activity which is primarily domestic in nature.

Sec. 2. 36 MRSA §656, sub-§1, ¶E, as amended by PL 2007, c. 438, §20, is further amended in subparagraph (2) by enacting at the end a new last blocked paragraph to read:

For the purposes of this subparagraph, emissions from and particles of spent nuclear fuel, as defined in Title 22, section 673, subsection 18, and radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste are not air pollution and facilities for storing spent nuclear fuel or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste are not air pollution control facilities.

Sec. 3. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2019, c. 659, Pt. B, §1, is further amended by amending subparagraph (7) to read:

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; ~~or~~

Sec. 4. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2019, c. 659, Pt. B, §1, is further amended by amending subparagraph (8) to read:

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a tele-communications antenna used by a tele-communications business subject to the tax imposed by section 457-; or

Sec. 5. 36 MRSA §691, sub-§1, ¶A, as amended by PL 2019, c. 659, Pt. B, §1, is further amended by enacting subparagraph (9) to read:

(9) A facility that stores spent nuclear fuel, as defined in Title 22, section 673, subsection 18, or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste.

Sec. 6. 36 MRSA §6652, sub-§1-E is enacted to read:

1-E. Facilities for storage of spent nuclear fuel, radioactive waste. Reimbursement under this chapter may not be made for a facility that stores spent nuclear fuel, as defined in Title 22, section 673, subsection 18, or radioactive waste classified by the United States Nuclear Regulatory Commission as greater-than-Class C waste.

Sec. 7. Retroactive application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies retroactively to property tax years beginning on or after April 1, 2022.

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

Effective April 2, 2024.

CHAPTER 589

H.P. 193 - L.D. 295

**An Act to Incentivize Accurate
Recyclability Labeling on
Packaging Material**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §2146, sub-§13, ¶A, as enacted by PL 2021, c. 455, §2, is amended by amending subparagraph (1), division (c) to read:

(c) For producers other than low-volume producers, the payment schedule adopted under this subparagraph must delineate criteria to be used to adjust producer payments in a manner that incentivizes: the use of recycled content in and increased recyclability of packaging material, lower toxicity in packaging material, a reduction of the amount of packaging material used, a reduction of litter from packaging material, increased reuse of packaging material and labeling of packaging material to reduce consumer confusion including by incentivizing accuracy in recyclability claims displayed on packaging material and that creates other incentives consistent with generally accepted industry standards.

Sec. 2. 38 MRSA §2146, sub-§13, ¶E, as enacted by PL 2021, c. 455, §2, is amended by enacting a new subparagraph (2-A) to read:

(2-A) The report under this paragraph due February 15, 2028 must include:

(a) Information regarding the criteria and standards adopted by other jurisdictions to regulate recyclability claims displayed on packaging material, including, but not limited to, the recyclability criteria and standards adopted by the California Department of Resources Recycling and Recovery pursuant to the California Public Resources Code, Division 30, Part 3, Chapter 5.7; and

(b) An evaluation of options for further incentivizing or ensuring accuracy in recyclability claims displayed on packaging material through amendments to the producer payment schedule adopted pursuant to paragraph A, subparagraph (1), through amendments to the criteria and standards for determining recyclability adopted pursuant to paragraph A, subparagraph (2) or through other amendments to this section or the rules adopted pursuant to this section.

This subparagraph applies only to the report due February 15, 2028.

See title page for effective date.

**CHAPTER 590
H.P. 953 - L.D. 1498**

An Act to Create a Liaison Program and Complaint Process Within the Bureau of Insurance for Independent Health Care Providers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA c. 56-A, sub-c. 2-B is enacted to read:

SUBCHAPTER 2-B

INDEPENDENT HEALTH CARE PROVIDER ASSISTANCE

§4329. Independent health care provider assistance

1. Independent health care provider defined. For the purposes of this section, "independent health care provider" means an independent health care practitioner or group of independent health care practitioners with 6 or fewer health care practitioners, but does not include a health care practitioner employed by a hospital or health system or a group of health care practitioners that is owned or operated, in whole or in part, by a hospital or health system.

2. Liaison program. The bureau shall establish a liaison program, referred to in this section as "the program," to provide assistance to independent health care providers as set forth in this section.

3. Duties. The duties of the program include:

A. Providing information to independent health care providers on how to contact the program for assistance through the bureau's publicly accessible website and through a toll-free number;

B. Providing information to independent health care providers on the bureau's publicly accessible website regarding the State's health insurance laws and rules and the rights and responsibilities of carriers and health care providers;

C. Assisting independent health care providers with inquiries related to the State's health insurance laws and rules; and

D. Receiving information from independent health care providers regarding regulatory or compliance issues that may have a market-wide impact.

4. Provider complaint process. The bureau shall establish a process to receive and investigate complaints from independent health care providers regarding an alleged violation of any provision of this Title or any rule adopted pursuant to this Title. The bureau may also receive and investigate complaints from providers other than independent health care providers.

5. Confidentiality. With respect to the program or complaints, records, correspondence and reports of investigation in connection with actual or claimed violations of this Title or a rule adopted pursuant to this Title are confidential to the same extent as records, correspondence and reports of investigation of consumer complaints under section 216.

6. Procedures for data collection. The bureau may establish procedures for collecting, tracking and quantifying requests for assistance and complaints.

7. Aggregate information. The bureau shall compile and publish aggregate information regarding complaints received under subsection 4 on its publicly accessible website.

8. Staffing resources. The bureau may consider staffing resources and any limitations on those resources when establishing guidelines regarding the assistance provided through the program and complaint process.

9. Rules. The bureau may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

10. No legal representation. This section does not authorize the bureau to act as a legal representative of a provider or to provide assistance with contract negotiations or interpretations of the terms of contracts between providers and carriers in any manner through the program or complaint process.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Insurance - Bureau of 0092

Initiative: Provides funding for one Senior Insurance Analyst position to manage the independent health care provider assistance liaison program and complaint process.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$100,788
All Other	\$0	\$15,725
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$116,513

See title page for effective date.

**CHAPTER 591
H.P. 1164 - L.D. 1832**

An Act to Continue the Study of Community Paramedicine and to Make Changes Related to Health Insurance Coverage and Prior Authorization Requirements for Certain Ambulance Service Providers

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §4303-C, sub-§2, ¶B, as amended by PL 2021, c. 222, §1, is further amended to read:

B. Except as provided for ambulance services in paragraph ~~D~~ D-1, unless the carrier and out-of-network provider agree otherwise, a carrier shall reimburse the out-of-network provider or enrollee, as applicable, for health care services rendered at the greater of:

- (1) The carrier's median network rate paid for that health care service by a similar provider in the geographic area where the service was provided; and
- (2) The median network rate paid by all carriers for that health care service by a similar provider in the geographic area where the service was provided as determined by the all-payer claims database maintained by the Maine Health Data Organization or, if Maine Health Data Organization claims data is insufficient or otherwise inapplicable, another independent medical claims database specified by the superintendent;

Sec. 2. 24-A MRSA §4303-C, sub-§2, ¶D-1 is enacted to read:

D-1. Unless the carrier and out-of-network provider agree otherwise, a carrier shall reimburse an out-of-network provider for ambulance services that are covered emergency services at the rate applicable to the out-of-network provider pursuant to section 4303-F.

Sec. 3. 24-A MRSA §4303-F, sub-§1, ¶E, as amended by PL 2023, c. 468, §2, is amended to read:

E. A carrier may not require ~~an~~ a ground ambulance service provider to obtain prior authorization before transporting an enrollee to a hospital, between hospitals or from a hospital to a nursing home, hospice care facility or other health care facility, as defined in Title 22, section 328, subsection 8. A carrier may not require an air ambulance service provider to obtain prior

authorization before transporting an enrollee to a hospital or between hospitals for urgent care.

Sec. 4. 24-A MRSA §4303-F, sub-§3, as enacted by PL 2021, c. 241, §3, is amended to read:

3. Exemption. This Except as provided in subsection 1, paragraph E, this section does not apply to air ambulance services.

Sec. 5. Authority to report out legislation. Based on recommendations from stakeholders after further study, the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters may report out legislation to the 132nd Legislature in 2025 related to reimbursement by health insurance carriers for health care services provided by community paramedicine personnel as described in the Maine Revised Statutes, Title 32, section 84, subsection 4.

See title page for effective date.

CHAPTER 592

H.P. 1350 - L.D. 2126

An Act Relating to Delegation of Nursing Activities and Tasks to Unlicensed Assistive Personnel by Registered Professional Nurses

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §2102, sub-§2, ¶H, as enacted by PL 1995, c. 670, Pt. C, §6 and affected by Pt. D, §5, is repealed and the following enacted in its place:

H. Delegation of specific nursing activities and tasks to be provided by unlicensed assistive personnel. This paragraph may not be construed to require a nurse to delegate, or permit a person to coerce a nurse into delegating, specific nursing activities and tasks in any care setting against the nurse's professional judgment or to prohibit a nurse in the exercise of the nurse's professional judgment from refusing to delegate specific nursing activities and tasks in any care setting. The board shall adopt such rules concerning delegation as it considers necessary to ensure access to quality health care for the patient. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §2102, sub-§11 is enacted to read:

11. Unlicensed assistive personnel. "Unlicensed assistive personnel" means individuals trained to function in a supportive role, regardless of job title, to

whom a specific nursing activity or task may be delegated. "Unlicensed assistive personnel" does not include certified nursing assistants or individuals employed in practical nursing or unpaid individuals performing tasks at the direction of a patient.

See title page for effective date.

CHAPTER 593

H.P. 391 - L.D. 614

An Act to Reduce Conflicts Between Landowners and Deer and Add an Additional Youth Deer Hunting Day

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §10264, as amended by PL 2023, c. 187, §2, is further amended to read:

§10264. Maine Deer Management Fund

The Maine Deer Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding predator control, to assist landowners with the prevention or management of landowner-deer conflict and to acquire or enhance deer habitat. If the funds from the fund are used to directly enhance or manage a deer wintering area on land under the jurisdiction of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, the land must be designated as a deer wintering area pursuant to section 1805-A. The commissioner shall establish on the department's online licensing system checkoff options that allow a person to donate money for predator control, landowner-deer conflict prevention or management or deer habitat acquisition or enhancement. The checkoff options must be prominently displayed and contain web links to information about how the checkoff revenues have been and will be used. The commissioner shall also print in a prominent place on every paper application for a hunting license checkoff options that allow a person to donate money to the fund for predator control or deer habitat acquisition or enhancement. Revenues from the checkoffs must be deposited in the fund and used for purposes indicated by the checkoffs.

Notwithstanding section 10801, subsection 4, \$2 of each deer registration fee collected under section 12301-A, subsection 3, paragraph C must be deposited in the fund and may be used to assist landowners with the prevention or management of landowner-deer conflicts. Fifty percent of the funds deposited in the fund from the deer registration fees must be used for predator control purposes and 50% of the deposited fees must be used to acquire or enhance deer habitat. In addition, the revenue from each antlerless deer permit

fee collected under section 11152, subsection 9, minus administrative costs, must be deposited in the fund and be used for predator control purposes or to acquire or manage deer habitat. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts. The department shall report annually to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters on the fund and its utilization.

Sec. 2. 12 MRSA §11402, sub-§4, ¶C, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

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

Sec. 3. Report. By February 1, 2027, the Department of Inland Fisheries and Wildlife shall provide a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters that includes findings and recommendations related to the extension of the youth deer hunting period under the Maine Revised Statutes, Title 12, section 11402, subsection 4, paragraph C. The committee may report out a bill based on the report to the 133rd Legislature in 2027.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Provides allocations for expenditures related to assisting landowners with the prevention or management of landowner-deer conflicts.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$71,628
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$71,628

See title page for effective date.

**CHAPTER 594
H.P. 945 - L.D. 1490**

An Act to Reduce Rental Housing Costs by Limiting Additional Fees at or Prior to the Commencement of Tenancy

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 10 MRSA §9093, sub-§2, as enacted by PL 1987, c. 737, Pt. B, §1 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

2. Increases or changes. The mobile home park owner or operator shall give at least 30 days' written notice to all tenants before changing any rules, except that any notice of an increase in rent or fees must be consistent with the notice requirements for residential estates in Title 14, sections 6015 and 6016.

Sec. 2. 10 MRSA §9093-A is enacted to read:

§9093-A. Fees charged to applicants for lease of mobile home or mobile home park lot

1. Fees prohibited generally. Except as provided in subsection 2, a mobile home park owner or operator may not require an applicant to pay a fee to submit an application to enter into an agreement for rental of a mobile home or mobile home park lot or require an applicant to pay a fee for the mobile home park owner or operator to review or approve an application to enter into an agreement for rental of a mobile home or mobile home park lot.

2. Exceptions. A mobile home park owner or operator, in connection with an application to enter into an agreement for rental of a mobile home or mobile home park lot, may require an applicant to pay only one of the following:

- A. The actual cost of a background check;
- B. The actual cost of a credit check; or
- C. The actual cost of a screening process other than those specified in paragraphs A and B.

A mobile home park owner or operator shall provide an applicant with a complete copy of the information obtained pursuant to a background check, credit check or other screening process. A mobile home park owner or operator may not charge an applicant any fee under this subsection unless the mobile home park owner or operator has notified the applicant that the mobile home park owner or operator is required by law to provide the applicant a complete copy of the information obtained pursuant to the background check, credit check or other screening process.

A mobile home park owner or operator may not charge an applicant more than one fee for a background check.

credit check or other screening process in any 12-month period.

Sec. 3. 14 MRSA §6000, sub-§1-A is enacted to read:

1-A. **Mandatory recurring fee.** "Mandatory recurring fee" means an amount of money paid, other than rent, on a predetermined recurring basis to fulfill requirements within a lease or tenancy at will agreement related to services or common areas. "Mandatory recurring fee" does not include fees for late, missed or insufficient payment of rent, repair costs, utility service costs, penalties or charges that are issued to reimburse the landlord for reasonable costs or that deter the tenant from violating the lease or tenancy at will agreement.

Sec. 4. 14 MRSA §6000, sub-§1-B is enacted to read:

1-B. **Rent.** "Rent" means an amount of money paid on a predetermined recurring basis to fulfill the requirements of a lease or tenancy at will agreement. "Rent" does not include security deposits, utility service costs, fees, penalties or charges that are issued to reimburse the landlord for reasonable costs or that deter the tenant from violating the lease or tenancy at will agreement.

Sec. 5. 14 MRSA §6000, sub-§3-A is enacted to read:

3-A. **Utility service costs.** "Utility service costs" means costs associated with a dwelling unit's use of:

- A. Energy delivered for that dwelling unit;
- B. Services provided by a public utility as defined in Title 35-A, section 102, subsection 13;
- C. Services provided by a communications service as defined in Title 35-A, section 9202, subsection 3; and
- D. Services provided by a municipality.

Sec. 6. 14 MRSA §6001, sub-§3, ¶A, as amended by PL 2023, c. 272, §1, is further amended to read:

- A. Asserted the tenant's rights pursuant to section 6015, 6016, 6021, ~~or~~ 6030-D, 6030-I or 6030-J;

Sec. 7. 14 MRSA §6015, as repealed and replaced by PL 2023, c. 388, §1, is amended to read:

§6015. **Notice of rent or mandatory recurring fee increase**

1. **Increase of rent or mandatory recurring fees generally.** Except as provided in subsection 2, rent or mandatory recurring fees charged for residential estates may be increased by the landlord only after providing at least 45 days' written notice to the tenant. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this

section is liable for the return of any sums unlawfully obtained from the tenant, with interest, and reasonable attorney's fees and costs.

2. **Increase of 10% or more.** If rent charged for a residential estate is increased by the landlord by 10% or more, the landlord must provide at least 75 days' written notice to the tenant. If the landlord increases rent more than once in a 12-month period, and the increases add up to a total increase of 10% or more, the landlord must provide at least 75 days' written notice prior to any increase that brings the total increase in rent to 10% or more. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this subsection is liable for the return, with interest, of any sums unlawfully obtained from the tenant and reasonable attorney's fees and costs.

This subsection does not apply to rental housing that is subject to:

- A. Requirements established by a document or deed recorded by a register of deeds that are designed to keep the housing affordable for tenants with specific income levels;
- B. Restrictions as a condition of the landlord's receipt of subsidies from or participation in a municipal, state or federal housing program; or
- C. Restrictions as a condition of the tenant's receipt of subsidies from or participation in a municipal, state or federal housing program.

Sec. 8. 14 MRSA §6022-A is enacted to read:

§6022-A. **Limit on initial amount paid by tenant**

1. **Limit on amount required to initiate tenancy.** Upon entering a lease or tenancy at will agreement, a landlord, landlord's agent or real estate broker may not require a tenant to pay an initial amount of money in excess of the total of the rent for the first full month of occupancy, a security deposit as limited by section 6032 and any mandatory recurring fee as defined in section 6000, subsection 1-A that is properly disclosed under section 6030-J.

Sec. 9. 14 MRSA §6030, sub-§2, as amended by PL 2009, c. 566, §16, is further amended to read:

2. **Unenforceable provisions.** The following lease or tenancy at will agreement or rule provisions for a dwelling unit, as defined in section 6021, are specifically declared to be unenforceable and in violation of Title 5, section 207:

- A. Any provision that absolves the landlord from liability for the negligence of the landlord or the landlord's agent;
- B. Any provision that requires the tenant to pay the landlord's legal fees in enforcing the lease or tenancy at will agreement;

C. Any provision that requires the tenant to give a lien upon the tenant's property for the amount of any rent or other sums due the landlord; ~~and~~

D. Any provision that requires the tenant to acknowledge that the provisions of the lease or tenancy at will agreement, including tenant rules, are fair and reasonable;

E. Any provision that requires the tenant to pay a fee, penalty or other charge for the act of discontinuing tenancy, unless the fee, penalty or other charge is:

(1) To recover reasonable expenses related to securing another tenant in circumstances in which the initial tenant has breached provisions of the lease or tenancy at will agreement related to notice required before discontinuing tenancy;

(2) To collect unpaid rent due the landlord by the tenant; or

(3) To recover reasonable expenses incurred in the repair of damage to a dwelling unit caused by the tenant.

Retention of a security deposit or any portion of a security deposit for reasons permitted under section 6033 does not constitute a fee, penalty or other charge for the act of discontinuing tenancy; and

F. Any provision that requires the tenant to pay an optional recurring fee in violation of section 6030-I or 6030-J or a mandatory recurring fee in violation of section 6030-J.

Sec. 10. 14 MRSA §6030, sub-§4 is enacted to read:

4. Total price disclosure. A lease or tenancy at will agreement is unenforceable if the landlord does not receive a signed copy of the total price disclosure as required by section 6030-J.

Sec. 11. 14 MRSA §6030-I is enacted to read: §6030-I. Optional recurring fee

1. Definition. As used in this section, "optional recurring fee" means an amount of money paid for an added service or feature of a property that is not essential to meet the basic health or safety requirements necessary for a dwelling unit to be fit for human habitation as governed by section 6021. "Optional recurring fee" does not include a fee for the use of a coin-operated laundry machine or other intermittent fee not paid on a predetermined recurring basis. "Optional recurring fee" does not include fees for late, missed or insufficient payment of rent, repair costs, utility service costs, penalties or charges that are issued to reimburse the landlord for reasonable costs or that deter the tenant from violating the lease or tenancy at will agreement.

2. Permitted optional recurring fee. A landlord may impose an optional recurring fee only if the landlord provides the tenant with written notice, prior to the implementation of the fee, that the tenant may opt in to using the services or property feature and cease paying the optional recurring fee at any time without penalty. A landlord may not deny or terminate a lease or tenancy at will agreement based on the tenant choosing to opt out of those services or property features or cease paying the optional recurring fee.

Sec. 12. 14 MRSA §6030-J is enacted to read: §6030-J. Total price disclosure statement

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Mandatory recurring fee" has the same meaning as in section 6000, subsection 1-A.

B. "Optional recurring fee" has the same meaning as in section 6030-I, subsection 1.

C. "Rent" has the same meaning as in section 6000, subsection 1-B.

D. "Utility service costs" has the same meaning as in section 6000, subsection 3-A.

2. Written disclosure prior to tenancy. Notwithstanding any other provision of this chapter, prior to entering a lease or tenancy at will agreement, a landlord shall provide a potential tenant or lessee written disclosure of the costs the tenant or lessee will be responsible for paying pursuant to the lease or tenancy at will agreement that contains at a minimum the following:

A. The total cost of rent;

B. Any mandatory recurring fee;

C. Any optional recurring fee;

D. Any utility service costs; and

E. Any other cost that the tenant will be responsible for paying pursuant to the lease or tenancy at will agreement.

The disclosure must be plain and readily understandable by the general public. If a landlord is unable to obtain utility service costs for a dwelling unit, the landlord may provide a completed residential rental energy efficiency disclosure statement in accordance with Title 35-A, section 10117, subsection 1. The disclosure must be signed by both parties, with a copy provided to each.

3. Exception. A written disclosure under subsection 2 is not required if the tenant is not responsible for paying any mandatory recurring fee or any optional recurring fee.

Sec. 13. Effective date. This Act takes effect January 1, 2025.

Effective January 1, 2025.

CHAPTER 595

H.P. 1467 - L.D. 2281

An Act to Reconvene a Driver Education Working Group to Evaluate Hardships to Underserved Populations and Low-income Families

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

Whereas, Resolve 2023, chapter 94 established a working group to study the issue of access to driver education for underserved populations and low-income families; and

Whereas, due to the adjournment date of the First Special Session of the 131st Legislature, the working group had insufficient time to complete its duties; and

Whereas, it is imperative that the working group established by this legislation have ample time to complete its duties; 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:

Sec. 1. Working group. The Department of the Secretary of State, Bureau of Motor Vehicles shall convene a working group to study potential solutions regarding the cost of and access to driver education for underserved populations and low-income families.

Sec. 2. Working group membership. Notwithstanding Joint Rule 353, the working group membership is as follows:

1. One member of the Senate who serves on the Joint Standing Committee on Transportation, appointed by the President of the Senate;
2. One member of the House of Representatives who serves on the Joint Standing Committee on Transportation, appointed by the Speaker of the House;
3. One member representing the driver education school industry, appointed by the Secretary of State;

4. One member representing a State Police traffic division, appointed by the Chief of the State Police;

5. One or more members representing affected groups, including, but not limited to, low-income families, immigrant or refugee communities, tribal communities and foster children, appointed by the Secretary of State;

6. An employee of the Bureau of Motor Vehicles who is responsible for the oversight of driver education, appointed by the Secretary of State;

7. The Commissioner of Education or the commissioner's designee;

8. The Commissioner of Health and Human Services or the commissioner's designee;

9. The Commissioner of Labor or the commissioner's designee;

10. The Deputy Secretary of State having oversight over the Bureau of Motor Vehicles or the deputy secretary's designee;

11. The Secretary of State or the secretary's designee; and

12. One member representing the Bureau of Highway Safety, appointed by the Commissioner of Public Safety.

To the greatest extent practicable, the appointing authorities shall reappoint the persons they appointed to the working group established pursuant to Resolve 2023, chapter 94.

A legislative member who is not reelected may continue to serve on the working group for the duration of the working group. If a member elects not to continue serving on the working group, a person must be appointed to the working group in the same manner as the vacating member was appointed.

Sec. 3. Compensation. Notwithstanding the Maine Revised Statutes, Title 3, section 2 or any provision of law to the contrary, members of the working group may not be compensated for their work on the working group.

Sec. 4. Duties. The working group shall:

1. Identify and document the current status of the availability of the State's driver education program;
2. Examine and identify potential methods of providing driver education at a lower cost for underserved populations and low-income families;
3. Identify possible funding mechanisms to pay for part or all of driver education for low-income families; and
4. Make recommendations based on the findings of the working group.

Sec. 5. Staff assistance. Notwithstanding Joint Rule 353, the Department of the Secretary of State, Bureau of Motor Vehicles shall provide necessary staffing services to the working group, and Legislative Council staff support is not authorized.

Sec. 6. Report. Notwithstanding Joint Rule 353, no later than February 3, 2025, the working group shall submit a report that includes its findings and recommendations for presentation to the joint standing committee of the Legislature having jurisdiction over transportation matters. The committee is authorized to submit legislation related to the report to the 132nd Legislature in 2025.

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

Effective April 9, 2024.

CHAPTER 596

S.P. 972 - L.D. 2254

An Act to Clarify Permissible Election and Lobbying Expenditures by Consumer-owned Utilities and the Casco Bay Island Transit District

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

Whereas, legislation was enacted during the First Special Session of the 131st Legislature amending the laws governing political expenditures, lobbying expenditures, trade association contributions and educational expenditures made by a public utility or an affiliated interest; and

Whereas, the new provisions of law include exemptions for consumer-owned water utilities related to educational expenditures and trade association contributions but not for lobbying expenditures or certain local referendum election expenditures; and

Whereas, the Public Utilities Commission is currently engaging in rulemaking that will include interpreting the new laws; however, rulemaking will not be completed before adjournment of the Second Regular Session of the 131st Legislature; and

Whereas, the Public Utilities Commission, through the rule-making process, could interpret the new laws to effectively prohibit or significantly limit a consumer-owned utility from engaging in lobbying activities or activities necessary to finance legally required trustee elections or referendum elections and notify the public about those elections; and

Whereas, in the judgment of the Legislature, it is important to clarify these new laws with respect to consumer-owned utilities during the Second Regular Session of the 131st Legislature and for the changes to take effect earlier than 90 days after the date of adjournment; 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:

Sec. 1. 35-A MRSA §302, sub-§2, ¶A, as enacted by PL 2023, c. 286, §1, is amended to read:

A. Contributions or gifts to political candidates, political parties, political or legislative committees or any committee or organization working to influence referendum petitions or elections. Nothing in this paragraph prohibits a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22, from undertaking expenditures related to notifying the public of or conducting trustee elections or local referendum elections directly related to or legally required for the operation of a consumer-owned water utility, consumer-owned transmission and distribution utility or the Casco Bay Island Transit District;

Sec. 2. 35-A MRSA §302, sub-§2, ¶C, as enacted by PL 2023, c. 286, §1, is amended to read:

C. Expenditures for lobbying or grassroots lobbying. This paragraph does not apply to a consumer-owned water utility, a consumer-owned transmission and distribution utility or the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22; and

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

Effective April 9, 2024.

CHAPTER 597

H.P. 197 - L.D. 299

An Act to Correct Language Related to Medicaid Coverage for Children

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2127, sub-§2, ¶E, as corrected by RR 2021, c. 2, Pt. A, §59, is amended to read:

E. Implement a patient screening process to determine patient eligibility for Medicaid, the ~~Cub Care program~~ Children's Health Insurance Program under section 3174-T and the sliding fee scale; and

Sec. 2. 22 MRSA §2127, sub-§6, as corrected by RR 2021, c. 2, Pt. A, §60, is amended to read:

6. Coordination with Medicaid and the Cub Care program. The department shall coordinate assistance under this chapter with Medicaid and the ~~Cub Care program~~ Children's Health Insurance Program under section 3174-T in a manner most likely to obtain and maximize federal matching funds.

Sec. 3. 22 MRSA §3173-K, first ¶, as enacted by PL 2023, c. 31, §1, is amended to read:

To promote public health and the health of MaineCare members, the department may authorize standing orders for the dispensing of vaccines as described in Title 32, section 13831 and non-prescription drugs as defined in Title 32, section 13702-A, subsection 20 that support access to preventive care and medically necessary services for Medicaid recipients as defined in section 3172, subsection 3; participants in the state-funded medical program for noncitizens under section 3174-FFF; elderly low-cost drug program enrollees as defined in section 254-D, subsection 1, paragraph B; qualified residents as defined in section 2681, subsection 2, paragraph F; and persons receiving benefits under the ~~Cub Care program~~ Children's Health Insurance Program under section 3174-T.

Sec. 4. 22 MRSA §3174-B, sub-§3, as enacted by PL 1999, c. 731, Pt. AA, §2, is amended to read:

3. Monthly expenditure projections. The commissioner shall prepare a monthly report detailing all expenditures in the Medical Care - Payments to Providers program for each month of every fiscal year. This document must include sufficient detail, including expenditures by fund and category of service, for the month as well as historical data, fiscal year-to-date amounts and projections for the remainder of the biennium and the ensuing biennium. The report also must include monthly statistics on the number of individuals eligible for Medicaid and ~~Cub Care~~ Children's Health Insurance Program benefits. The report must be submitted to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and health and human services matters no later than 15 days following the end of each month.

Sec. 5. 22 MRSA §3174-G, sub-§1, ¶B, as amended by PL 2021, c. 635, Pt. CCC, §1, is further amended to read:

~~B. An infant~~ A person under one year 21 years of age when the infant's person's family income is equal to or below 200% 300% of the nonfarm income official poverty line, except that the department may adopt a rule that provides that infants in families with income over 185% and equal to or below 300% of the nonfarm income official poverty line who meet the eligibility requirements of the Cub Care program established under section 3174 T are eligible to participate in the Cub Care program instead of Medicaid. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

Sec. 6. 22 MRSA §3174-G, sub-§1, ¶D, as amended by PL 2021, c. 635, Pt. CCC, §2, is repealed.

Sec. 7. 22 MRSA §3174-G, sub-§1, ¶E, as amended by PL 2011, c. 477, Pt. Z, §1, is further amended to read:

E. On or before September 30, 2012, the parent or caretaker relative of a child described in paragraph B ~~or D~~ when the child's family income is equal to or below 200% of the nonfarm income official poverty line, subject to adjustment by the commissioner under this paragraph and, beginning October 1, 2012, the parent or caretaker relative of a child described in paragraph B ~~or D~~ when the child's family income is equal to or below 133% of the nonfarm income official poverty line, subject to adjustment by the commissioner under this paragraph. Medicaid services provided under this paragraph must be provided within the limits of the program budget. Funds appropriated for services under this paragraph must include an annual inflationary adjustment equivalent to the rate of inflation in the Medicaid program. On a quarterly basis, the commissioner shall determine the fiscal status of program expenditures under this paragraph. If the commissioner determines that expenditures will exceed the funds available to provide Medicaid coverage pursuant to this paragraph, the commissioner must adjust the income eligibility limit for new applicants to the extent necessary to operate the program within the program budget. If, after an adjustment has occurred pursuant to this paragraph, expenditures fall below the program budget, the commissioner must raise the income eligibility limit to the extent necessary to provide services to as many eligible persons as possible within the fiscal constraints of the program budget, as long as on or before September 30, 2012 the income limit does not exceed 200% of the nonfarm income official poverty line and, beginning October 1, 2012, the income limit does not exceed 133% of the nonfarm income official poverty line;

Sec. 8. 22 MRSA §3174-G, sub-§1, ¶E, as amended by PL 2011, c. 657, Pt. Z, §1 and affected by §2, is further amended to read:

E. On or before September 30, 2012, the parent or caretaker relative of a child described in paragraph B ~~or D~~ when the child's family income is equal to or below 200% of the nonfarm income official poverty line, subject to adjustment by the commissioner under this paragraph and, beginning October 1, 2012, the parent or caretaker relative of a child described in paragraph B ~~or D~~ when the child's family income is equal to or below 100% of the nonfarm income official poverty line. Medicaid services provided under this paragraph must be provided within the limits of the program budget. Funds appropriated for services under this paragraph must include an annual inflationary adjustment equivalent to the rate of inflation in the Medicaid program. On a quarterly basis, the commissioner shall determine the fiscal status of program expenditures under this paragraph. If the commissioner determines that expenditures will exceed the funds available to provide Medicaid coverage pursuant to this paragraph, the commissioner must adjust the income eligibility limit for new applicants to the extent necessary to operate the program within the program budget. If, after an adjustment has occurred pursuant to this paragraph, expenditures fall below the program budget, the commissioner must raise the income eligibility limit to the extent necessary to provide services to as many eligible persons as possible within the fiscal constraints of the program budget, as long as on or before September 30, 2012 the income limit does not exceed 200% of the nonfarm income official poverty line;

Sec. 9. 22 MRSA §3174-G, sub-§1-D, as enacted by PL 2007, c. 539, Pt. NNN, §1, is amended to read:

1-D. Enrollment fee. The department may assess an annual enrollment fee of \$25 for participation in the MaineCare program for a family including a parent or caretaker relative of a child described in subsection 1, paragraph B ~~or D~~ when the family's income exceeds 150% of the nonfarm income official poverty line.

Sec. 10. 22 MRSA §3174-G, sub-§4, as enacted by PL 2019, c. 485, §2, is amended to read:

4. Transitional Medicaid. The department shall administer a program of transitional Medicaid to families receiving benefits under Section 1931 of the federal Social Security Act in accordance with 42 United States Code, Section 1396r-6 and this subsection. The amount, duration and scope of services provided under this subsection must be the same as that provided to a parent or caretaker relative of a child described in subsection 1, paragraph B ~~or D~~.

A. The department shall provide transitional Medicaid for a 12-month extension period in accordance with 42 United States Code, Section 1396r-6, Subsection (a), Paragraph (5) to families whose eligibility for Medicaid assistance terminated due to an increase in earned income, an increase in hours of employment or a loss of a time-limited earnings disregard.

B. The department shall provide transitional Medicaid for 4 months to families whose eligibility for Medicaid assistance terminated due to an increase in the amount of child support received by the family.

Sec. 11. 22 MRSA §3174-T, as amended by PL 2023, c. 405, Pt. A, §62, is further amended to read:

§3174-T. ~~Cub-Care program~~ Children's Health Insurance Program

1. Program established. The ~~Cub-Care program~~ Children's Health Insurance Program is established to provide health coverage for low-income children who are ineligible for benefits under the Medicaid program and who meet the requirements of subsection 2 ~~or 2-A~~. The purpose of the ~~Cub-Care program~~ Children's Health Insurance Program is to provide health coverage to as many children as possible within the fiscal constraints of the program budget and without forfeiting any federal funding that is available to the State for the State Children's Health Insurance Program through the federal Balanced Budget Act of 1997, Public Law 105-33, 111 Stat. 251, referred to in this section as the Balanced Budget Act of 1997.

2. Eligibility; enrollment. Health coverage under the ~~Cub-Care program~~ Children's Health Insurance Program is available to children under 19 years of age ~~whose family income is above the eligibility level for Medicaid under section 3174-G and below the maximum eligibility level established under paragraphs A and B and~~ who meet the requirements set forth in paragraph C.

A. ~~The maximum eligibility level, subject to adjustment by the commissioner under paragraph B, is 300% of the nonfarm income official poverty line~~ the department may adopt rules regarding federal funding of the program within federal guidelines up to the maximum eligibility levels described under section 3174-G.

B. If the commissioner has determined the fiscal status of the ~~Cub-Care program~~ Children's Health Insurance Program under subsection 8 and has determined that an adjustment in the maximum eligibility level is required under this paragraph, the commissioner shall adjust the maximum eligibility level in accordance with the requirements of this paragraph.

(1) The adjustment must accomplish the purposes of the ~~Cub Care program~~ Children's Health Insurance Program set forth in subsection 1.

(3) If ~~Cub Care program~~ Children's Health Insurance Program expenditures are reasonably anticipated to fall below the program budget, the commissioner shall raise the maximum eligibility level set in paragraph A to the extent necessary to provide coverage to as many children as possible within the fiscal constraints of the program budget. If ~~Cub Care program~~ Children's Health Insurance Program expenditures are reasonably anticipated to exceed the program budget after raising the maximum eligibility level pursuant to this subparagraph, the commissioner may lower the maximum eligibility level ~~to the level established in paragraph A.~~

(4) The commissioner shall give at least 30 days' notice of the proposed change in maximum eligibility level to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters.

C. All children resident in the State are eligible except a child who:

- (1) Is eligible for coverage under the Medicaid program;
- (2) Is covered under a group health insurance plan or under health insurance, as defined in Section 2791 of the federal Public Health Service Act, 42 United States Code, Section 300gg(c) (Supp. 1997); or
- (4) Is ~~an inmate~~ a resident in a public institution or a patient in an institution for mental diseases.
- (5) Within the 3 months prior to application for coverage under the ~~Cub Care program~~ Children's Health Insurance Program, was insured or otherwise provided coverage under an employer-based health plan for which the employer paid 50% or more of the cost for the child's coverage, except that this subparagraph does not apply if:
 - (a) The cost to the employee of coverage for the family exceeds 10% of the family's income;
 - (b) The parent lost coverage for the child because of a change in employment, termination of coverage under the Consolidated Omnibus Budget

Reconciliation Act of 1985, COBRA, of the Employee Retirement Income Security Act of 1974, as amended, 29 United States Code, Sections 1161 to 1168 (Supp. 1997) or termination for a reason not in the control of the employee; or

(c) The department has determined that grounds exist for a good-cause exception.

D. Notwithstanding changes in the maximum eligibility level determined under paragraph B, the following requirements apply to enrollment and eligibility:

- (1) Children must be enrolled for 12-month enrollment periods. Prior to the end of each 12-month enrollment period the department shall redetermine eligibility for continuing coverage; and
- (2) Children of higher family income may not be covered unless children of lower family income are also covered. This subparagraph may not be applied to disqualify a child during the 12-month enrollment period. Children of higher family income may be disqualified at the end of the 12-month enrollment period if the commissioner has lowered the maximum eligibility level under paragraph B.

E. Coverage under the ~~Cub Care program~~ Health Insurance Purchase Option of the Children's Health Insurance Program may be purchased for children under 19 years of age described in subparagraphs (1) and (2) for a period of up to 18 months as provided in this paragraph at a premium level that is revenue neutral and that covers the cost of the benefit and a contribution toward administrative costs no greater than the maximum level allowable under the Consolidated Omnibus Budget Reconciliation Act of 1985, COBRA, of the Employee Retirement Income Security Act of 1974, as amended, 29 United States Code, Sections 1161 to 1168 (Supp. 1997). The department shall adopt rules to implement this paragraph. The following children are eligible to enroll under this paragraph:

- (1) A child who is enrolled under paragraph A or B and whose family income at the end of the child's 12-month enrollment term exceeds the maximum allowable income set in that paragraph; and
- (2) A child who is enrolled in the Medicaid program and whose family income exceeds the limits of that program. The department shall terminate Medicaid coverage for a child who enrolls in the ~~Cub Care program~~ Children's Health Insurance Program under this subparagraph.

F. The department may not apply an asset test to a child or child's family when the child is otherwise eligible for the ~~Cub Care program~~ Children's Health Insurance Program under this section.

~~2-A. Persons 19 and 20 years of age. Health coverage under the Cub Care program is available to a person 19 or 20 years of age whose family income is above the eligibility level for Medicaid under section 3174-G and below the maximum eligibility level established under subsection 2, paragraphs A and B and who meets the requirements set forth in subsection 2, paragraph C. All the requirements of eligibility, program administration, benefit delivery and outreach established in this section apply to persons 19 and 20 years of age.~~

3. Program administration; benefit design. With the exception of any requirements imposed under this section, the ~~Cub Care program~~ Children's Health Insurance Program must be integrated with the Medicaid program and administered with it in one administrative structure within the department, with the same enrollment and eligibility processes, benefit package and outreach and in compliance with the same laws and policies as the Medicaid program, except when those laws and policies are inconsistent with this section and the Balanced Budget Act of 1997. The department shall adopt and promote a simplified eligibility form and eligibility process.

4. Benefit delivery. The ~~Cub Care program~~ Children's Health Insurance Program must use, but is not limited to, the same benefit delivery system as the Medicaid program, providing benefits through the same health plans, contracting process and providers. Copayments and deductibles may not be charged for benefits provided under the program.

5. Premium payments. Premiums must be paid in accordance with this subsection.

A. Premiums must be paid at the beginning of each month for coverage for that month according to the following scale:

- (1) Families with incomes between 150% and 160% of the federal nonfarm income official poverty line pay premiums of 5% of the benefit cost per child, but not more than 5% of the cost for 2 children;
- (2) Families with incomes between 160% and 170% of the federal nonfarm income official poverty line pay premiums of 10% of the benefit cost per child, but not more than 10% of the cost for 2 children;
- (3) Families with incomes between 170% and 185% of the federal nonfarm income official poverty line must pay premiums of 15% of the benefit cost per child, but not more than 15% of the cost for 2 children; and

(4) Families with incomes between 185% and 200% of the federal nonfarm income official poverty line must pay premiums of 20% of the benefit cost per child, but not more than 20% of the cost for 2 children.

B. When a premium is not paid at the beginning of a month, the department shall give notice of non-payment at that time and again at the beginning of the 6th month of the 6-month enrollment period if the premium is still unpaid, and the department shall provide an opportunity for a hearing and a grace period in which the premium may be paid and no penalty will apply for the late payment. If a premium is not paid by the end of the grace period, coverage must be terminated unless the department has determined that waiver of premium is appropriate under paragraph D. The grace period is determined according to this paragraph.

- (1) If nonpayment is for the first, 2nd, 3rd, 4th or 5th month of the 6-month enrollment period, the grace period is equal to the remainder of the 6-month enrollment period.
- (2) If nonpayment is for the 6th month of the 6-month enrollment period, the grace period is equal to 6 weeks.

C. A child whose coverage under the ~~Cub Care program~~ Children's Health Insurance Program has been terminated for nonpayment of premium and who has received coverage for a month or longer without premium payment may not reenroll until after a waiting period that equals the number of months of coverage under the ~~Cub Care program~~ Children's Health Insurance Program without premium payment, not to exceed 3 months.

D. The department shall adopt rules allowing waiver of premiums for good cause.

6. Incentives. In the contracting process for the ~~Cub Care program~~ Children's Health Insurance Program and the Medicaid program, the department shall create incentives to reward health plans that contract with school-based clinics, community health centers and other community-based programs.

7. Administrative costs. The department shall budget 2% of the costs of the ~~Cub Care program~~ Children's Health Insurance Program for outreach activities. After the first 6 months of the program and to the extent that the program budget allows, the department may expend up to 3% of the program budget on activities to increase access to health care. In addition, the department shall apply for additional federal funds available for Medicaid outreach activities. The goal of outreach activities under this subsection is to enroll 100% of children eligible for the ~~Cub Care program~~ Children's Health Insurance Program or the MaineCare program.

8. Quarterly determination of fiscal status; reports. On a quarterly basis, the commissioner shall determine the fiscal status of the ~~Cub-Care program~~ Children's Health Insurance Program, determine whether an adjustment in maximum eligibility level is required under subsection 2, paragraph B and report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters on the following matters:

- A. Enrollment approvals, denials, terminations, reenrollments, levels and projections. With regard to denials, the department shall gather data from a statistically significant sample and provide information on the income levels of children who are denied eligibility due to family income level;
- B. ~~Cub-Care program~~ Children's Health Insurance Program expenditures, expenditure projections and fiscal status;
- C. Proposals for increasing or decreasing enrollment consistent with subsection 2, paragraph B;
- D. Proposals for enhancing the ~~Cub-Care program~~ Children's Health Insurance Program;
- E. Any information the department has from the ~~Cub-Care program~~ Children's Health Insurance Program or from the Department of Professional and Financial Regulation, Bureau of Insurance or the Department of Labor on employer health coverage and insurance coverage for low-income children;
- F. The use of and experience with the ~~purchase option~~ Health Insurance Purchase Option under subsection 2, paragraph E; and
- G. ~~Cub-Care program~~ Children's Health Insurance Program administrative costs.

9. Provisions applicable to federally recognized Indian tribes. After consultation with federally recognized Indian nations, tribes or bands of Indians in the State, the commissioner shall adopt rules regarding eligibility and participation of children who are members of a nation, tribe or band, consistent with Title 30, section 6211, in order to best achieve the goal of providing access to health care for all qualifying children within program requirements, while using all available federal funds.

10. Rulemaking. The department shall adopt rules in accordance with Title 5, chapter 375 as required to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

11. ~~Cub-Care~~ Children's Health Insurance Program drug rebate ~~program agreement~~. Effective

October 1, 1999, the department shall enter into a drug rebate agreement with each manufacturer of prescription drugs that results in a rebate equal to that which would be achieved under the federal Social Security Act, Section 1927.

12. Premium rate review; adjustment. Effective July 1, 2004, the department shall periodically evaluate the amount of premiums charged under this section to ensure that the premiums charged reflect the most current benefit cost per child. The commissioner shall adjust the premiums by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 12. 22 MRSA §3174-U, as enacted by PL 1999, c. 301, §1, is amended to read:

§3174-U. Medicaid reimbursement for dental services

The department shall conduct an annual review of the adequacy of reimbursement rates for dental services for dentists who provide care for a disproportionate number of patients whose care is reimbursed through the Medicaid program and the ~~Cub-Care program~~ Children's Health Insurance Program established in section 3174-T. By December 31, 1999, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the results of the study, including the costs in General Fund and other money.

Sec. 13. 22 MRSA §3174-X, sub-§1, ¶A, as enacted by PL 2015, c. 511, §1, is amended to read:

A. "Children's health insurance program" means the state children's health insurance program under Title XXI of the Social Security Act. "Children's health insurance program" includes the ~~Cub-Care program, which is established in section 3174-T,~~ the federal Children's Health Insurance Program, or CHIP, and the federal State Children's Health Insurance Program, or S-CHIP.

Sec. 14. 22 MRSA §3174-BB, sub-§1, as enacted by PL 2001, c. 450, Pt. A, §4, is amended to read:

1. Children. In the Medicaid program and the ~~Cub-Care program~~ Children's Health Insurance Program under section 3174-T, the enrollment period for children under 19 years of age must be 12 months.

Sec. 15. 22 MRSA §3174-NNN is enacted to read:

§3174-NNN. MaineCare eligibility for persons under 21 years of age

The department may seek authority from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services using a state plan option or a waiver through the Medicaid program or the federal State Children's Health

Insurance Program to reduce barriers to coverage or increase MaineCare eligibility for persons under 21 years of age.

Sec. 16. 24 MRSA §2332-A, sub-§2, as amended by PL 2005, c. 683, Pt. A, §38, is further amended to read:

2. Medicaid and ~~Cub-Care programs~~ Children's Health Insurance Program. Nonprofit service organizations may not consider the availability or eligibility for medical assistance under 42 United States Code, Section 13969, referred to as "Medicaid," or Title 22, section 3174-T, referred to as the "~~Cub-Care program~~ Children's Health Insurance Program," when considering coverage eligibility or benefit calculations for subscribers and covered family members.

A. To the extent that payment for coverage expenses has been made under the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program for health care items or services furnished to an individual, the State is considered to have acquired the rights of the covered subscriber or family member to payment by the nonprofit service organization for those health care items or services. Upon presentation of proof that the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program has paid for covered items or services, the nonprofit service organization shall make payment to the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program according to the coverage provided in the contract or certificate.

B. A nonprofit service organization may not impose requirements on a state agency that has been assigned the rights of an individual eligible for Medicaid or ~~Cub-Care~~ Children's Health Insurance Program coverage and covered by a subscriber contract that are different from requirements applicable to an agent or assignee of any other covered individual.

Sec. 17. 24-A MRSA §2844, sub-§2, as amended by PL 2005, c. 683, Pt. A, §41, is further amended to read:

2. Medicaid and ~~Cub-Care programs~~ Children's Health Insurance Program. Insurers may not consider the availability or eligibility for medical assistance under 42 United States Code, Section 13969, referred to as "Medicaid," or Title 22, section 3174-T, referred to as the "~~Cub-Care program~~ Children's Health Insurance Program," when considering coverage eligibility or benefit calculations for insureds and covered family members.

A. To the extent that payment for coverage expenses has been made under the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program for health care items or services furnished to an individual, the State is

considered to have acquired the rights of the insured or family member to payment by the insurer for those health care items or services. Upon presentation of proof that the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program has paid for covered items or services, the insurer shall make payment to the Medicaid program or the ~~Cub-Care program~~ Children's Health Insurance Program according to the coverage provided in the contract or certificate.

B. An insurer may not impose requirements on a state agency that has been assigned the rights of an individual eligible for Medicaid or ~~Cub-Care~~ Children's Health Insurance Program coverage and covered by a subscriber contract that are different from requirements applicable to an agent or assignee of any other covered individual.

Sec. 18. 24-A MRSA §2849-B, sub-§3, ¶C-1, as amended by PL 2005, c. 683, Pt. A, §42, is further amended to read:

C-1. That person was covered by the ~~Cub-Care program~~ Children's Health Insurance Program under Title 22, section 3174-T, and the request for replacement coverage is made while coverage is in effect or within 30 days from the termination of coverage; or

Sec. 19. 32 MRSA §18377, sub-§4, as amended by PL 2019, c. 388, §10, is further amended to read:

4. Dental coverage and reimbursement. Notwithstanding Title 24-A, section 2752, any service performed by a dentist, dental assistant or dental hygienist licensed in this State that is reimbursed by private insurance, a dental service corporation, the MaineCare program under Title 22 or the ~~Cub-Care program~~ Children's Health Insurance Program under Title 22, section 3174-T must also be covered and reimbursed when performed by a dental therapist authorized to practice under this chapter.

See title page for effective date.

CHAPTER 598

S.P. 331 - L.D. 772

An Act to Limit Retroactive Application of Land Use Ordinances to Pending Permit Applications That Propose Housing

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §3007, sub-§7 is enacted to read:

7. Restriction on retroactive application. A municipality or a municipal reviewing authority as defined by section 4301, subsection 12 may not enforce or apply a land use ordinance with retroactive effect unless the ordinance includes a provision that expressly states it has retroactive application. A municipality or municipal reviewing authority may not apply a land use ordinance with retroactive effect to a pending permit application for a land use permit that includes a proposal for a development that includes one or more units of residential housing if the proposal date of the ordinance occurred after the application was submitted to the municipality and, notwithstanding Title 1, section 302, the application is deemed complete for processing. For the purposes of this subsection:

A. "Proposal date" means the date on which the proposed land use ordinance or proposed amendment to an ordinance is posted pursuant to section 3002, subsection 1 or the date on which a permit application is filed to circulate a petition for a voter-initiated measure to adopt or amend a land use ordinance; and

B. A permit application is deemed complete for processing when it is submitted to the municipality or municipal reviewing authority and, at the time of submission, the applicant can demonstrate legally enforceable title or right to or interest in all the property proposed for development.

See title page for effective date.

**CHAPTER 599
H.P. 492 - L.D. 803**

An Act Regarding Department of Economic and Community Development Evaluations of State Investments in Economic Development

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §13070-P, sub-§2, as enacted by PL 2017, c. 264, §13, is amended to read:

2. Action on evaluation recommendations. By February 1, 2021 and every 4 years thereafter, the commissioner shall present the evaluation and results from the most recent evaluation required under this section to the joint standing committee of the Legislature having jurisdiction over ~~labor, commerce, research and economic development matters~~ and the joint standing committee of the Legislature having jurisdiction over taxation matters. The commissioner shall report to the Governor and the ~~committee~~ committees on actions planned by the department and other entities administering the programs to address the recommendations made. The ~~committee~~ committees

shall also consider the independent reviewers' recommendations and may each submit a bill to the Legislature to implement recommendations.

By February 1, 2023 and by February 1st every 4 years thereafter, the commissioner shall submit to the Governor, ~~and~~ the joint standing committee of the Legislature having jurisdiction over ~~labor, commerce, research and economic development matters~~ and the joint standing committee of the Legislature having jurisdiction over taxation matters a progress report related to the evaluation required under this section that describes the implementation status of the planned actions to address the recommendations from the prior evaluation.

See title page for effective date.

**CHAPTER 600
H.P. 1308 - L.D. 2046**

An Act Regarding the Placement of Certain Defendants Found Incompetent to Stand Trial

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §3069-D is enacted to read:

§3069-D. Placement of defendants found incompetent to stand trial

1. Acceptance of placement. The commissioner may accept the placement of an adult defendant, referred to in this section as "the defendant," in a mental health unit of a correctional facility whom a court, after hearing, finds by clear and convincing evidence is incompetent to stand trial and whom the court commits to the custody of the Commissioner of Health and Human Services under Title 15, section 101-D, subsection 5 if, in addition to the findings required under Title 15, section 101-D, subsection 5, the court finds that:

A. The defendant is at risk of causing serious harm by engaging in interpersonal violence that is not primarily driven by symptoms of a major mental illness or other disability;

B. There is not sufficient security at a state mental health institute to address the likelihood of serious harm; and

C. There is no other less restrictive alternative to placement in a mental health unit of a correctional facility.

2. Treatment; transfer. The department shall provide services and treatment consistent with the requirements of Title 15, section 101-D, subsection 5 to

a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1. The department may not transfer to another unit of a correctional facility a defendant accepted for treatment in a mental health unit of a correctional facility under subsection 1.

3. Termination of placement. Termination of placement is governed by this subsection.

A. The commissioner may terminate the placement of a defendant accepted pursuant to this section if the commissioner determines that the likelihood of serious harm posed by the defendant has decreased or the security at a state mental health institute has increased or for any other reason.

B. At any time after 90 days of placement in a mental health unit of a correctional facility, except not within 60 days of resolution of a prior petition under this paragraph, the defendant may petition the court for return to placement in a less restrictive setting on the grounds that the criteria for placement under subsection 1 no longer exist. If a petition is filed under this paragraph, the court shall hold a hearing and issue a decision maintaining or terminating the placement.

4. Disclosure of information. With respect to a defendant who has previously been hospitalized under Title 34-B, chapter 3, subchapter 4, the commissioner may make it a prerequisite to accepting placement of the defendant under this section that necessary information be disclosed to the department pursuant to Title 34-B, section 1207, subsection 1, paragraph B.

5. Application of other laws. All other applicable provisions of law governing defendants found incompetent to stand trial apply to defendants accepted for placement under this section.

6. Repeal. This section is repealed November 1, 2027.

Sec. 2. Stakeholder group; report. The Department of Health and Human Services shall convene a stakeholder group to examine issues related to certain defendants found incompetent to stand trial who are placed in a mental health unit of a Department of Corrections facility in accordance with the Maine Revised Statutes, Title 34-A, section 3069-C. The stakeholder group must develop a process and procedure for safely and effectively placing certain defendants found incompetent to stand trial, who pose a health or safety risk to Department of Health and Human Services personnel and patients, in the least restrictive setting possible. The process and procedure developed must ensure that a defendant's due process rights are maintained and protected. The stakeholder group must also determine and identify any resources required to establish this process and procedure. The membership of the stakeholder group must include, at a minimum, the Commissioner of Corrections or the

commissioner's designee, a criminal defense attorney licensed in this State and a representative of a statewide organization that advocates for civil liberties.

On or before January 1, 2027, the Department of Health and Human Services shall submit to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters a report outlining the process and procedures developed, including recommended legislation. After reviewing the report, the committee may report out legislation relating to the report to the 133rd Legislature in 2027.

Sec. 3. Review; report. By January 1, 2027, the Department of Health and Human Services and the Department of Corrections shall jointly submit a report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the number, circumstances and outcomes of the placement of defendants found incompetent to stand trial and placed in a mental health unit of a correctional facility pursuant to the Maine Revised Statutes, Title 34-A, section 3069-C. The report must include the number of defendants transferred to a mental health unit, the average length of stay, the number of defendants transferred to other facilities, which must be organized by type of facility, the impact on the mental health and criminal justice systems and any other relevant data. After reviewing the report, the committee may report out legislation to the 133rd Legislature in 2027 to address issues raised by the report and to repeal or amend the sunset provision in Title 34-A, section 3069-C, subsection 6.

See title page for effective date.

CHAPTER 601

S.P. 882 - L.D. 2089

An Act Regarding Drug Awareness Instruction in Secondary Schools

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §4723, as amended by PL 2019, c. 106, §3 and c. 196, §1, is further amended to read:

§4723. Health and physical education

The secondary course of study must include instruction in health, safety and physical education, as prescribed by the commissioner, and physiology and hygiene, with special reference to the effects of alcoholic drinks, stimulants and narcotics and other dangerous drugs such as fentanyl upon the human system. Health education must include instruction that addresses the relationship between physical and mental

health in order to enhance student understanding of attitudes toward and behavior relating to mental illness and to eliminate the stigma associated with mental illness. The secondary course of study must also include instruction on affirmative consent, communication and decision making regarding sexual activity and the effects of alcoholic drinks, stimulants ~~and~~, narcotics ~~and~~ other dangerous drugs such as fentanyl on the ability to give affirmative consent, communicate and make appropriate decisions. For purposes of this section, "affirmative consent" means consent to sexual activity that can be revoked at any time and does not include silence, lack of resistance or consent given while intoxicated.

A secondary school may supplement instruction on youth substance use and youth substance use disorder by observing a drug awareness week during the month of October each year with appropriate activities and programming.

See title page for effective date.

**CHAPTER 602
S.P. 894 - L.D. 2101**

**An Act to Strengthen
Shoreland Zoning Enforcement**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §685-C, sub-§8-A is enacted to read:

8-A. Shoreland zoning violations; commission authority. The commission may take the following actions when an owner or occupant of land within the commission's jurisdiction violates a standard, rule, permit or order adopted or issued by the commission pursuant to this chapter applicable to development in a shoreland zone, as long as the commission sends written notice to the last known address of the owner and occupant, if applicable, by certified mail, return receipt requested, demanding the owner or occupant remove, abate or otherwise correct the violation within 10 days and the violation is not removed, abated or otherwise corrected in that time period:

A. Deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development in the shoreland zone of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded costs are paid; and

B. File a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation, court costs and reasonable attorney's fees.

If the commission is the prevailing party in a civil action filed pursuant to this subsection, the commission may claim a lien against the land on which the violation occurred for all costs awarded by the court. The commission shall file a notice of a lien with the register of deeds in the county in which the land is located.

For the purposes of this subsection, "shoreland zone" means the shoreland area as described in Title 38, section 435 and "occupant" means a person occupying land with the owner's permission.

Sec. 2. 30-A MRSA §4452, sub-§1-A is enacted to read:

1-A. Shoreland zoning violations; municipal authority. A municipality may take the following actions when an owner or occupant of land in the municipality violates a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, including an ordinance or standard established or imposed by the State, as long as the municipality sends written notice to the last known address of the owner and occupant, if applicable, by certified mail, return receipt requested, demanding the owner or occupant remove, abate or otherwise correct the violation within 10 days and the violation is not removed, abated or otherwise corrected in that time period:

A. Deny the issuance of a permit to or suspend or revoke a permit of the owner or occupant for further development of the land on which the violation occurred until the violation is removed, abated or otherwise corrected and any penalties and court-awarded costs are paid; and

B. File a civil action against the owner or occupant to recover unpaid penalties, the cost to remove, abate or otherwise correct the violation, court costs and reasonable attorney's fees.

If the municipality is the prevailing party in a civil action filed pursuant to this subsection, the municipality may claim a lien against the land on which the violation occurred for all costs awarded by the court. The municipal officers or the officers' designee shall file a notice of the lien with the register of deeds in the county in which the land is located.

For the purposes of this subsection, "occupant" means a person occupying land with the owner's permission.

This subsection does not limit the powers of a municipality provided in any other provision of law.

A suspension or revocation of a permit pursuant to paragraph A remains in effect during any appeal of the suspension or revocation to a municipal board of appeals.

Sec. 3. 33 MRSA §173, sub-§5, as amended by PL 2017, c. 181, §2, is further amended to read:

5. Known defects. Any known defects; ~~and~~

Sec. 4. 33 MRSA §173, sub-§6, ¶B, as enacted by PL 2017, c. 181, §3, is amended to read:

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller; and

Sec. 5. 33 MRSA §173, sub-§7 is enacted to read:

7. Notice of violation. Detailed information on an actual or alleged violation of a shoreland zoning ordinance adopted pursuant to Title 38, chapter 3, subchapter 1, article 2-B, including those that were state-imposed, imposed on and applicable to the property.

See title page for effective date.

**CHAPTER 603
S.P. 895 - L.D. 2102**

**An Act to Support
Municipalities by Repealing the
Law Limiting the Municipal
Property Tax Levy**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §5681, sub-§8, as enacted by PL 2007, c. 662, §2, is amended to read:

8. Posting of revenue sharing projections. For the purpose of assisting municipalities in a timely manner in their budget development process ~~and in the determination of their property tax levy limits as required by section 5721-A~~, the Treasurer of State shall post no later than April 15th of each year on the Treasurer of State's website the projected revenue sharing distributions as required by this section according to the most recently issued state revenue forecasts issued by the Revenue Forecasting Committee pursuant to Title 5, chapter 151-B for the subsequent fiscal year beginning on July 1st.

Sec. 2. 30-A MRSA §5721-A, as amended by PL 2015, c. 267, Pt. L, §§13 to 16, is repealed.

Sec. 3. 30-A MRSA §7102, 2nd ¶, as enacted by PL 2005, c. 2, Pt. C, §2 and affected by §§3 and 5 and c. 12, Pt. WW, §16, is repealed.

Sec. 4. 36 MRSA §1611, sub-§2, ¶B, as enacted by PL 2005, c. 624, §1, is repealed.

See title page for effective date.

**CHAPTER 604
H.P. 1372 - L.D. 2148**

**An Act to Expand Direct
Shipment Reporting and to
Allow for the Use of Fulfillment
Providers for the Direct
Shipment of Wine**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28-A MRSA §1403-A, sub-§1, ¶C is enacted to read:

C. "Common carrier" means a company that transports goods upon reasonable request, on regular routes and at set rates.

Sec. 2. 28-A MRSA §1403-A, sub-§1, ¶D is enacted to read:

D. "Fulfillment provider" means a bonded logistics agent of a direct shipper that provides fulfillment services, including warehousing, packaging, distributing and order processing for the shipment of wine to a consumer and arranges for transport of wine to a consumer by a common carrier and that has obtained a fulfillment provider registration under subsection 5-A.

Sec. 3. 28-A MRSA §1403-A, sub-§4, as enacted by PL 2009, c. 373, §1, is amended to read:

4. Direct shipment requirements. A direct shipper or a direct shipper's fulfillment provider may only ship wine that was produced by or for the direct shipper, owned by the direct shipper or sold under the winery name of the direct shipper in accordance with the direct shipper's federal basic wine manufacturing permit to a recipient who is at least 21 years of age and that is intended for personal use and not for resale. A direct shipper or a direct shipper's fulfillment provider may not ship wine products commonly known as "wine coolers." A direct shipper or a direct shipper's fulfillment provider shall label each package to be shipped in accordance with this section so that it conspicuously reads "CONTAINS ALCOHOL: SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER IS REQUIRED FOR DELIVERY."

Sec. 4. 28-A MRSA §1403-A, sub-§5, as enacted by PL 2009, c. 373, §1, is amended to read:

5. Common carrier. Shipments made in accordance with this chapter must be made by a common carrier and must be accompanied by a shipping label that clearly indicates the name of the direct shipper and the name and residence address of the recipient. The common carrier shall obtain the signature of a person 21 years of age or older at the address listed on the shipping label prior to delivery of the shipment. The common carrier shall request photographic

identification from the person signing for the shipment and verify that the person is 21 years of age or older.

Sec. 5. 28-A MRSA §1403-A, sub-§5-A is enacted to read:

5-A. Fulfillment provider registration. A direct shipper may use a fulfillment provider that is registered under this section.

A. A fulfillment provider that is not a common carrier, does not hold a direct shipper, manufacturer, wholesale or retail license issued by the bureau and is not a certificate of approval holder and that is not owned or controlled by a common carrier, direct shipper, manufacturer, wholesale or retail licensee or certificate of approval holder may register with the bureau in a manner prescribed by the bureau. A registration must include the information required in paragraph B and a registration fee of not more than \$50 per physical premises. A fulfillment provider registering pursuant to this subsection shall register with the bureau for each physical premises from which the fulfillment provider will ship wine under this section. A fulfillment provider may only ship wine to a recipient in the State if the fulfillment provider maintains a current registration, as applicable, under this subsection and only if the wine shipped is provided by a direct shipper licensed under this section.

B. A fulfillment provider registration must include the following:

- (1) The address of each physical premises from which the fulfillment provider will ship wine to recipients in the State;
- (2) The name, address and license number of each direct shipper on whose behalf the fulfillment provider will ship wine to recipients in the State; and
- (3) Any other information as determined by the bureau.

C. A fulfillment provider registration must be renewed every 2 years. If there is a material change in the information provided to the bureau related to the initial registration or renewal, the fulfillment provider shall provide updated information to the bureau not later than 14 days after the change.

D. A fulfillment provider shall make all commercially reasonable efforts to verify the validity of each direct shipper license prior to making any shipments under this section. Continuous failure to verify the validity of licenses may result in the suspension of the fulfillment provider's registration and imposition of a fine.

Sec. 6. 28-A MRSA §1403-A, sub-§11, as amended by PL 2013, c. 476, Pt. A, §31, is repealed and the following enacted in its place:

11. Reporting. Reports to the bureau regarding direct shipments of wine are governed by this subsection.

A. A direct shipper shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

- (1) The total number of cases of wine shipped to recipients in the State and, for a direct shipper located in the State, shipments made outside the State;
- (2) The name and residence address of shipment recipients in the State;
- (3) The name and registration of the designated fulfillment providers, if applicable;
- (4) The common carrier used to deliver each shipment; and
- (5) The date, quantity and purchase price of each shipment.

B. A fulfillment provider shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

- (1) The name as it appears on the direct shipper license, physical address and license number of the direct shipper on whose behalf the fulfillment provider shipped wine under this section;
- (2) The date of each shipment;
- (3) The name and business address of the common carrier that transported the shipment and the unique tracking number for each shipment;
- (4) The weight of each package shipped; and
- (5) The name and residence address of each recipient.

C. A common carrier shall submit a report to the bureau quarterly in a manner and form prescribed by the bureau that includes the following:

- (1) The name of the common carrier;
- (2) The name and address of the direct shipper and, if applicable, the fulfillment provider that used the common carrier for a shipment of wine;
- (3) The name and address of each recipient;
- (4) The weight of each package delivered to each recipient;

(5) The unique tracking number for each shipment; and

(6) The date of each delivery.

A failure by a common carrier to comply with the reporting requirements of this paragraph that continues for more than 30 days after receiving from the bureau a notice of that failure may result in the suspension of the common carrier's license to operate in the State or the imposition of any other penalty the relevant licensing authority in the State is authorized to impose.

D. If no wine was shipped to a recipient in this State and, for a direct shipper located in the State, no wine was shipped to a recipient outside the State during the reporting period, a report containing that information must be submitted to the bureau.

Sec. 7. 28-A MRSA §1403-A, sub-§12, as enacted by PL 2009, c. 373, §1, is amended to read:

12. Audit and records retention. The bureau may perform an audit of a direct shipper's, fulfillment provider's or common carrier's records relevant to compliance with this section. A direct shipper, fulfillment provider or common carrier shall provide copies of any records requested by the bureau within 40 20 business days of that request.

A. A direct shipper shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph A or D for 2 years after the reporting date, unless otherwise directed by the bureau.

B. A fulfillment provider shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph B or D for 2 years after the reporting date, unless otherwise directed by the bureau.

C. A common carrier shall maintain the books, records and documents supporting a report submitted under subsection 11, paragraph C or D, including an electronic or paper copy of each recipient's signature, for 2 years after the reporting date, unless otherwise directed by the bureau.

Sec. 8. 28-A MRSA §1403-A, sub-§13, as enacted by PL 2009, c. 373, §1, is amended to read:

13. Violation. A person, including a common carrier or fulfillment provider, who knowingly causes a direct shipment in violation of this section is subject to a fine up to \$500 for a first offense and up to \$1,000 for any subsequent violation of this section. A direct shipper, fulfillment provider or common carrier who knowingly delivers wine to a person under 21 years of age is subject to a fine up to \$5,000. The bureau may suspend or revoke a wine direct shipper license for failure to comply with the shipping limits and reporting requirements required by this section. The bureau may

accept payment of an offer in compromise in lieu of suspension; such payments must be determined by rules adopted by the bureau.

Sec. 9. Direct shipment of wine report. The Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations shall examine the direct shipment of wine under the Maine Revised Statutes, Title 28-A, section 1403-A in order to evaluate the effectiveness of the regulations related to compliance and enforcement. The bureau shall submit a report no later than February 1, 2026 to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters summarizing their findings, which must include information regarding the total volume and sales figures of wine shipped to recipients in the State and outside the State, the entities and locations from which wine shipments are made, where wine shipments are being delivered in the State, broken down at a minimum by county, auditing procedures and compliance and enforcement data. The report may include suggested legislation necessary to support conclusions reached in the report. The committee may submit legislation related to the report to the Second Regular Session of the 132nd Legislature.

See title page for effective date.

CHAPTER 605
S.P. 923 - L.D. 2171

**An Act Establishing
Concurrent Jurisdiction with
the Federal Courts in Certain
Juvenile Matters**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §11 is amended to read:

§11. State processes executed in places ceded

Civil, criminal, juvenile and military processes, lawfully issued by an officer of the State, may be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purpose.

Sec. 2. 15 MRSA §3101, sub-§2, ¶F is enacted to read:

F. The jurisdiction of the Juvenile Court is concurrent with that of a federal court sitting in the State over proceedings involving an alleged violation of federal law committed by a juvenile on a military installation of the United States Department of Defense if:

(1) The United States Attorney for the District of Maine or the federal court waives exclusive jurisdiction; and

(2) The violation of federal law is also a juvenile crime as defined in section 3103, subsection 1.

Sec. 3. 17-A MRSA §10-A, sub-§3 is enacted to read:

3. Except as provided in subsections 1 and 2, when concurrent jurisdiction has been established pursuant to Title 15, section 3101, subsection 2, paragraph F, the Juvenile Court has exclusive original jurisdiction over a case involving a juvenile who is alleged to have committed a juvenile crime as defined in Title 15, section 3103, subsection 1.

See title page for effective date.

CHAPTER 606

H.P. 1430 - L.D. 2228

An Act to Establish the Wabanaki Veterans Memorial

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 3 MRSA §902, sub-§1-E is enacted to read:

1-E. Wabanaki veterans memorial. Notwithstanding section 902-A, subsection 2, paragraph B, the commission shall arrange for and oversee the development and implementation of a memorial in a portion of Capitol Park to honor the Wabanaki's defense and protection of their homelands and their service in the United States Armed Forces. The memorial is subject to available funding for the park.

See title page for effective date.

CHAPTER 607

H.P. 1440 - L.D. 2241

An Act to Eliminate Inactive Boards and Commissions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §55, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

Sec. 2. 5 MRSA §285, sub-§1, ¶F-11, as enacted by PL 2015, c. 363, §1, is repealed.

Sec. 3. 5 MRSA §12004-C, sub-§8, as enacted by PL 2011, c. 346, §1, is repealed.

Sec. 4. 5 MRSA §12004-C, sub-§9, as enacted by PL 2015, c. 363, §2, is repealed.

Sec. 5. 5 MRSA §12004-I, sub-§2-E, as enacted by PL 1999, c. 566, §2, is repealed.

Sec. 6. 5 MRSA §12004-I, sub-§7, as amended by PL 1991, c. 832, §1, is repealed.

Sec. 7. 20-A MRSA §11, as amended by PL 2021, c. 144, §§1 to 3, is repealed.

Sec. 8. 20-A MRSA §3802, sub-§3, ¶D, as enacted by PL 2017, c. 284, Pt. VVVVVV, §6, is amended to read:

~~D. Magnet schools~~ The magnet school pursuant to ~~chapters chapter 312 and 312-A;~~

Sec. 9. 20-A MRSA §5205, sub-§11, as enacted by PL 2015, c. 363, §3, is repealed.

Sec. 10. 20-A MRSA c. 312-A, as amended, is repealed.

Sec. 11. 20-A MRSA §11801, sub-§3, as amended by PL 1989, c. 698, §15 and affected by §76, is repealed.

Sec. 12. 20-A MRSA §11803, sub-§2, as amended by PL 1989, c. 698, §17 and affected by §76, is further amended to read:

2. Forgiveness of indebtedness. The agreement must provide that 1/4 of the indebtedness is forgiven for each year in which the state contract student practices the student's profession within the State in primary care or other specialized areas as determined by the chief executive officer, ~~with the advice of the Advisory Committee on Medical Education.~~ For other state contract students returning to practice their profession in Maine, 1/4 of their indebtedness is forgiven for each of the first 2 years of practice.

Sec. 13. 20-A MRSA §12102, as amended by PL 2009, c. 488, §1, is further amended to read:

§12102. Comprehensive programs

The chief executive officer shall administer the comprehensive programs established in this chapter and chapter 424-A to address the shortage of primary health care professionals and veterinarians in the State. ~~With the assistance of the Advisory Committee on Medical Education, established by Title 5, section 12004-I, subsection 7, the~~ The chief executive officer shall plan, evaluate and update the programs to ensure that Maine residents have access to medical education and veterinary education and that Maine residents have access to primary health care and to veterinary care for their animals.

Sec. 14. 20-A MRSA §12106, as amended by PL 2009, c. 488, §13, is repealed.

Sec. 15. 20-A MRSA §15689-A, sub-§26, as reallocated by RR 2015, c. 1, §15, is repealed.

Sec. 16. 22 MRSA §2053, sub-§4-B, as amended by PL 2015, c. 363, §6, is further amended to read:

4-B. Institution for higher education. "Institution for higher education" means:

A. Any private, nonprofit, governmental or charitable institution or organization engaged in the operation of, or formed for the purpose of operating, an educational institution within this State, including the Maine Community College System and the University of Maine System, that, by virtue of law or charter, is an educational institution empowered to provide a program of education beyond the high school level; ~~and~~

B. The Maine School of Science and Mathematics, as established in Title 20-A, chapter 312; ~~and~~

~~C. The Maine School for Marine Science, Technology, Transportation and Engineering, as established in Title 20-A, chapter 312-A.~~

Sec. 17. 25 MRSA §2463-A, sub-§1, ¶D, as amended by PL 2015, c. 363, §7, is further amended to read:

D. "Public educational institution" means the University of Maine System, the Maine Community College System, the Maine Maritime Academy, ~~the Maine School for Marine Science, Technology, Transportation and Engineering~~ or the Maine School of Science and Mathematics.

See title page for effective date.

CHAPTER 608

H.P. 1441 - L.D. 2248

An Act to Reduce the Reporting Requirements for Special Utility Districts and to Repeal the Maine Public Utility Financing Bank Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-F, sub-§5, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 10 MRSA §363, sub-§7, as amended by PL 1999, c. 728, §5, is further amended to read:

7. Allocation to the Maine Municipal Bond Bank. That portion of the state ceiling allocated to the category of bonds that are general obligations of issuers within the State, other than the State; that are included in bond issues of the Maine Municipal Bond Bank; ~~that are included in bond issues of the Maine Public Utility Financing Bank;~~ or that are qualified redevelopment bonds as defined in the United States Code, Title 26,

must be allocated to the Maine Municipal Bond Bank, which may further allocate that portion of the state ceiling to bonds requiring an allocation in order to qualify as tax-exempt bonds. Any further allocation or reallocation of any portion of the state ceiling from the Maine Municipal Bond Bank to another specific issuer designated in this section must be done in accordance with the requirements in subsection 1-A.

Sec. 3. 30-A MRSA §5704, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§5704. Reporting by special districts

~~Each~~ Upon request from the Maine Municipal Bond Bank, a special district in the State, whether or not its boundaries are coterminous with the boundaries of a municipality, including districts established for the purposes of providing water, sewer, electric, educational, health, transportation, solid waste management, parking or recreation services, or any other public purpose, shall file an annual report of its total outstanding debt.

1. Content. These reports ~~shall~~ must include debts by:

- A. Amount;
- B. Purpose;
- C. Creditors;
- D. Date incurred;
- E. Interest rate;
- F. Amortization period;
- G. Amount of annual principal payments and annual interest payments; and
- H. Assessments and contributions received from municipalities in the district to service the debts.

2. Filing; public records. The reports ~~shall~~ must be filed within 45 days of the end date of ~~each the~~ the fiscal year in which the Maine Municipal Bond Bank made the request under subsection 1. The reports ~~shall~~ must be filed with the Maine Municipal Bond Bank upon forms provided by it. Information reported under this section is a public record.

Sec. 4. 30-A MRSA §6006-B, sub-§1, ¶B, as enacted by PL 1991, c. 605, §14, is amended by repealing subparagraph (6).

Sec. 5. 35-A MRSA c. 29, as amended, is repealed.

See title page for effective date.

**CHAPTER 609
S.P. 993 - L.D. 2278**

An Act to Require Public Safety Answering Point and Dispatch Center Cost Reporting and to Direct the Formation of a Staffing and Recruiting Stakeholder Group

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2921, sub-§4-A is enacted to read:

4-A. Dispatch center. "Dispatch center" means an emergency communications center that receives 9-1-1 calls from a public safety answering point rather than receiving the calls directly.

Sec. 2. 25 MRSA §2921, sub-§4-B is enacted to read:

4-B. Emergency communications center. "Emergency communications center" has the same meaning as in Title 17-A, section 509, subsection 1.

Sec. 3. 25 MRSA §2923-C is enacted to read:

§2923-C. Cost reporting

1. Reporting requirements. Annually, on a date prescribed by the bureau by rule, a public safety answering point and dispatch center shall each provide the bureau with a report of the costs incurred by the public safety answering point or dispatch center for the provision of enhanced 9-1-1 services.

2. Rules. The bureau shall adopt rules to implement this section. The rules must establish requirements for the report provided by a public safety answering point and dispatch center pursuant to subsection 1, including, at a minimum:

A. The manner by which the report must be submitted to the bureau;

B. The specific cost components for the provision of enhanced 9-1-1 services to be included in the report; and

C. The date by which the report must be submitted.

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. 25 MRSA §2927, sub-§3-E is enacted to read:

3-E. Quality assurance review support. The bureau shall contract with one or more 3rd-party vendors, using revenues in the E-9-1-1 fund, to provide quality assurance review in accordance with rules adopted pur-

suant to subsection 3-C, paragraph A and Title 32, section 85-A, related to the provision of emergency medical dispatch services and answering fire 9-1-1 calls by public safety answering points.

Sec. 5. Public safety answering point staffing crisis stakeholder group. The Public Utilities Commission, Emergency Services Communication Bureau shall convene a stakeholder group to develop a coordinated 9-1-1 staffing and recruiting effort for all public safety answering points. The bureau shall ensure that there is stakeholder representation from state, county and municipal public safety answering points. On or before February 21, 2025, the bureau shall submit to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters a report that includes any recommendations, including suggested legislation as necessary. The committee may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Emergency Services Communication Bureau 0994

Initiative: Provides funding for contracted services to conduct quality assurance reviews.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$100,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$100,000

Emergency Services Communication Bureau 0994

Initiative: Provides funding for one Staff Development Specialist IV position and associated costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$88,656
All Other	\$0	\$16,571
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$105,227

PUBLIC UTILITIES COMMISSION

DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$205,227
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$205,227

See title page for effective date.

**CHAPTER 610
S.P. 996 - L.D. 2282**

**An Act to Provide Greater
Transparency About the Cost
of Insulin and to Promote the
Availability of Low-cost Insulin
in the State**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §8731, sub-§1-B is enacted to read:

1-B. Category of insulin. "Category of insulin" means rapid-acting, short-acting, intermediate-acting, long-acting and premixed insulin for which at least 2 licenses have been issued by the federal Food and Drug Administration and are actively marketed pursuant to such licensure in a category.

Sec. 2. 22 MRSA §8731, sub-§2-A is enacted to read:

2-A. Insulin. "Insulin" has the same meaning as in Title 32, section 13786-D, subsection 1, paragraph A and includes insulin or an insulin pen that is licensed under the federal Public Health Service Act, 42 United States Code, Section 262(a) or 262(k).

Sec. 3. 22 MRSA §8732, sub-§3 is enacted to read:

3. Notification by manufacturers of wholesale acquisition cost for insulin. No later than February 15th of each year, a manufacturer of insulin shall notify the organization of the wholesale acquisition cost per pricing unit for the insulin produced by the manufacturer in each category of insulin.

Sec. 4. 32 MRSA §13800-D, sub-§2, as enacted by PL 2021, c. 303, §5, is amended to read:

2. Exception. A manufacturer that is a nonprofit organization or whose aggregate total of insulin sold, delivered or distributed in this State does not exceed 500,000 units of insulin in the year in which a registration fee under subsection 1 is due is not required to pay the registration fee. To qualify for the exception under this subsection, a manufacturer must demonstrate to the board, by January 31st of the year following the year in which the registration fee is due, in a manner determined by the board, that the aggregate total of insulin produced by the manufacturer that was sold, delivered or distributed within this State in the year in which the manufacturer seeks to claim the exception did not exceed 500,000 units. The board may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 611
H.P. 1472 - L.D. 2284**

**An Act to Implement
Recommendations in the
Department of Inland Fisheries
and Wildlife's Report on Wake
Boats**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §13001, sub-§27-A is enacted to read:

27-A. Wakesurfing activity. "Wakesurfing activity" means an activity that involves using a surfboard, wakeboard or similar device while being propelled by a motorboat's wake or while on or in a motorboat's wake directly behind that motorboat.

Sec. 2. 12 MRSA §13056, sub-§14 is enacted to read:

14. Dissemination of educational materials required; watercraft dealers. A watercraft dealer who sells a motorboat in the State shall provide the purchaser of that motorboat with information related to the boater safety and education courses offered by the department as well as information related to those operators who are required to complete those courses.

Sec. 3. 12 MRSA §13068-A, sub-§18 is enacted to read:

18. Operating motorboat for wakesurfing activity; minimum depth and distance from shore requirement. A person may not operate a motorboat engaged in a wakesurfing activity in less than 15 feet of water or within 300 feet of the shoreline.

A. A person who violates this subsection commits a civil violation for which a fine not to exceed \$100 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 4. Outreach program; report. The Department of Inland Fisheries and Wildlife shall:

1. Develop an outreach program to provide boater safety and education to persons engaged in wakesurfing activities in the State; and

2. Submit a report focused on wake boats and wakesurfing activities in the State to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than February 1, 2027. The report must include information on the outreach program developed pursuant to subsection 1. The report must also include detailed

information on enforcement mechanisms and the level of enforcement undertaken, as measured by statistics when data are available, including the number of reported incidents, the number of complaints and the number of boats checked. The report may include information on enforcement challenges, the department's view on the appropriate water depth and distance from the shoreline for users engaged in a wakesurfing activity and any recommendations for statutory changes related to these issues. The committee is authorized to report out a bill based on the report to the 133rd Legislature in 2027.

For the purposes of this section, "wakesurfing activity" has the same meaning as in the Maine Revised Statutes, Title 12, section 13001, subsection 27-A.

See title page for effective date.

CHAPTER 612

H.P. 856 - L.D. 1342

An Act to Increase Funding for the Prevention and Control of Invasive Aquatic Species

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2019, c. 264, §1, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to a formula that is jointly agreed upon by the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources biannually that pays to the department the administrative costs of the Division of Licensing and Registration. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The remainder of revenues after reduction for administrative costs and after allowing for any necessary year-end reconciliation and accounting distribution must be allocated 75% to the department and 25% to the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

Prior to January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. Beginning January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$15 fee for invasive species prevention and control. Beginning January 1, 2025, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$25 fee for invasive species prevention and control. Beginning January 1, 2028, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$35 fee for invasive species prevention and control. This fee is disposed of as follows:

- (1) ~~Eighty percent~~ Prior to January 1, 2025, 80% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund. Beginning January 1, 2025, 70% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and
- (2) ~~Twenty percent~~ Prior to January 1, 2025, 20% must be credited to the Lake and River Protection Fund established within the department under section 10257. Beginning January 1, 2025, 30% must be credited to the Lake and River Protection Fund.

Sec. 2. 12 MRSA §13056, sub-§8, ¶A, as amended by PL 2019, c. 264, §3, is further amended to read:

A. For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

- (1) Ten horsepower or less, prior to January 1, 2020 the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$30 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this subparagraph is \$40 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this subparagraph is \$50 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;
- (2) Greater than 10 horsepower but not more than 50 horsepower, prior to January 1, 2020 the fee is \$30 for operating on inland waters of

the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$35 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this subparagraph is \$45 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this subparagraph is \$55 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State; and

(3) Greater than 50 horsepower but not more than 115 horsepower, prior to January 1, 2020 the fee is \$36 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$41 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this subparagraph is \$51 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this subparagraph is \$61 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

Sec. 3. 12 MRSA §13056, sub-§8, ¶B, as amended by PL 2019, c. 264, §4, is further amended to read:

B. Prior to January 1, 2020, for a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating ~~of greater than 115 horsepower or greater~~, the fee is \$44 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this paragraph is \$49 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2025, the fee under this paragraph is \$59 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2028, the fee under this paragraph is \$69 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State.

Sec. 4. 12 MRSA §13058, sub-§3, as amended by PL 2019, c. 264, §5, is further amended to read:

3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee. No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a

sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. Prior to January 1, 2020, the fee for a sticker issued under this subsection is \$20, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2020, the fee for a sticker issued under this subsection is \$35, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2022, the fee for a sticker issued under this subsection is \$45, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2025, the fee for a sticker issued under this subsection is \$60, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2028, the fee for a sticker issued under this subsection is \$75, \$1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed of as follows:

A. ~~Eighty percent~~ Prior to January 1, 2025, 80% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund. Beginning January 1, 2025, 70% must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and

B. ~~Twenty percent~~ Prior to January 1, 2025, 20% must be credited to the Lake and River Protection Fund established within the department under section 10257. Beginning January 1, 2025, 30% must be credited to the Lake and River Protection Fund.

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Water Quality 0248

Initiative: Provides allocations for costs related to conducting inspections and invasive aquatic plant prevention, for containment, eradication and management activities and to contract with municipalities or other entities to conduct inspection, prevention or eradication programs to protect the inland waters of the State from invasive aquatic plant and nuisance species.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$628,342

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$628,342

ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS 2023-24 2024-25

OTHER SPECIAL REVENUE FUNDS \$0 \$628,342

DEPARTMENT TOTAL - ALL FUNDS \$0 \$628,342

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Provides allocations for enforcing laws pertaining to invasive aquatic plants and nuisance species, for inspecting watercraft for invasive aquatic plant and nuisance species materials and for educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers.

OTHER SPECIAL REVENUE FUNDS 2023-24 2024-25 All Other \$0 \$533,345

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$533,345

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF DEPARTMENT TOTALS 2023-24 2024-25

OTHER SPECIAL REVENUE FUNDS \$0 \$533,345

DEPARTMENT TOTAL - ALL FUNDS \$0 \$533,345

SECTION TOTALS 2023-24 2024-25

OTHER SPECIAL REVENUE FUNDS \$0 \$1,161,687

SECTION TOTAL - ALL FUNDS \$0 \$1,161,687

See title page for effective date.

CHAPTER 613 S.P. 856 - L.D. 2028

An Act to Amend Certain State Tax Laws

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 36 MRSA §6252-A, sub-§6, as enacted by PL 2023, c. 412, Pt. S, §9, is amended to read:

6. Restriction. A taxpayer who ~~owes delinquent taxes for~~ owns more than one residential property within the State subject to an existing municipal lien is not eligible to claim a deferral pursuant to this section.

PART B

Sec. B-1. 5 MRSA §13090-K, sub-§2, as amended by PL 2015, c. 267, Pt. OOOO, §1 and affected by §7, is repealed and the following enacted in its place:

2. Source of fund. On July 1st of each year, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax and 5% of the 9% tax imposed on tangible personal property and taxable services pursuant to Title 36, section 1811 for the first 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfers to the sales tax funds pursuant to Title 36, section 1815. On October 1st of each year, the State Controller shall transfer to the Tourism Marketing Promotion Fund an amount, as certified by the State Tax Assessor, that is equivalent to 5% of the 8% tax and 5% of the 9% tax imposed on tangible personal property and taxable services pursuant to Title 36, section 1811 for the last 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund and the transfers to the sales tax funds pursuant to Title 36, section 1815. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law. The amount transferred from General Fund sales and use tax revenues does not affect the calculation for the transfer to the Local Government Fund.

Sec. B-2. 23 MRSA §4210-B, sub-§7-A, as amended by PL 2023, c. 360, Pt. C, §1, is further amended to read:

7-A. Sales tax revenue. On July 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a truck or

van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the first 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5, the transfers to the sales tax funds pursuant to Title 36, section 1815 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. On October 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on the value of rental of a truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the last 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5, the transfers to the sales tax funds pursuant to Title 36, section 1815 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law.

Sec. B-3. 36 MRSA §1820, first ¶, as amended by PL 2021, c. 630, Pt. D, §2, is repealed.

Sec. B-4. 36 MRSA §1820, 2nd ¶, as enacted by PL 2021, c. 630, Pt. D, §2, is amended to read:

~~Beginning July 1, 2023 and every~~ On July 1st thereafter of each year, the State Controller shall transfer to the ATV Recreational Management Fund established in Title 12, section 1893, subsection 2 an amount, as certified by the State Tax Assessor, that is equivalent to 90% of the revenue from the tax imposed under this Part on the rental of all-terrain vehicles, as defined in Title 12, section 13001, subsection 3, for the first 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfers to the sales tax funds pursuant to section 1815. ~~Beginning on October 1, 2023 and every~~ On October 1st thereafter of each year, the State Controller shall transfer to the ATV Recreational Management Fund an amount, as certified by the State Tax Assessor, that is equivalent to 90% of the revenue from the tax imposed under this Part on the rental of all-terrain vehicles for the last 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfers to the sales tax funds pursuant to section 1815. The remaining 10% of the revenue from the tax imposed under this Part on the rental of all-terrain vehicles is

transferred to the Multimodal Transportation Fund pursuant to Title 23, section 4210-B, subsection 7-A. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law.

Sec. B-5. 36 MRSA §4401, sub-§9, as amended by PL 2023, c. 441, Pt. E, §9 and affected by §28, is further amended to read:

9. Tobacco products. "Tobacco products" means any products that are made from or derived from tobacco, or that contain nicotine, whether natural or artificial, including, but not limited to, cigars, including premium cigars; cheroots; stogies; electronic smoking devices and liquids used in electronic smoking devices whether or not they contain nicotine; periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; snus; cavendish; plug and twist tobacco; finecut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco, prepared in such manner as to be intended for human consumption or as is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled or ingested by any other means.

PART C

Sec. C-1. 5 MRSA §13083-S-1, sub-§1, ¶D-1 is enacted to read:

D-1. "Benefit base" has the same meaning as in Title 36, section 6753, subsection 5-B.

Sec. C-2. 5 MRSA §13083-S-1, sub-§3, ¶D, as enacted by PL 2009, c. 641, §9, is amended to read:

D. State income tax withholding attributable to any qualified employee whose wages are included in computing the benefit base eligible for reimbursement to a Maine Employment Tax Increment Financing Program qualified business pursuant to Title 36, chapter 917 or to a qualified pine tree development zone business under Title 30-A, chapter 206 is not eligible for use in the calculation of a payment to the fund under ~~subsections 4 and subsection~~ subsection 5. State income tax withholding under ~~Title 36, chapter 919, or any other~~ tax credit or reimbursement program based on state income tax withholding, is not eligible for use in calculation of a payment to the fund under ~~subsections 4 and subsection~~ subsection 5.

Sec. C-3. 5 MRSA §13083-S-1, sub-§5, as amended by PL 2019, c. 659, Pt. E, §2, is further amended to read:

5. Procedure for payment of revenue to the fund. On or before July 15th of each year, the assessor shall review the information required by subsection 4 and calculate the job tax increment for the preceding calendar year. The assessor shall also calculate the ~~employment tax increment~~ amount of the benefit base in

the base area eligible for reimbursement to qualified Maine Employment Tax Increment Financing Program businesses pursuant to Title 36, chapter 917. Between July 1st and July 15th of each year, the assessor shall certify to the State Controller the total remaining job tax increment as a result of the limitation in subsection 3, paragraph D and the remaining benefit base after reimbursements have been made to qualified Maine Employment Tax Increment Financing Program businesses pursuant to Title 36, chapter 917. On or before July 31st of each year, the State Controller shall transfer 50% of the remaining job tax increment and 50% of the remaining benefit base to the state job tax increment contingent account established, maintained and administered by the State Controller from General Fund undedicated revenue within the withholding tax category. On or before July 31st of each year, the State Controller shall deposit this revenue into the fund and distribute the payments pursuant to subsection 3.

PART D

Sec. D-1. 36 MRSA §194-D, sub-§2, as amended by PL 2019, c. 607, Pt. D, §4, is further amended to read:

2. Background investigation requirements. The assessor shall perform background investigations for affected persons in accordance with this subsection.

A. As part of the process of evaluating an affected person, except for a current employee of the bureau, for employment with the bureau, a background investigation must be conducted before an offer of employment is extended.

B. A background investigation for an affected person assigned to provide services to the bureau under an identified contract must be conducted before that affected person begins providing services to the bureau, and at least once every ~~40~~ 5 years, as long as the affected person continues providing services to the bureau.

C. As part of the process of evaluating an affected person for continued employment with the bureau, a background investigation must be conducted at least once every ~~40~~ 5 years. ~~If an affected person has not been subject to a background investigation within 10 years prior to the effective date of this section, a background investigation must be conducted within one year of the effective date of this section.~~

D. A background investigation for an employee or contractor of another state agency must be conducted before that affected person is provided access, or the substantial possibility of access, to federal tax information obtained from the bureau, and at least once every ~~40~~ 5 years, as long as the affected person continues to have such access. However, if the assessor determines that the affected person has been subject to a background

investigation that satisfies the background investigation standards established by the United States Internal Revenue Service regarding access to federal tax information within the past ~~40~~ 5 years, no further investigation is required under this subsection for the ~~40-year~~ 5-year period commencing at the time of the background investigation.

The background investigation must include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation and must satisfy the background investigation standards established by the United States Internal Revenue Service regarding access to federal tax information.

Sec. D-2. Application of 5-year background investigation period. A person who is subject to the Maine Revised Statutes, Title 36, section 194-D, subsection 2, paragraph C as an employee of the Department of Administrative and Financial Services, Bureau of Revenue Services for whom a background investigation has not been conducted within the 5 years prior to the effective date of this Part shall submit to a background investigation as required by Title 36, section 194-D, subsection 2 by September 1, 2025.

See title page for effective date.

CHAPTER 614

S.P. 938 - L.D. 2201

An Act Regarding the Placement of Portable Toilets

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §42, sub-§3-B, as amended by PL 1991, c. 824, Pt. A, §39, is further amended to read:

3-B. Inspection of plumbing and subsurface ~~waste water~~ wastewater disposal systems and temporary portable toilets. The department shall adopt rules providing for the inspection of plumbing and subsurface ~~waste water~~ wastewater disposal systems. The department may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A providing for the inspection of temporary portable toilets, except for temporary portable toilets allowed pursuant to Title 30-A, section 4211, subsection 3-A. In municipalities, the municipal officers shall provide for the appointment of one or more plumbing inspectors. In plantations, the assessors shall appoint plumbing inspectors in accordance with Title 30-A, section 4221. In the unorganized areas of the State, the department shall appoint plumbing inspectors or act in the capacity of a plumbing inspector until a person is appointed. For

purposes of this subsection, "temporary portable toilet" means a prefabricated toilet designed for temporary use.

Sec. 2. 30-A MRSA §4211, sub-§3-A is enacted to read:

3-A. Temporary portable toilets. Except for persons required to be licensed under Title 22, chapter 562, a person may place and use a temporary portable toilet on property as long as the temporary portable toilet is maintained and serviced in a reasonable manner to protect the public's health and safety and the environment. For purposes of this subsection, "temporary portable toilet" means a prefabricated toilet designed for temporary use.

See title page for effective date.

CHAPTER 615

S.P. 970 - L.D. 2250

**An Act to Allow the
Department of Corrections and
County Jails to Comply with
the Federal Prison Rape
Elimination Act of 2003**

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

Whereas, the federal Prison Rape Elimination Act of 2003 requires the State's Department of Corrections and county jails to comply with relevant standards established by the United States Department of Justice to receive grant funding; and

Whereas, the State's Department of Corrections and county jails would not be able to comply with the relevant standards under current state law for the United States Department of Justice's upcoming audit; and

Whereas, noncompliance would result in a loss of over \$80,000 in grant funding to the State's Department of Corrections and would prohibit the State's Department of Corrections and county jails from accepting resident transfers from facilities that meet relevant federal standards, including, but not limited to, county jails and facilities in other states; and

Whereas, legislative action is immediately necessary to ensure the State's Department of Corrections is in compliance with relevant standards for the United States Department of Justice's upcoming audit, ensuring the continuation of grant funding; 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:

Sec. 1. 5 MRSA §7070, sub-§2, ¶D-1, as repealed and replaced by PL 2019, c. 451, §1 and amended by PL 2023, c. 412, Pt. D, §3, is further amended by amending the last blocked paragraph to read:

When there is a work requirement for public access to personal information under this paragraph that is not otherwise protected by law, that information may be made public. The State Human Resources Officer, upon the request of the employing agency, shall make the determination that the release of certain personal information not otherwise protected by law is allowed; ~~and~~

Sec. 2. 5 MRSA §7070, sub-§2, ¶E, as amended by PL 2023, c. 159, §1, is further amended to read:

E. Except as provided in paragraph F and section 7070-A, complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. The decision must state the conduct or other facts on the basis of which disciplinary action is being imposed and the conclusions of the acting authority as to the reasons for that action. If an arbitrator completely overturns or removes disciplinary action from an employee personnel file, the final written decision is public except that the employee's name must be deleted from the final written decision and kept confidential. If the employee whose name was deleted from the final written decision discloses that the employee is the person who is the subject of the final written decision, the entire final written report, with regard to that employee, is public.

For purposes of this paragraph, "final written decision" means:

- (1) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or
- (2) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision

of the neutral arbitrator is not issued and released before the expiration of the 120 days; and

Sec. 3. 5 MRSA §7070, sub-§2, ¶F is enacted to read:

F. In the case of an allegation of sexual misconduct or sexual harassment within a correctional facility, a determination that the allegation was substantiated, unsubstantiated or unfounded, except that the determination may be disclosed to the alleged victim. Unless the allegation is determined to be unfounded, the following information may also be shared with the alleged victim:

(1) Whether the individual alleged to have engaged in the sexual misconduct or sexual harassment is still assigned to the same work location where the sexual misconduct or sexual harassment allegedly occurred;

(2) Whether the individual under subparagraph (1) is still employed at the correctional facility;

(3) Whether the individual under subparagraph (1) has been criminally charged or convicted of a crime arising out of the allegation of sexual misconduct or sexual harassment; and

(4) Whether the prosecuting agency declined to indict the individual under subparagraph (1) based on the allegation of sexual misconduct or sexual harassment.

Sec. 4. 30-A MRSA §503, sub-§1-B is enacted to read:

1-B. Investigation of allegation of sexual misconduct or sexual harassment by county jail employee. Notwithstanding subsection 1, paragraph B, subparagraph (5), in the case of an allegation of sexual misconduct or sexual harassment within a county jail or detention facility, a determination that the allegation was substantiated, unsubstantiated or unfounded may be disclosed to the alleged victim. Unless the allegation is determined to be unfounded, the following information may also be shared with the alleged victim:

A. Whether the individual alleged to have engaged in the sexual misconduct or sexual harassment is still assigned to the same work location where the sexual misconduct or sexual harassment allegedly occurred;

B. Whether the individual under paragraph A is still employed at the county jail or detention facility;

C. Whether the individual under paragraph A has been criminally charged or convicted of a crime arising out of the allegation of sexual misconduct or sexual harassment; and

D. Whether the prosecuting agency declined to indict the individual under paragraph A based on the allegation of sexual misconduct or sexual harassment.

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

Effective April 11, 2024.

CHAPTER 616

S.P. 919 - L.D. 2164

An Act to Establish the Maine-Island of Ireland Trade Commission and Improve Collaboration with the Island of Ireland

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-K, first ¶, as enacted by PL 1987, c. 786, §5, is amended to read:

The primary responsibility of intergovernmental organizations is to establish cooperation between this State and other states or Canadian provinces or other countries.

Sec. 2. 5 MRSA §12004-K, sub-§10-A is enacted to read:

10-A.

State Government	Maine-Island of Ireland Trade Commission	Not Authorized	10 MRSA §21
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Sec. 3. 10 MRSA c. 1-B is enacted to read:

CHAPTER 1-B

MAINE-ISLAND OF IRELAND TRADE COMMISSION

§21. Maine-Island of Ireland Trade Commission

The Maine-Island of Ireland Trade Commission, referred to in this section as "the commission," is established by Title 5, section 12004-K, subsection 10-A to promote cooperation between this State and the island of Ireland.

1. Membership. The commission consists of 9 members appointed as follows:

A. Two members of the Senate, appointed by the President of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;

B. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature; and

C. The following 5 members, appointed by the Governor:

- (1) A representative of a public institution of higher education;
- (2) A representative of a statewide chamber of commerce;
- (3) Two members representing Irish-American communities, organizations or interests; and
- (4) One member of the public.

In making the appointments under this subsection, the appointing authorities shall, to the greatest extent possible, consider and appoint individuals with knowledge of or current or past involvement in organizations that promote Irish or Irish-American affairs.

2. Terms. Legislative members of the commission serve during the term of office for which they were elected. The members of the commission appointed pursuant to subsection 1, paragraph C serve 4-year terms.

3. Compensation. Notwithstanding Title 3, section 2 or any other provision of law to the contrary, members of the commission serve without compensation.

4. Vacancies. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed serves only for the remainder of that term. The vacancy must be filled in the same manner as the original appointment was made.

5. Chair, vice-chair and subcommittees. The commission shall elect a chair and a vice-chair from among its members. The chair may appoint from among the commission members subcommittees and subcommittee chairs at the chair's discretion.

6. Meetings. The first-named Senate member shall call the initial meeting of the commission within 30 days after the 6th member is appointed. The commission shall meet at such times and places as are agreed to by the commission but shall meet at least once annually.

7. Quorum. A majority of the members of the commission constitutes a quorum, and a quorum is required for the transaction of the business of the commission.

8. Duties. The commission shall work to advance bilateral trade and investment between Maine and the island of Ireland; initiate joint action of policy issues of

mutual interest to Maine and the island of Ireland; promote business and academic exchanges between Maine and the island of Ireland; encourage mutual economic support between Maine and the island of Ireland; encourage mutual investment in the infrastructure of Maine and island of Ireland; and address other issues as determined by the commission.

9. Report. The commission shall submit a report to the Governor and the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters by February 1, 2025 and annually thereafter regarding the activities of the commission during the preceding calendar year. The report must include recommendations as determined appropriate by the commission to effectuate its purpose under this section. After reviewing the report under this subsection, the joint standing committee may report out legislation relating to the report.

10. Funding. To support its activities under this section, the commission shall seek outside funds, through direct solicitation or other fundraising methods, alone or with other groups, and may accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies and public and private organizations and may expend those funds for purposes consistent with this section.

11. Staffing. Subject to the availability of funding under subsection 10, the commission shall contract for or employ administrative, professional, clerical and other necessary staff to support its activities under this section.

Sec. 4. Staggered terms; Maine-Island of Ireland Trade Commission. Notwithstanding the Maine Revised Statutes, Title 10, section 21, subsection 2, of the members initially appointed to the Maine-Island of Ireland Trade Commission by the Governor pursuant to Title 10, section 21, subsection 1, paragraph C, the Governor shall designate the first 3 appointments for 3-year terms and the remaining appointments for 4-year terms.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

MAINE-ISLAND OF IRELAND TRADE COMMISSION

Maine-Island of Ireland Trade Commission N492

Initiative: Provides a baseline allocation for authorized expenditures of the commission in the event that outside funds are received.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500

OTHER SPECIAL REVENUE	\$0	\$500
FUNDS TOTAL		

See title page for effective date.

CHAPTER 617
S.P. 976 - L.D. 2259

**An Act to Prohibit Receiving
Compensation for Assisting a
Person to Obtain Veterans'
Benefits Except as Permitted
Under Federal Law**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 37-B MRSA §12 is enacted to read:

§12. Compensation for services related to veterans' benefits matters

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensation" means payment of money, a thing of value or a financial benefit.

B. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

C. "Veterans' benefits matter" means the preparation, presentation or prosecution of a claim affecting an individual who has filed or expressed an intent to file a claim for a benefit, program, service, commodity, function or status, entitlement to which is determined under the laws and regulations administered by the United States Department of Veterans Affairs or the United States Department of Defense pertaining to veterans, their dependents, their survivors and any other individual eligible for such benefits.

2. Prohibitions. A person may not:

A. Receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter, except as permitted under federal law;

B. Receive compensation for referring an individual to another person to prepare, present or prosecute, or advise, consult or assist the individual with, a veterans' benefits matter;

C. Receive, with respect to an individual's veterans' benefits matter, compensation for services ren-

dered before the date on which a notice of disagreement, decision review or appeal is filed, whichever occurs first;

D. Guarantee, either directly or by implication, that any individual is certain to receive specific veterans' benefits or that any individual is certain to receive a specific level, percentage or amount of veterans' benefits; and

E. Receive excessive or unreasonable fees as compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter. The factors articulated in 38 Code of Federal Regulations, Section 14.636 (2024) govern determinations of whether a fee is excessive or unreasonable.

3. Memorialization of terms. A person seeking to receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter shall, before rendering any services, memorialize in a written agreement signed by both parties that adheres to all criteria specified in 38 Code of Federal Regulations, Section 14.636 (2024) all terms regarding the individual's payment of fees for services rendered.

4. Penalty. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

5. Exceptions. This section does not apply to:

A. An accredited representative of a recognized organization or an accredited agent or attorney under 38 Code of Federal Regulations, Section 14.629 (2024); or

B. An employee of the Maine Veterans' Homes established under chapter 11 who is operating within that employee's capacity as an employee of the Maine Veterans' Homes.

See title page for effective date.

CHAPTER 618
H.P. 1245 - L.D. 1937

**An Act Regarding the
Transportation of Hazardous
Materials by Railroad
Companies**

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

Whereas, records provided by railroad companies describing hazardous materials transported in the State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those

routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder are not subject to public disclosure; and

Whereas, this legislation makes those records subject to public disclosure when those records are related to a train carrying hazardous materials that has derailed at any point from a main line train track; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period because the potential for discharge of hazardous materials transported by a railroad company poses a threat to public health, safety and welfare; 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:

Sec. 1. 1 MRSA §402, sub-§3, ¶U, as amended by PL 2019, c. 667, Pt. B, §4, is further amended to read:

U. Records provided by a railroad company pursuant to Title 23, section 7311, subsection 5 and records describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, fire department or other first responder, except that records related to a train carrying hazardous materials that has derailed at any point from a main line train track or related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; and

Sec. 2. 23 MRSA §5003, as enacted by PL 1987, c. 141, Pt. A, §4, is amended to read:

§5003. Collection of judgment against foreign railroad company lessee

When any foreign railroad company, which that is or has been doing business in this State as the lessee of any railroad, refuses or neglects for 60 days after demand to pay and discharge any judgment recovered by any person against the railroad company owning that leased road for damages to the property of the person by the doings, misdoings or neglects of the foreign railroad company, its agents or servants, which and that judgment belongs to the foreign railroad company to

pay and discharge, the Superior Court, on complaint, may compel payment thereof of the judgment by the foreign corporation railroad company and make, pass and enforce all necessary orders, decrees and processes for the purpose. Nothing in this section allows for non-participation by foreign railroad company lessees.

Sec. 3. 23 MRSA §7015 is enacted to read:

§7015. Prevention and response plans and environmental impact analysis

Within 180 days of the effective date of this section, a railroad company shall submit to the Commissioner of Environmental Protection a prevention and response plan including the environmental impact analysis submitted to the United States Department of Transportation, Pipeline and Hazardous Materials Safety Administration. The railroad company shall also provide any updates submitted to the Pipeline and Hazardous Materials Safety Administration to the Commissioner of Environmental Protection.

Sec. 4. 23 MRSA §7311, sub-§2-A is enacted to read:

2-A. State, county, municipal notice. In the event of a main line train derailment involving hazardous materials, a railroad company shall make a 9-1-1 call, as defined in Title 25, section 2921, subsection 17, to alert first responders, including municipal and county fire chiefs in the jurisdiction, and provide timely notice to the Department of Public Safety, the Department of Environmental Protection and the Maine Emergency Management Agency. The Maine Emergency Management Agency may notify the Department of Transportation and the municipal and county fire chiefs located within the affected area of the accident.

Sec. 5. 23 MRSA §7311, sub-§2-B is enacted to read:

2-B. Public notice. In the event of a main line train derailment involving hazardous materials, the Maine Emergency Management Agency shall, if requested by a municipal or county fire chief serving as incident commander, issue an alert through an emergency alert system or wireless emergency alert system for the area identified by the incident commander.

Sec. 6. 23 MRSA §7311, sub-§2-C is enacted to read:

2-C. Failure to issue notice. If a railroad company fails to provide timely notice as required under subsection 2-A, the Commissioner of Transportation may assess a fine up to \$25,000 per failed notice per day in the event of a main line train derailment involving hazardous materials.

Sec. 7. 23 MRSA §7311, sub-§5 is enacted to read:

5. Routine inspections. Upon request of the Commissioner of Transportation, a railroad company shall

submit reports of inspections conducted pursuant to federal agency requirements under 49 Code of Federal Regulations, Subtitle B, Chapter II by a railroad company of trains, rails, rail safety equipment and rail corridors. Records under this subsection are not public records pursuant to Title 1, section 402, subsection 3, paragraph U.

Sec. 8. 23 MRSA §7313 is enacted to read:

§7313. Mandatory training offered by railroad companies to fire and emergency medical services

1. Training. A railroad company shall offer training to each fire department, each local organization for emergency management and each organization that has a mutual aid agreement with each fire department and each local organization for emergency management along routes over which the railroad company transports oil or other hazardous materials. Additional training must be offered to each fire department and each local organization for emergency management at least once every 3 years after the initial training provided for under this subsection.

2. Hazardous materials; techniques to assess hazards. The training under subsection 1 must address the general hazards of oil and hazardous materials that travel through the jurisdiction or mutual aid agreement jurisdiction of each fire department and local organization for emergency management; techniques to assess hazards to the environment and to the safety of first responders and the public; factors that an incident commander must consider in determining whether to attempt to suppress a fire or to evacuate the public and first responders from an area; and other strategies for initial response by first responders.

3. Suggested protocols. The training under subsection 1 must include suggested protocols or practices for first responders to safely respond to a derailment; methods to identify railroad cars and hazardous material contents; first responder safety issues; railroad response tactics; public notification and evacuation considerations; environmental contamination response; railroad response personnel and resources coordination at an accident; and any other protocols and practices for safe initial local response, including the notification requirements and the responsibilities of an incident commander during any rail accident involving oil or other hazardous materials.

Sec. 9. 23 MRSA §7314 is enacted to read:

§7314. Post-accident reporting requirements

1. Post-accident review. After an accident involving hazardous materials subject to review by the applicable federal agency or when an accident is not reviewed by the applicable federal agency but review is considered necessary by the Commissioner of Transportation, the commissioner shall ensure that a post-

accident review and analysis is performed in a timely manner. The commissioner's review and analysis must be undertaken under an agreement with an entity having relevant knowledge and experience that is fully independent of the railroad carrier's companies.

2. Evaluation requirements. The Commissioner of Transportation's review and analysis process must include an after-action review and must evaluate, at a minimum, processes occurring during the accident for emergency assessment, hazard operations, population protection and accident management. The review and analysis must be designed to minimize disruption of the federal review of the accident.

3. Report. By March 1st following any calendar year in which one or more post-accident reviews and analyses are performed, the Commissioner of Transportation shall submit a report to the joint standing committees of the Legislature having jurisdiction over railroads and public records matters. The report must:

- A. Provide a summary of the accidents, as long as the information provided does not include information excluded from the definition of "public records" pursuant to Title 1, section 402, subsection 3, paragraph U;
- B. Identify findings, conclusions and process changes;
- C. Include any costs associated with accidents; and
- D. Make recommendations for changes to laws and rules, if any.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Multimodal Transportation Fund Z017**

Initiative: Provides allocations for accident reviews and analyses regarding hazardous materials performed by a qualified entity.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$40,000
OTHER SPECIAL REVENUE	\$0	\$40,000
FUNDS TOTAL		

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

Effective April 12, 2024.

**CHAPTER 619
S.P. 850 - L.D. 2022**

**An Act Updating References to
the United States Internal
Revenue Code of 1986
Contained in the Maine
Revised Statutes**

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

Whereas, state tax law needs to be updated to conform to federal law before the 90-day period expires to avoid delay in the processing of income tax returns for 2023; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the state income tax and certain other state taxes; 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:

Sec. 1. 36 MRSA §111, sub-§1-A, as amended by PL 2023, c. 412, Pt. ZZZ, §1, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2022~~ 2023.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2023 and to any prior tax year as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2023.

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

Effective April 12, 2024.

**CHAPTER 620
H.P. 1167 - L.D. 1835**

**An Act to Require the State to
Notify Indian Tribes and
Indian Nations When New
Laws Are Enacted That Need
to Be Certified**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 3 MRSA §601, as amended by PL 1989, c. 148, §§1 and 4 and affected by PL 2023, c. 369, Pt. A, §§2 and 5, is repealed and the following enacted in its place:

§601. Approval of legislation

This section applies when the agreement of an Indian tribe, nation or band to state legislation is required by the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, formerly codified at 25 United States Code, Section 1725(e); the federal Aroostook Band of Micmacs Settlement Act, Public Law 102-171; or other act of Congress.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Indian tribe, nation or band" means the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation.

B. "Legislation" means state legislation to which this section applies.

2. Deadline for certifying agreement. The legislation must expressly provide that it will not take effect, in whole or in part, unless each Indian tribe, nation or band whose agreement is required by federal law certifies its agreement to the legislation. Any deadline included in the legislation for the Indian tribe, nation or band to transmit the certification of its agreement to the legislation to the Secretary of State in accordance with subsection 4 may not be less than 120 days after final adjournment of the legislative session during which the legislation was enacted. For purposes of this section, legislation is enacted on the date that the Governor signs the legislation, the date that the unsigned legislation has the same force and effect pursuant to the Constitution of Maine, Article IV, Part Third, Section 2 as if the Governor had signed it or the date that the Governor's veto of the legislation is overridden.

3. Notice. Within 15 business days after final adjournment of a legislative session, the Secretary of State shall notify the chief or chiefs of an Indian tribe, nation or band, or the person designated by the chief or chiefs

pursuant to section 602 or 603, of each item of legislation enacted during the legislative session for which the certification of the agreement of the Indian tribe, nation or band is required by federal law. The notice must inform the chief or the chief's designee of the deadline, if any, set forth in the legislation for transmittal of the certification of the agreement of the Indian tribe, nation or band in accordance with subsection 4.

Between 60 and 75 business days after final adjournment of a legislative session, the Secretary of State shall send a 2nd notice to the person to whom the Secretary of State sent an initial notice under this subsection identifying each item of legislation for which the certification of the agreement of the Indian tribe, nation or band is required by federal law but has not been received. The notice must inform the person of the deadline, if any, set forth in each item of legislation for transmittal of the certification of the agreement of the Indian tribe, nation or band in accordance with subsection 4.

4. Certification of agreement. The chief or chiefs of an Indian tribe, nation or band whose agreement is required by federal law, or the person designated by the chief or chiefs pursuant to section 602 or 603, may certify the agreement of the Indian tribe, nation or band to the legislation in writing to the Secretary of State. The certification must state the date and manner in which the Indian tribe, nation or band agreed to the legislation and is prima facie evidence of agreement if submitted in accordance with the requirements of this subsection and within the transmittal deadline, if any, established in accordance with subsection 2. The Secretary of State shall transmit certified copies of the certification of agreement to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

Sec. A-2. 3 MRSA §602, as amended by PL 1985, c. 672, §§1 and 4, is repealed and the following enacted in its place:

§602. Designees; notification to Secretary of State

The Chief of the Penobscot Nation and the Chief of the Houlton Band of Maliseet Indians may each designate, and the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk may jointly designate, by name and title, a person to whom the Secretary of State must send any notices required under section 601, subsection 3 and who is authorized to certify an agreement to legislation in accordance with section 601, subsection 4. The designation, if any, must be in writing and filed with the Secretary of State. The Secretary of State shall transmit certified copies of each designation to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. A designation remains in effect until the Chief of the Penobscot Nation or the Chief of the Houlton Band of Maliseet Indians rescinds the designation or makes a new designation or until the Chief of the Passamaquoddy Tribe at Sipayik and the

Chief of the Passamaquoddy Tribe at Motahkomikuk jointly rescind the designation or jointly make a new designation.

Sec. A-3. 3 MRSA §603, as enacted by PL 1989, c. 148, §§2 and 4 and amended by PL 2023, c. 369, Pt. A, §4 and affected by c. 369, Pt. A, §§2 and 5, is repealed and the following enacted in its place:

§603. Mi'kmaq Nation designee; notification to Secretary of State

The Chief of the Mi'kmaq Nation may designate, by name and title, a person to whom the Secretary of State must send any notices required under section 601, subsection 3 and who is authorized to certify an agreement to legislation in accordance with section 601, subsection 4. A designation, if any, must be in writing and filed with the Secretary of State. The Secretary of State shall transmit certified copies of the designation to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. The designation remains in effect until the Chief of the Mi'kmaq Nation rescinds the designation or makes a new designation.

PART B

Sec. B-1. PL 2023, c. 370, §2 is amended to read:

Sec. 2. Contingent effective date. This Act takes effect ~~120~~ 150 days after adjournment of the ~~First Special~~ Second Regular Session of the 131st Legislature only if, within ~~90~~ 120 days after adjournment of the ~~First Special~~ Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the ~~Joint Tribal Council~~ Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk, or the chiefs' designee under the Maine Revised Statutes, Title 3, section 602, that the tribe has agreed to the provisions of this Act; from the ~~Governor and the Council~~ Chief of the Penobscot Nation, or the chief's designee under Title 3, section 602, that the nation has agreed to the provisions of this Act; and from the ~~Houlton Band Council~~ Chief of the Houlton Band of Maliseet Indians, or the chief's designee under Title 3, section 602, that the band has agreed to the provisions of this Act, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

See title page for effective date.

**CHAPTER 621
H.P. 1354 - L.D. 2130**

**An Act to Prohibit
Unauthorized Paramilitary
Training**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 25 MRSA c. 252-B is enacted to read:

CHAPTER 252-B

PARAMILITARY TRAINING

§2021. Unauthorized paramilitary training

1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Civil disorder" means any public disturbance involving an act of violence by a group of 2 or more persons that causes an immediate danger of injury to another person or damage to the property of another person or results in injury to another person or damage to the property of another person.

B. "Explosive" has the same meaning as in section 2471, subsection 2, except that "explosive" does not include a firearm or ammunition for a firearm or any components of ammunition for a firearm, including, but not limited to, primers, smokeless powder or black powder.

C. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

D. "Incendiary device" means a device that may produce, by ignition by fire, friction, concussion, detonation or other similar method, destructive effects primarily through combustion rather than explosion. "Incendiary device" does not include ammunition for a firearm or a manufactured device or article in common use by the general public that is designed to produce combustion for a lawful purpose, such as matches, lighters, flares or devices commercially manufactured primarily for the purpose of illumination, heating or cooking.

2. Unauthorized paramilitary training prohibited. A person is guilty of unauthorized paramilitary training if that person intentionally or knowingly:

A. Teaches or demonstrates to another person or trains another person in the use, application or making of a firearm, explosive or incendiary device capable of causing injury to or the death of, or techniques capable of causing injury to or the death of, another person if the person teaching, training or demonstrating intends or knows that the teaching, training or demonstrating is intended to be used by the other person in or in furtherance of civil disorder; or

B. Assembles with one or more other persons for the purpose of practicing or being trained or instructed in the use, application or making of a firearm, explosive or incendiary device capable of causing injury to or the death of, or in techniques capable of causing injury to or the death of, another person if the person intends or knows that the practicing, training or instruction is intended to be used in or in furtherance of civil disorder.

3. Penalty. A person who violates subsection 2 commits a Class D crime.

4. Exemptions. This section does not apply to:

A. Any activity engaged in for a legitimate law enforcement purpose by a law enforcement officer;

B. A student in an educational institution authorized by the State or the Federal Government to teach military or naval science as a prescribed part of the course of instruction, when under the supervision of a duly authorized instructor, including, without limitation, instruction at the Maine Maritime Academy;

C. Any lawful activity undertaken without knowledge of or intent to cause or further civil disorder that is intended to teach or practice self-defense or self-defense techniques, including activities undertaken at martial arts classes and self-defense clinics and other similar lawful activity;

D. Any facility, program or lawful activity related to firearms instruction and training that is intended to teach the safe handling and use of firearms;

E. Any lawful sport or activity related to the individual recreational use or possession of firearms, including hunting pursuant to Title 12, Part 13, target shooting, self-defense and firearms collection; or

F. A person while in a duty status in the United States Armed Forces, the National Guard, the naval militia, the state military forces, any regularly organized militia of this State or any unorganized or reserve militia called into service by this State or the United States.

5. Civil action; injunctive relief. If the Attorney General has reason to believe that a person is violating or is about to violate subsection 2, and that proceedings would be in the public interest, the Attorney General may bring a civil action in the name of the State in Superior Court to restrain or prevent the violation by temporary or permanent injunction. The action must be brought in Kennebec County or the county in which the person resides or is doing business. The court may issue a temporary or permanent injunction to restrain or prevent a violation of subsection 2.

See title page for effective date.

**CHAPTER 622
H.P. 1202 - L.D. 1877**

**An Act to Reduce the Number
of Children Living in Deep
Poverty by Adjusting
Assistance for Low-income
Families**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 22 MRSA §3769-C, sub-§1, ¶C, as enacted by PL 2017, c. 284, Pt. NNNNNNN, §11, is amended to read:

C. Beginning October 1, ~~2017~~ 2024, the department shall increase the maximum amount of monthly TANF assistance by an amount equal to 20% of the maximum payments that were in effect on January 1, ~~2017~~ 2024 and shall increase the standard of need to maintain the same differential between the maximum payment and the standard of need that was in effect on January 1, ~~2017~~ 2024.

Sec. 2. 22 MRSA §3769-C, sub-§1, ¶D, as enacted by PL 2017, c. 284, Pt. NNNNNNN, §11, is amended to read:

D. Beginning October 1, ~~2018~~ 2024 and for each year thereafter, the department shall increase the maximum amount of monthly TANF assistance by an amount equal to the increase, if any, in the cost of living and shall increase the standard of need to maintain the same differential between the maximum payment and the standard of need that was in effect on January 1, ~~2017~~ 2024. The increase in the cost of living for each year must equal the percentage increase, if any, in the federal supplemental security income program for that year.

See title page for effective date.

**CHAPTER 623
S.P. 971 - L.D. 2253**

**An Act to Authorize a
Stop-work Order Regarding an
Activity That Is Creating an
Immediate and Substantial
Adverse Impact to a Protected
Natural Resource**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 12 MRSA §685-C, sub-§8-A is enacted to read:

8-A. Stop-work order. In accordance with the commission's delegated authority under Title 38, sections 480-E-1 and 480-R and notwithstanding any provision of law to the contrary, if the director of the commission finds that an activity located wholly within the jurisdiction of the commission is being performed in a manner that violates a law administered by the commission, a rule adopted by the commission or a term or condition of a permit or order issued by the commission and that the activity is creating an immediate and substantial adverse impact to a protected natural resource, as determined by the director, the director may issue a stop-work order pursuant to this subsection requiring the cessation of the activity in whole or in part. As used in this subsection, "protected natural resource" has the same meaning as in Title 38, section 480-B, subsection 8.

A. A stop-work order under this subsection must be in writing and must identify:

- (1) The portion of the activity that must immediately cease;
- (2) The law, rule or term or condition of the permit or order that the activity violates;
- (3) The protected natural resource that is being substantially adversely impacted by the activity;
- (4) The duration for which the activity must be ceased;
- (5) The conditions under which the activity may resume, which must include, at a minimum, identification of the corrective actions necessary to restore the protected natural resource or remediate or abate the substantial adverse impacts to the protected natural resource from the activity and to prevent any further adverse impacts to the protected natural resource from the activity. Prior to the resumption of the activity subject to the stop-work order, the commission shall conduct a site inspection to assess compliance with the conditions and requirements of the order; and
- (6) The process by which the person to whom the order is directed may respond to the order, or request that the director rescind or modify the order, while the order is in effect.

B. The director shall deliver a stop-work order under this subsection to the person responsible for the activity or, if delivery cannot be made to that person, to that person's employee, contractor or agent or to the owner of the property on which the activity is occurring. The director shall also notify the town, plantation or, in the case of a township, the county commissioners of the county in which the activity is occurring regarding the issuance of the stop-work order.

(1) Upon delivery of the stop-work order, the person to whom the order is directed shall comply with the order and immediately cease the activity subject to the order.

(2) Upon the written request of the person to whom the stop-work order is directed, the director may rescind or modify the order while the order is in effect.

(3) The issuance of a stop-work order or the modification of an order by the director may be appealed by the person to whom the order is directed to the Superior Court pursuant to the Maine Administrative Procedure Act. If the issuance or modification of the stop-work order is appealed to the Superior Court by the person to whom the order is directed, the order remains in effect and enforceable during the pendency of the appeal, except as otherwise provided in the order or by the director or as ordered by the Superior Court.

C. If the activity subject to a stop-work order under this subsection is occurring under a permit or order issued by the commission, the duration of the stop-work order may not exceed 2 weeks from the date of issuance of the stop-work order. If the person to whom the stop-work order is directed does not satisfy the conditions set forth in the stop-work order for the resumption of the activity, as determined by the director, the director may extend the stop-work order for an additional time period, not to exceed 4 weeks, necessary to satisfy those conditions.

D. A person who violates a stop-work order issued under this subsection is subject to a civil penalty of up to \$5,000 per day, per violation of the order, payable to the State and recoverable in a civil action, in addition to any other penalties that may be imposed by the commission by law.

E. Nothing in this subsection limits the commission's authority to pursue other administrative or enforcement actions relating to the activities described in a stop-work order issued under this subsection.

Sec. 2. 38 MRSA §347-A, sub-§3-A is enacted to read:

3-A. Stop-work order. Notwithstanding any provision of law to the contrary, if the commissioner finds that an activity is being performed in a manner that violates this Title, a rule adopted pursuant to this Title or a term or condition of a license, permit or order issued by the board or the department and that the activity is creating an immediate and substantial adverse impact to a protected natural resource, as determined by the department, the commissioner may issue a stop-work order pursuant to this subsection requiring the cessation

of the activity in whole or in part. As used in this subsection, "protected natural resource" has the same meaning as in section 480-B, subsection 8.

A. A stop-work order under this subsection must be in writing and must identify:

(1) The portion of the activity that must immediately cease;

(2) The law, rule or term or condition of the license, permit or order that the activity violates;

(3) The protected natural resource that is being substantially adversely impacted by the activity;

(4) The duration for which the activity must be ceased;

(5) The conditions under which the activity may resume, which must include, at a minimum, identification of the corrective actions necessary to restore the protected natural resource or remediate or abate the substantial adverse impacts to the protected natural resource from the activity and to prevent any further adverse impacts to the protected natural resource from the activity. Prior to the resumption of the activity subject to the stop-work order, the department shall conduct a site inspection to assess compliance with the conditions and requirements of the order; and

(6) The process by which the person to whom the order is directed may respond to the order, or request that the commissioner rescind or modify the order, while the order is in effect.

B. The commissioner shall deliver a stop-work order under this subsection to the person responsible for the activity or, if delivery cannot be made to that person, to that person's employee, contractor or agent or to the owner of the property on which the activity is occurring. The commissioner shall also notify the municipality in which the activity is occurring regarding the issuance of the stop-work order.

(1) Upon delivery of the stop-work order, the person to whom the order is directed shall comply with the order and immediately cease the activity subject to the order.

(2) Upon the written request of the person to whom the stop-work order is directed, the commissioner may rescind or modify the order while the order is in effect.

(3) The issuance of a stop-work order or the modification of an order by the commissioner may be appealed by the person to whom the order is directed to the Superior Court pursuant to the Maine Administrative Procedure Act. If

the issuance or modification of the stop-work order is appealed to the Superior Court by the person to whom the order is directed, the order remains in effect and enforceable during the pendency of the appeal, except as otherwise provided in the order or by the commissioner or as ordered by the Superior Court.

C. If the activity subject to a stop-work order under this subsection is occurring under a license, permit or order issued by the board or the department, the duration of the stop-work order may not exceed 2 weeks from the date of issuance of the stop-work order. If the licensee, permittee or person subject to the order does not satisfy the conditions set forth in the stop-work order for the resumption of the activity, as determined by the commissioner, the commissioner may extend the stop-work order for an additional time period, not to exceed 4 weeks, necessary to satisfy those conditions.

D. A person who violates a stop-work order issued under this subsection is subject to a civil penalty of up to \$5,000 per day, per violation of the order, payable to the State and recoverable in a civil action, in addition to any other penalties that may be imposed under section 349.

E. Nothing in this subsection limits the department's authority to pursue other administrative or enforcement actions relating to the activities described in a stop-work order issued under this subsection.

See title page for effective date.

**CHAPTER 624
H.P. 1451 - L.D. 2261**

An Act Regarding New Motor Vehicle Emissions Rules

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §585-D, as amended by PL 2011, c. 120, §8, is further amended by enacting after the 2nd indented paragraph a new paragraph to read:

Rules adopted or amended by the board on or after August 1, 2024 pursuant to this section, including, but not limited to, rules to establish zero-emission requirements, are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 38 MRSA §585-D, as amended by PL 2011, c. 120, §8, is further amended by enacting at the end a new paragraph to read:

By January 1, 2025, and annually thereafter, the department shall submit a report to the joint standing com-

mittee of the Legislature having jurisdiction over environment and natural resources matters regarding the status of the regulatory program adopted by the California Air Resources Board for new motor vehicle emissions, known as the Advanced Clean Cars II program, and the adoption of that program by other states, as well as any updates regarding federal motor vehicle emissions control requirements. After reviewing the report, the committee may report out legislation relating to the report to the Legislature in the legislative session in which the report is submitted.

Sec. 3. Report on regulation of motor vehicle emissions. The Department of Environmental Protection, in developing the report required by the Maine Revised Statutes, Title 38, section 585-D and due January 1, 2025, shall collaborate with the Department of Transportation, the Governor's Energy Office, the Office of Policy Innovation and the Future and the Efficiency Maine Trust in evaluating relevant barriers to the adoption of zero-emission vehicle standards or requirements in the State. In addition to the requirements set forth in Title 38, section 585-D, the report due January 1, 2025 must include an analysis of zero-emission vehicle adoption rates in the State relative to national trends and identification of barriers to achieving higher adoption rates, identification of strategies to reduce those barriers with particular consideration given to barriers present in rural communities and an evaluation of policies or market trends for overcoming those barriers. Notwithstanding Title 38, section 585-D, the Department of Environmental Protection shall submit this report by January 1, 2025 to the joint standing committees of the Legislature having jurisdiction over environment and natural resources matters, energy and utilities matters and transportation matters. After reviewing the report, each of the joint standing committees may report out legislation relating to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 625
H.P. 1454 - L.D. 2265**

An Act to Implement Recommendations Resulting from the State Government Evaluation Act Review of the Department of Professional and Financial Regulation

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 2019, c. 343, Pt. XXX, §1, is further amended to read:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

- Superintendent of Financial Institutions;
- Superintendent of Consumer Credit Protection;
- State Tax Assessor;
- Associate Commissioner for Tax Policy, Department of Administrative and Financial Services;
- Superintendent of Insurance;
- Executive Director of the Maine Consumer Choice Health Plan;
- Two deputy commissioners, Department of Administrative and Financial Services;
- Deputy Commissioner, Department of Corrections;
- Public Advocate;
- Two deputy commissioners, Department of Health and Human Services;
- Chief Information Officer;
- Associate Commissioner, Department of Corrections;
- Chief of the State Police;
- Securities Administrator, Office of Securities; ~~and~~
- Director, Office of Professional and Occupational Regulation; ~~and~~
- Deputy Commissioner, Department of Professional and Financial Regulation.

Sec. 2. 5 MRSA §934, sub-§1, ¶D, as amended by PL 2001, c. 182, §2, is further amended to read:

D. ~~Assistant to the~~ Deputy Commissioner; and

Sec. 3. 10 MRSA §8002, first ¶, as amended by PL 2011, c. 1, Pt. AA, §1, is further amended to read:

The Commissioner of Professional and Financial Regulation, referred to in this chapter as the "commissioner," is the chief administrative officer of the department and is responsible for supervising the administration of the department. The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, and to confirmation by the Legislature. The commissioner serves at the pleasure of the Governor. ~~Unless~~ Except as provided in subsection 13 or unless otherwise provided in law, the commissioner may not exercise or interfere with the exercise of discretionary regulatory authority granted by statute to the bureaus, offices, boards or commissions within and affiliated with the department. As chief administrative officer of the department, the commissioner has the following duties and authority to:

Sec. 4. 10 MRSA §8002, sub-§2, as amended by PL 1995, c. 502, Pt. H, §9, is further amended to read:

2. Personnel. Except as otherwise specified, appoint and remove, subject to the Civil Service Law, all personnel considered necessary to fulfill the duties and functions of the department; ~~appoint an assistant to the~~ a deputy commissioner to serve at the commissioner's pleasure; and transfer personnel within the department to ensure efficient utilization of department personnel;

Sec. 5. 10 MRSA §8002, sub-§11, as amended by PL 2011, c. 603, §2, is further amended to read:

11. Report on fees. By December 1st of each even-numbered year, conduct a review of the fees assessed by the department and provide a written report to the State Budget Officer and the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and financial services matters and business, research and economic development matters identifying any fee changes the commissioner recommends for the next biennium; ~~and~~

Sec. 6. 10 MRSA §8002, sub-§12, as enacted by PL 2011, c. 603, §3, is amended to read:

12. Recommend measures. Recommend legislation or other measures to the Governor and the Legislature for the purpose of assisting current and former members of the United States Armed Forces in obtaining any professional license within the provisions of the department related to their relevant training and experience from their military service; ~~and~~

Sec. 7. 10 MRSA §8002, sub-§13 is enacted to read:

13. Emergency authority. When a state of emergency is declared pursuant to state or federal law, temporarily modify or suspend any continuing education requirements, license expiration dates, examination requirements, license fees or other licensing requirements as necessitated by the declared emergency. The temporary modification or suspension may extend no more than one year beyond the date the state of emergency is declared.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates ongoing funds for the costs of replacing an Assistant to the Commissioner position with a Deputy Commissioner position.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$19,003
All Other	\$0	\$1,411

OTHER SPECIAL REVENUE	\$0	\$20,414
FUNDS TOTAL		

See title page for effective date.

**CHAPTER 626
S.P. 367 - L.D. 870**

**An Act to Strengthen Freedom
of Speech Protections by
Enacting the Uniform Public
Expression Protection Act**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 14 MRSA §556, as amended by PL 2023, c. 322, §1, is repealed.

Sec. 2. 14 MRSA c. 203, sub-c. 5 is enacted to read:

SUBCHAPTER 5

**UNIFORM PUBLIC EXPRESSION
PROTECTION ACT**

§731. Short title

This subchapter may be known and cited as "the Uniform Public Expression Protection Act."

§732. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Governmental unit. "Governmental unit" means a public corporation or government or governmental subdivision, agency or instrumentality.

2. Person. "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit or other legal entity.

§733. Applicability

1. Goods or services. For the purposes of this section, "goods or services" does not include the creation, dissemination, exhibition or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic or artistic work.

2. Cause of action asserted. Except as otherwise provided in subsection 3, this subchapter applies to a cause of action asserted in a civil action against a person based on the person's:

A. Communication in a legislative, executive, judicial, administrative or other governmental proceeding;

B. Communication on an issue under consideration or review in a legislative, executive, judicial, administrative or other governmental proceeding;

C. Exercise of the right of freedom of speech or of the press, the right to assemble or petition or the right of association, guaranteed by the United States Constitution or by the Constitution of Maine, on a matter of public concern; or

D. Written or oral statement made in connection with a discrimination complaint pursuant to the Maine Human Rights Act or any written or oral statement made in connection with a complaint pursuant to Title 20-A, chapter 445 or the so-called Title IX provisions of the federal Education Amendments of 1972, Public Law 92-318.

3. Exceptions. This subchapter does not apply to a cause of action asserted:

A. Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;

B. By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or

C. Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the person's sale or lease of the goods or services.

§734. Special motion for expedited relief

Not later than 60 days after a party is served with a complaint, petition, cross-claim, counterclaim, 3rd-party claim or other pleading that asserts a cause of action to which this subchapter applies, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action or part of the cause of action.

§735. Stay

1. Stay proceedings. Except as otherwise provided in subsections 4 to 7, on the filing of a motion under section 734:

A. All other proceedings between the moving party and responding party, including discovery and a pending hearing or motion, are stayed; and

B. On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion under section 734.

2. Length of stay. A stay under subsection 1 remains in effect until entry of an order ruling on the motion under section 734 and expiration of the time under the Maine Rules of Appellate Procedure for the moving party to appeal the order.

3. Stay on appeal. Except as otherwise provided in subsections 5, 6 and 7, if a party appeals from an order ruling on a motion under section 734, all proceedings between all parties in the action are stayed. The stay remains in effect until the conclusion of the appeal.

4. Limited discovery. During a stay under subsection 1, the court may allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under section 738, subsection 1 and the information is not reasonably available unless discovery is allowed.

5. Motion for costs, attorney's fees and expenses. A motion under section 740 for costs, attorney's fees and expenses is not subject to a stay under this section.

6. Dismissal. A stay granted under this section does not affect a party's ability voluntarily to dismiss a cause of action or part of a cause of action or move to sever a cause of action.

7. Other motions. During a stay under this section, the court for good cause may hear and rule on:

A. A motion unrelated to the motion under section 734; and

B. A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

§736. Judicial priority

An action under this subchapter may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

§737. Proof

In ruling on a motion under section 734, the court shall consider the pleadings, the motion, any reply or response to the motion and any evidence that could be considered in ruling on a motion for summary judgment under Rule 56 of the Maine Rules of Civil Procedure.

§738. Dismissal of cause of action in whole or in part

1. Dismissal with prejudice. In ruling on a motion under section 734, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:

A. The moving party establishes under section 733, subsection 2 that this Act applies;

B. The responding party fails to establish under section 733, subsection 3 that this Act does not apply; and

C. Either:

(1) The responding party fails to establish a prima facie case as to each essential element of the cause of action; or

(2) The moving party establishes that:

(a) The responding party failed to state a cause of action upon which relief can be granted; or

(b) There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the cause of action.

2. Dismissal without prejudice; right to costs, attorney's fees and expenses. A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 734 does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney's fees and expenses under section 740.

3. Dismissal with prejudice; prevailed on motion. A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under section 734 establishes for the purpose of section 740 that the moving party prevailed on the motion.

§739. Appeal

A moving party may appeal as a matter of right from an order denying, in whole or in part, a motion under section 734. An appeal of a judgment or order under this subchapter is governed by the Maine Rules of Appellate Procedure.

§740. Costs, attorney's fees and expenses

On a motion under section 734, the court shall award court costs, attorney's fees and reasonable litigation expenses related to the motion:

1. If moving party prevails. To the moving party if the moving party prevails on the motion; or

2. If responding party prevails. To the responding party if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with intent to delay the proceeding.

§741. Construction

This subchapter must be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition and the right of association guaranteed by the United States Constitution or by the Constitution of Maine.

§742. Uniformity of application and construction

In applying and construing this chapter, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 3. Application. This Act applies to a civil action filed or cause of action asserted in a civil action on or after January 1, 2025.

Sec. 4. Savings clause. This Act does not affect a cause of action asserted before January 1, 2025 in a civil action or a motion under the Maine Revised Statutes, Title 14, former section 556 regarding the cause of action.

Sec. 5. Legislative intent. This Act is the Maine enactment of the Uniform Public Expression Protection Act as revised by the National Conference of Commissioners on Uniform State Laws. The text of the uniform act has been changed to conform to the Maine statutory conventions. The changes are technical in nature and it is the intent of the Legislature that this Act be interpreted as substantively the same as the uniform act.

Sec. 6. Comments. The Legislature accepts the Uniform Comments composed by the National Conference of Commissioners on Uniform State Laws as part of the Uniform Public Expression Protection Act.

Sec. 7. Effective date. This Act takes effect January 1, 2025.

Effective January 1, 2025.

CHAPTER 627

H.P. 851 - L.D. 1337

An Act to Require a Biennial Report on the Corporate Income Tax to the Joint Standing Committee Having Jurisdiction over Taxation Matters

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §5202-E is enacted to read:

§5202-E. Report on corporate income tax data reporting

1. Report. Beginning January 31, 2025 and biennially thereafter, the bureau shall, consistent with section 191, provide a report on corporate income tax to the joint standing committee of the Legislature having jurisdiction over taxation matters. The report must include the following:

A. Of the 50 largest for-profit employers in the State as measured by payroll withholding, for which there is complete data, the number that paid zero state corporate income tax in the 4 most recent tax years or received a refunded portion of a refundable credit;

B. The number of corporations that filed corporate income taxes that reported over \$50,000,000, over \$100,000,000, over \$250,000,000 and over \$1,000,000,000 in federal taxable income for the 2 previous tax years;

C. For each income range identified in paragraph B:

(1) The total income reported;

(2) The total income apportioned to the State; and

(3) The number of filers that reported zero or less total corporate income tax due for the 4 most recent tax years for which there is complete data;

D. The percentage of corporations that filed corporate income taxes doing business in the State that reported total corporate income tax due of zero or less for the 4 most recent tax years for which there is complete data; and

E. The percentage of corporations that filed corporate income taxes doing business in the State that reported federal taxable income of greater than zero and reported total Maine corporate income tax due of zero or less for the 4 most recent tax years for which there is complete data; and

F. The percentage of corporations that filed corporate income taxes doing business in the State that reported federal taxable income of greater than zero and reported zero income apportioned to the State of adjusted federal income.

For the purposes of this section, "corporate" and "corporation" include C corporations and limited liability companies taxed as corporations in the State.

See title page for effective date.

CHAPTER 628

H.P. 1023 - L.D. 1578

An Act to Adopt an Interstate Compact to Elect the President of the United States by National Popular Vote

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §723-A, sub-§1, ¶C, as enacted by IB 2015, c. 3, §5, is amended to read:

C. "Continuing candidate" means a candidate who has not been ~~defeated~~ removed from consideration.

Sec. 2. 21-A MRSA §723-A, sub-§2, as amended by PL 2019, c. 320, §12, is further amended to read:

2. Procedures. Except as provided in subsections 3 ~~and~~ 4 ~~and~~ 7, the following procedures are used to determine the winner of an election determined by ranked-choice voting. The ranked-choice voting count must proceed in rounds. In each round, the number of votes

for each continuing candidate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing candidate for that round. Exhausted ballots are not counted for any continuing candidate. The round then ends with one of the following 2 potential outcomes.

- A. If there are 2 or fewer continuing candidates, the candidate with the most votes is declared the winner of the election.
- B. If there are more than 2 continuing candidates, the last-place candidate is ~~defeated~~ removed from consideration and a new round begins.

Sec. 3. 21-A MRSA §723-A, sub-§3, as amended by PL 2019, c. 320, §13, is further amended to read:

3. Ties. A tie under this section between last-place candidates in any round must be decided by lot, and the candidate chosen by lot is ~~defeated~~ removed from consideration. The result of the tie resolution must be recorded and reused in the event of a recount. A tie between candidates for the most votes in the final round must be decided as provided in section 732.

Sec. 4. 21-A MRSA §723-A, sub-§7 is enacted to read:

7. Procedures for using ranked-choice voting when National Popular Vote for President Act governs. In a presidential election determined by ranked-choice voting when the National Popular Vote for President Act governs the appointment of presidential electors, the following procedures are used to determine the presidential vote count, except that, notwithstanding subsection 3, a statewide tie between the candidates in the final round may not be resolved and the provisions of subsection 4 regarding the modification of the ballot and count are permitted.

- A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.
 - (1) "Continuing presidential slate" means a presidential slate that has not been removed from consideration.
 - (2) "Final round" means the round that ends with the result described in paragraph C, subparagraph (1).
- B. If no presidential slate initially receives more than 50% of the first-choice votes, the ranked-choice voting count must be conducted under the supervision of the Secretary of State for successive rounds.
- C. The ranked-choice voting count must proceed in rounds. In each round, the number of votes for each continuing presidential slate must be counted. Each continuing ballot counts as one vote for its highest-ranked continuing presidential slate for

that round. Exhausted ballots are not counted for any continuing presidential slate.

The round then ends with one of the following 2 potential outcomes.

- (1) If there are 2 or fewer continuing presidential slates, the vote counts of those continuing presidential slates are recorded as the results of the presidential vote counting process and no further rounds may occur.
- (2) If there are more than 2 continuing presidential slates, the last-place presidential slate is removed from consideration and a new round begins.

Sec. 5. 21-A MRSA §801, sub-§2, as enacted by PL 2019, c. 539, §4, is amended to read:

2. Counting of ballots. Counting of ballots for candidates for President must proceed according to the ranked-choice method of counting votes described in section 723-A, with the exception of subsection 7. If the National Popular Vote for President Act governs the manner of appointing presidential electors, counting of ballots must proceed according to the ranked-choice method of counting votes as described in section 723-A, subsection 7.

Sec. 6. 21-A MRSA §803, as amended by PL 2021, c. 273, §29, is repealed and the following enacted in its place:

§803. Duties of Governor

1. Duties. Except when the National Popular Vote for President Act governs the appointment of presidential electors, as soon as possible after the presidential electors are chosen, the Governor shall send a certificate of the determination of the electors to the Archivist of the United States under state seal. The certificate must state the names of the electors and the number of votes each candidate for President received statewide and for each congressional district in the final round of tabulation under section 723-A. The Governor shall deliver 6 certificates under state seal to the electors before the day established by federal law for the meeting of electors.

2. Duties when National Popular Vote for President Act governs. Notwithstanding subsection 1, when the National Popular Vote for President Act governs the appointment of presidential electors, the Governor has the following duties.

- A. As soon as possible after the canvass of the presidential count under section 723-A, subsection 7 is determined, the Governor shall send a certificate of determination containing the names of the electors and the statewide number of votes for each presidential slate that received votes in the final round to the Archivist of the United States under state seal. This final round vote is deemed to be the

determination of the vote in the State for the purposes of section 1304.

As used in this paragraph, "final round" means the round that ends with the result described in section 723-A, subsection 7, paragraph C, subparagraph (1).

B. No later than the day before the day established by federal law for the meeting of electors, the Governor shall deliver 6 certificates under state seal to the electors appointed as provided in the National Popular Vote for President Act.

Sec. 7. 21-A MRSA §805, sub-§2, as amended by PL 2019, c. 539, §5, is further amended to read:

2. Presidential electors. The Except as provided in subsection 2-A, the presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State according to the ranked-choice method of counting votes described in section 723-A. The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in each respective congressional district according to the ranked-choice method of counting votes described in section 723-A.

Sec. 8. 21-A MRSA §805, sub-§2-A is enacted to read:

2-A. Presidential electors when National Popular Vote for President Act governs. Notwithstanding subsection 2, when the National Popular Vote for President Act governs the appointment of presidential electors, the presidential electors shall cast their ballots for the presidential slate designated as the national popular vote winner pursuant to section 1304.

Sec. 9. 21-A MRSA c. 17 is enacted to read:

CHAPTER 17

ELECTION OF THE PRESIDENT OF THE UNITED STATES BY POPULAR VOTE

SUBCHAPTER 1

INTERSTATE COMPACT: AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT OF THE UNITED STATES BY NATIONAL POPULAR VOTE

§1301. Short title

This subchapter may be known and cited as "the National Popular Vote for President Act."

§1302. Membership - Article 1

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

§1303. Right of people in member states to vote for President and Vice President - Article 2

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

§1304. Manner of appointing presidential electors in member states - Article 3

Prior to the time set by law for the meeting of and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each state of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a national popular vote total for each presidential slate.

The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the national popular vote winner.

The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

At least 6 days before the day fixed by law for the meeting of and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

In the event of a tie for the national popular vote winner, the presidential elector certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner may nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

The chief election official of each member state shall immediately release to the public all vote counts

or statements of votes as they are determined or obtained.

This article governs the appointment of presidential electors in each member state in any year in which this agreement is, on July 20th, in effect in states cumulatively possessing a majority of the electoral votes.

§1305. Contingent effective date; withdrawal; notification; severability - Article 4

This agreement takes effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

Any member state may withdraw from this agreement, except that a withdrawal occurring 6 months or less before the end of a President's term does not become effective until a President or Vice President has been qualified to serve the next term.

The chief executive of each member state shall promptly notify the chief executive of all other states when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement and when this agreement takes effect generally.

This agreement terminates if the electoral college is abolished.

If any provision of this agreement is held invalid, the remaining provisions are not affected.

§1306. Definitions - Article 5

As used in this agreement, the following terms have the following meanings.

1. Chief election official. "Chief election official" means the state official or body that is authorized to certify the total number of popular votes for each presidential slate.

2. Chief executive. "Chief executive" means the governor of a state of the United States or the Mayor of the District of Columbia.

3. Elector slate. "Elector slate" means a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.

4. Presidential elector. "Presidential elector" means an elector for President and Vice President of the United States.

5. Presidential elector certifying official. "Presidential elector certifying official" means the state official or body that is authorized to certify the appointment of the state's presidential electors.

6. Presidential slate. "Presidential slate" means a slate of 2 persons, the first of whom has been nominated as a candidate for President of the United States and the

2nd of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voters in a particular state.

7. State. "State" means a state of the United States and the District of Columbia.

8. Statewide popular election. "Statewide popular election" means a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

§1307. Conflicts

All laws in a member state in conflict with this agreement are superseded to the extent of the conflict.

SUBCHAPTER 2

PROVISIONS REGARDING THE NATIONAL POPULAR VOTE FOR PRESIDENT ACT

§1310. Duty of Secretary of State to provide notice of effect and discontinuation of National Popular Vote for President Act

Upon receipt of notice that the states participating in the interstate compact to elect the President of the United States described in subchapter 1 hold a majority of the total electoral votes, the Secretary of State immediately shall inform the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the National Popular Vote for President Act governs the appointment of presidential electors.

If the Secretary of State is subsequently notified or learns that the National Popular Vote for President Act does not govern the appointment of presidential electors due to the number of electoral votes held by the states participating in the interstate compact to elect the President of the United States being less than a majority of the total electoral votes, the Secretary of State shall immediately inform the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes of that fact.

Sec. 10. Legislative intent. The text and numbering of the Interstate Compact: Agreement Among the States to Elect the President of the United States by National Popular Vote have been changed to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this Act be interpreted as substantively the same as the original interstate compact.

See title page for effective date.

**CHAPTER 629
S.P. 828 - L.D. 2006**

**An Act to Amend the Laws
Regarding Adjustments for
Sudden and Severe Disruption
of Municipal Valuation**

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

Whereas, municipalities will be evaluating their resources and preparing their budgets sooner than 90 days after adjournment of the Second Regular Session of the 131st Legislature; and

Whereas, enactment of this bill may result in the availability of additional revenue for some municipalities that qualify for a sudden and severe disruption of valuation adjustment; and

Whereas, it is necessary to maximize the ability of municipalities to consider the availability of additional revenue when preparing their budgets; 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:

Sec. 1. 30-A MRSA §5681, sub-§2, ¶B, as amended by PL 2007, c. 662, §1, is further amended to read:

B. "Property tax burden" means the total real and personal property taxes assessed in the municipal fiscal year pertaining to the latest state valuation, except the taxes assessed on captured value within a tax increment financing district, divided by the latest state valuation certified to the Secretary of State. In the case of a municipality that qualifies for an adjustment for sudden and severe disruption of valuation under Title 36, section 208-A, the amount of money that municipality uses from undesignated fund balances in the municipal fiscal year must be added to the total real and personal property taxes assessed in each fiscal year that municipality qualifies for an adjustment in the determination of the property tax burden.

Sec. 2. 30-A MRSA §5681, sub-§2, ¶E, as amended by PL 2011, c. 656, §1, is further amended to read:

E. "Disproportionate tax burden" means the total real and personal property taxes assessed in the municipal fiscal year pertaining to the latest state valuation, except the taxes assessed on captured value

within a tax increment financing district, divided by the latest state valuation certified to the Secretary of State and reduced by .01. In the case of a municipality that qualifies for an adjustment for sudden and severe disruption of valuation under Title 36, section 208-A, the amount of money that municipality uses from undesignated fund balances in the municipal fiscal year must be added to the total real and personal property taxes assessed in each fiscal year that municipality qualifies for an adjustment in the determination of the property tax burden. Beginning on July 1, 2013 and each July 1st thereafter, if the total revenue-sharing distribution as calculated by subsection 5 is distributed to the municipalities without transfer or reduction, the reduction factor must be increased by either .0005 or the percentage increase necessary to equal the statewide average property tax rate, whichever increase is smaller, until the fiscal year when the percentage reduction factor reaches the statewide average property tax rate.

Sec. 3. Application. This Act applies to adjustments for revenue sharing years beginning on or after July 1, 2024 or the effective date of this Act, whichever is later.

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

Effective April 16, 2024.

**CHAPTER 630
S.P. 610 - L.D. 1537**

**An Act to Amend the Laws
Relating to the Prevention of
Perfluoroalkyl and
Polyfluoroalkyl Substances
Pollution**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1614, as amended by PL 2023, c. 138, §§1 to 4, is further amended to read:

§1614. Products containing PFAS

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Carpet or rug" means a consumer product made from natural or synthetic fabric marketed or intended for use to be used as a floor covering inside commercial or residential buildings. "Carpet or rug" includes, but is not limited to, a carpeted doormat, but does not include:

- (1) A carpet or rug intended solely for outdoor use;
- (2) A carpet or rug intended solely for use inside an aircraft, train, watercraft, automobile, light duty truck, van, bus or any other vehicle and any aftermarket or replacement part marketed solely for use in a vehicle;
- (3) A resilient floor covering;
- (4) Artificial turf;
- (5) A wall hanging or covering;
- (6) A table mat; or
- (7) A camping sleeping mat.

A-1. "Adult mattress" means a mattress that is not a crib mattress or a toddler mattress.

A-2. "Aerosol propellant" has the same meaning as in section 1613, subsection 1, paragraph A.

A-3. "Air care product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to enhance or condition an indoor environment by eliminating odors or freshening the air.

A-4. "Aircraft" means a contrivance operated by direct physical contact from a human that is used or designed for navigation of or flight in the air that requires certification and registration as prescribed by federal law or regulation. "Aircraft" does not include:

- (1) A lighter-than-air balloon operated by direct physical contact from a human; or
- (2) An ultralight vehicle, as defined in 14 Code of Federal Regulations, Part 103, regardless of whether the ultralight vehicle is certified by the United States Department of Transportation, Federal Aviation Administration.

A-5. "Alternative" means a substance or chemical that, if used in place of a PFAS in a product, would result in a functionally equivalent product and would reduce the potential for harm to human health or the environment or that has not been shown to pose the same or greater potential harm to human health or the environment as the PFAS. "Alternative" includes:

- (1) A reformulated version of a product in which the intentionally added PFAS in the product has been removed; and
- (2) Changes to a product's manufacturing process that result in the removal of the PFAS from the product.

A-6. "Architectural fabric structure" means a permanent fabric structure that is intrinsic to the design or construction of a building.

A-7. "Artificial turf" means an artificial product made from synthetic material that simulates the appearance of natural turf, grass, sod or lawn.

A-8. "Automotive maintenance product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to maintain the appearance of a motor vehicle. "Automotive maintenance product" includes products for washing, waxing, polishing, cleaning or treating the exterior or interior surface of a motor vehicle, but does not include automotive paint or automotive paint repair products.

A-9. "Cleaning product" means a finished product used primarily for domestic, commercial or institutional cleaning purposes, including, but not limited to, an air care product, an automotive maintenance product, a general cleaning product and a polish or floor maintenance product.

A-10. "Cookware product" means a durable houseware product intended to be used to prepare, dispense or store food, foodstuffs or beverages, including, but not limited to, a pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl and cooking utensil.

A-11. "Cosmetic product" means a product intended to be rubbed, poured, sprinkled or sprayed on, introduced into or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness or altering the appearance. "Cosmetic product" includes any product intended for use as a component of another cosmetic product, but does not include soap or a product that requires a prescription for distribution or dispensing.

B. "Currently unavoidable use" means a use of PFAS that the department has determined by rule under this section to be essential for health, safety or the functioning of society and for which alternatives are not reasonably available.

B-1. "Essential for health, safety or the functioning of society" means a use of a PFAS in a product when the function provided by the PFAS is necessary for the product to perform as intended, such that the unavailability of the PFAS for use in the product would cause the product to be unavailable, which would result in:

- (1) A significant increase in negative health outcomes;
- (2) An inability to mitigate significant risks to human health or the environment; or
- (3) A significant disruption of the daily functions on which society relies.

C. "Fabric treatment" means a substance applied to fabric to give the fabric one or more characteristics,

including but not limited to stain resistance or water resistance.

C-1. "Foam" has the same meaning as in section 1613, subsection I, paragraph K. "Foam" does not include a firefighting or fire-suppressing foam or related product regulated under section 424-C.

D. "Intentionally added PFAS" means PFAS added to a product or one of its product components to provide a specific characteristic, appearance or quality or to perform a specific function. "Intentionally added PFAS" also includes any degradation by-products of PFAS.

D-1. "Juvenile product" means a product designed or marketed for use by infants and children under 12 years of age including, but not limited to: a baby or toddler foam pillow; bassinet; bedside sleeper; booster seat; changing pad; child restraint system for use in motor vehicles and aircraft; co-sleeper; crib mattress; highchair; highchair pad; infant bouncer; infant carrier; infant seat; infant sleep positioner; infant swing; infant travel bed; infant walker; nap cot; nursing pad; nursing pillow; play mat; playpen; play yard; polyurethane foam mat, pad or pillow; portable foam nap mat; portable infant sleeper; portable hook-on chair; soft-sided portable crib; stroller; and toddler mattress. "Juvenile product" does not include an adult mattress or an electronic product marketed for use by children under 12 years of age, including a personal computer, audio and video equipment, calculator, wireless telephone, game console, handheld device incorporating a video screen and any associated peripheral, such as a mouse, keyboard, power supply unit or power cord.

D-2. "Known to or reasonably ascertainable by" means, with respect to a person, all information in the person's possession or control as well as all information that a reasonable person similarly situated might be expected to possess, control or know.

E. "Manufacturer" means the person that manufactures a product or whose brand name is affixed to the product. In the case of a product imported into the United States, "manufacturer" includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.

E-1. "Medical device" has the same meaning as the term "device" as defined in 21 United States Code, Section 321(h).

E-2. "Off-highway vehicle" means a vehicle designed to be or marketed as capable of off-highway operation, including, but not limited to:

- (1) A motorcycle or motor-driven cycle;

(2) A snowmobile or other vehicle designed to travel over snow or ice;

(3) A sand buggy, dune buggy or similar all-terrain vehicle;

(4) A motor vehicle commonly referred to as a jeep; and

(5) A recreational off-highway vehicle.

E-3. "Outdoor apparel for severe wet conditions" means a clothing item that is an extreme and extended use product designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions to protect the health and safety of the user and that are not marketed for general consumer use, including, but not limited to, such extreme and extended use products designed for offshore fishing, offshore sailing, whitewater kayaking and mountaineering.

F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

G. "Product" means an item manufactured, assembled, packaged or otherwise prepared for sale to consumers, including its product components, sold or distributed for personal, residential, commercial or industrial use, including for use in making other products.

H. "Product component" means an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

H-1. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

I. "Publicly owned treatment works" has the same meaning as in section 361-A.

J. "Refrigerant" has the same meaning as in section 1613, subsection I, paragraph Y.

K. "Single-use" means, with respect to a product, conventionally disposed of after one use or not sufficiently durable or washable to be, or not intended to be, reusable or refillable.

L. "Ski wax" means a lubricant applied to the bottom of snow runners, including, but not limited to, skis and snowboards, to improve grip or glide properties. "Ski wax" includes related tuning products.

M. "Textile" means an item made in whole or in part from natural or synthetic fiber, yarn or fabric, including, but not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon and polyester. "Textile" does not include a single-use absorbent hygiene product or a single-use paper hygiene product, including, but not limited to, toilet paper, paper towels or tissues.

N. "Textile article" means a textile good of a type customarily and ordinarily used in households and businesses. "Textile article" includes, but is not limited to, apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins and tablecloths, but does not include:

- (1) A carpet or rug;
- (2) A treatment for use on converted textiles or leathers;
- (3) A textile used in or designed for laboratory analysis and testing;
- (4) A stadium shade or other architectural fabric structure; or
- (5) Filtration media or a filter product used in industrial applications, including, but not limited to, chemical or pharmaceutical manufacturing and environmental control technologies.

O. "Upholstered furniture" means an article of furniture that is designed to be used for sitting, resting or reclining and that is wholly or partly stuffed or filled with any filling material.

P. "Vehicle" means a device by which any person or property may be propelled, moved or drawn upon a way but does not include such a device that is moved exclusively by human power or that is used exclusively upon stationary rails or tracks.

2. Notification. ~~A~~ Except as provided pursuant to paragraph D or subsection 3, a manufacturer of a product for sale in the State that contains intentionally added PFAS and for which the department has determined that the use of PFAS in the product is a currently unavoidable use in accordance with subsection 5, paragraph F shall comply with the requirements of this subsection.

~~A. Except as provided in subsection 3, by January 1, 2025, a~~ The manufacturer of a product for sale in the State that contains intentionally added PFAS shall submit to the department a written notification that includes, to the extent known to or reasonably ascertainable by the manufacturer:

- (1) A brief description of the product, including an estimate of the total number of units of the product sold annually in the State or nationally;

(2) The purpose for which PFAS are used in the product, including in any product components;

(3) The amount of each of the PFAS, identified by its chemical abstracts service registry number or in the absence of this number a description approved by the department, in the product, reported as an exact quantity, or as the amount of total organic fluorine if the amount of each of the PFAS ~~compound~~ is not known, determined using commercially available analytical methods or based on information provided by a supplier as falling within a range approved for reporting purposes by the department or, if the manufacturer is unable to provide information regarding the amount of each of the PFAS in the product, the total weight of the product;

(4) The name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer; ~~and~~

(4-A) The identification of the applicable determination adopted by the department by rule pursuant to subsection 5, paragraph F that the use of PFAS in the product is a currently unavoidable use; and

(5) Any additional information ~~established~~ required by the department by rule ~~as necessary to implement the requirements of this section.~~

A-1. At the time the manufacturer submits to the department the written notice required in paragraph A, the manufacturer shall also pay to the department the applicable fee established by the department by rule pursuant to subsection 6.

B. With the approval of the department, ~~a~~ the manufacturer may supply the information required in paragraph A for a category or type of product rather than for each individual product.

C. In accordance with rules adopted by the department, ~~a~~ the manufacturer shall update and revise the information in the written notification whenever there is significant change in the information or when requested to do so by the department.

D. The requirements of this subsection do not apply to a manufacturer that employs ~~25~~ 100 or fewer people.

3. Waiver of notification; coordination with other states; extension of deadline. The department may waive all or part of the notification requirement under subsection 2 if the department determines that substantially equivalent information is already publicly available. The department may enter into an agreement with one or more other states or political subdivisions of a state to collect notifications and may accept notifications to a shared system as meeting the notification

requirement under subsection 2. ~~The department may extend the deadline for submission by a manufacturer of the information required under subsection 2 if the department determines that more time is needed by the manufacturer to comply with the submission requirement.~~

4. Exemptions. The following are exempt from this section:

A. A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority;

B. A package, as defined in Title 32, section 1732, subsection 4, for a product, except when the package is the product of the manufacturer. The exemption under this paragraph does not apply to the package of a product prohibited from sale, offer for sale or distribution for sale pursuant to subsection 5, paragraph B, B-1, D or E if that package is a fluorinated container or a container that otherwise contains intentionally added PFAS; and

C. A used product or used product component;

D. A firefighting or fire-suppressing foam or related product regulated under section 424-C;

E. A prosthetic or orthotic device or any product that is a medical device, drug or biologic or that is otherwise used in a medical setting or in medical applications that are regulated by or under the jurisdiction of the United States Food and Drug Administration;

F. A veterinary product intended for use in or on animals, including diagnostic equipment or test kits and their components and any product that is a veterinary medical device, drug, biologic or parasiticide or that is otherwise used in a veterinary medical setting or in veterinary medical applications that are regulated by or under the jurisdiction of:

(1) The United States Food and Drug Administration;

(2) The United States Department of Agriculture pursuant to the federal Virus-Serum-Toxin Act; or

(3) The United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act, except that any such products approved by the United States Environmental Protection Agency pursuant to that law for aerial or land application are not exempt from this section;

G. A product developed or manufactured for the purposes of public health, environmental or water quality testing;

H. A product required to meet standards or requirements of the United States Department of Transportation, Federal Aviation Administration, the National Aeronautics and Space Administration, the United States Department of Defense or the United States Department of Homeland Security, except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;

I. A motor vehicle or motor vehicle equipment regulated under a federal motor vehicle safety standard, as defined in 49 United States Code, Section 30102(a)(10), and any other motor vehicle, including an off-highway vehicle or specialty motor vehicle, such as an all-terrain vehicle, side-by-side vehicle, farm equipment or personal assistive mobility device, except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;

J. A watercraft, as defined in Title 12, section 13001, subsection 28, or a seaplane, except that the exemption under this paragraph does not apply to any textile article or refrigerant that is included in or as a component part of such products;

K. A semiconductor, including semiconductors incorporated in electronic equipment, and equipment and materials used in the manufacture of semiconductors;

L. Nonconsumer electronics and nonconsumer laboratory equipment not ordinarily used for personal, family or household purposes; and

M. Equipment directly used in the manufacture or development of the products described in paragraphs E to L.

5. Prohibition on sale of products containing intentionally added PFAS. This subsection governs sales of products containing intentionally added PFAS.

A. ~~Effective~~ Except as provided pursuant to paragraph F or G, effective January 1, 2023, a person may not sell, offer for sale or distribute for sale in this State a carpet or rug that contains intentionally added PFAS. ~~This~~ The prohibition under this paragraph does not apply to the sale, offer for sale or resale distribution for sale of a used any carpet or rug in used condition.

B. ~~Effective~~ Except as provided pursuant to paragraph F or G, effective January 1, 2023, a person may not sell, offer for sale or distribute for sale in this State a fabric treatment that contains intentionally added PFAS. ~~This prohibition does not apply to the sale or resale of a used fabric treatment.~~

The prohibition under this paragraph applies to a fabric treatment that does not contain intentionally

added PFAS but that is sold, offered for sale or distributed for sale in a fluorinated container or in a container that otherwise contains intentionally added PFAS. The prohibition under this paragraph does not apply to the sale, offer for sale or distribution for sale of any fabric treatment in used condition.

B-1. Except as provided pursuant to paragraph F or G, effective January 1, 2026, a person may not sell, offer for sale or distribute for sale in this State:

- (1) A cleaning product containing intentionally added PFAS;
- (2) A cookware product containing intentionally added PFAS;
- (3) A cosmetic product containing intentionally added PFAS;
- (4) Dental floss containing intentionally added PFAS;
- (5) A juvenile product containing intentionally added PFAS;
- (6) A menstruation product containing intentionally added PFAS;
- (7) A textile article containing intentionally added PFAS. The prohibition under this subparagraph does not include:
 - (a) Outdoor apparel for severe wet conditions; or
 - (b) A textile article that is included in or a component part of a watercraft, aircraft or motor vehicle, including an off-highway vehicle;
- (8) Ski wax containing intentionally added PFAS; or
- (9) Upholstered furniture containing intentionally added PFAS.

The prohibition under this paragraph applies to any of the products listed in subparagraphs (1) to (9) that do not contain intentionally added PFAS but that are sold, offered for sale or distributed for sale in a fluorinated container or in a container that otherwise contains intentionally added PFAS. The prohibition under this paragraph does not apply to any of the products listed in subparagraphs (1) to (9) that are sold, offered for sale or distributed for sale in used condition.

B-2. Except as provided pursuant to paragraph F or G, effective January 1, 2029, a person may not sell, offer for sale or distribute for sale in this State:

- (1) Artificial turf containing intentionally added PFAS; or

(2) Outdoor apparel for severe wet conditions containing intentionally added PFAS, unless the apparel is accompanied by a legible, easily discernable disclosure that includes the following statement: "Made with PFAS chemicals." The disclosure requirement under this subparagraph applies to all sales, offers for sale or distributions for sale in this State of outdoor apparel for severe wet conditions containing intentionally added PFAS, including those conducted using the Internet.

The prohibition under this paragraph does not apply to any of the products listed in subparagraphs (1) and (2) that are sold, offered for sale or distributed for sale in used condition.

C. The department may by rule identify products by category or use that may not be sold, offered for sale or distributed for sale in this State if they contain intentionally added PFAS. The department shall prioritize the prohibition of the sale of product categories that, in the department's judgment, are most likely to cause contamination of the State's land or water resources if they contain intentionally added PFAS. ~~Products in which the use of PFAS is a currently unavoidable use as determined by the department may be exempted by the department by rule.~~ The department may not prohibit by rule pursuant to this paragraph the sale, offer for sale or resale distribution for sale of ~~used~~ products in used condition.

Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

D. ~~Effective~~ Except as otherwise provided in this paragraph or pursuant to paragraph F or G, effective January 1, ~~2030~~ 2032, a person may not sell, offer for sale or distribute for sale in this State any product that contains intentionally added PFAS that is not already prohibited from sale, offer for sale or distribution for sale pursuant to paragraph A, B, B-1, B-2 or C, unless the department has determined by rule in accordance with paragraph F that the use of PFAS in the product is a currently unavoidable use. ~~The department may specify specific products or product categories in which it has determined the use of PFAS is a currently unavoidable use. This prohibition does not apply to the sale or resale of used products.~~

The prohibition under this paragraph applies to any such products that do not contain intentionally added PFAS but that are sold, offered for sale or distributed for sale in a fluorinated container or in a container that otherwise contains intentionally added PFAS. The prohibition under this paragraph does not apply to:

- (1) Any such products sold, offered for sale or distributed for sale in used condition;
- (2) Cooling, heating, ventilation, air conditioning and refrigeration equipment, including parts and other servicing needs for such equipment; or
- (3) Refrigerants, foams and aerosol propellants that are listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits by the United States Environmental Protection Agency pursuant to the Significant New Alternatives Policy program, 40 Code of Federal Regulations, Part 82, Subpart G, as long as the refrigerant, foam or aerosol propellant is sold, offered for sale or distributed for sale for the use for which it is listed pursuant to that program.

E. Except as provided pursuant to paragraph F or G, effective January 1, 2040, a person may not sell, offer for sale or distribute for sale in this State:

- (1) Cooling, heating, ventilation, air conditioning or refrigeration equipment that contains intentionally added PFAS; or
- (2) Refrigerants, foams or aerosol propellants that contain intentionally added PFAS.

The prohibition under this paragraph applies to any of the products listed in subparagraphs (1) and (2) that do not contain intentionally added PFAS but that are sold, offered for sale or distributed for sale in a fluorinated container or in a container that otherwise contains intentionally added PFAS. The prohibition under this paragraph does not apply to any such products sold, offered for sale or distributed for sale in used condition or to parts and other servicing needs for cooling, heating, ventilation, air conditioning or refrigeration equipment, including refrigerants used in the servicing of such equipment as long as the refrigerant is listed as acceptable, acceptable subject to use conditions or acceptable subject to narrowed use limits by the United States Environmental Protection Agency pursuant to the Significant New Alternatives Policy program, 40 Code of Federal Regulations, Part 82, Subpart G and sold, offered for sale or distributed for sale for the use for which the refrigerant is listed pursuant to that program.

F. The department may by rule identify specific products or product categories containing intentionally added PFAS for which it has determined the use of PFAS in the product is a currently unavoidable use. If the department determines by rule that the use of PFAS in a product or product category is a currently unavoidable use:

- (1) The product is exempt from the otherwise applicable prohibition in this subsection, or in

the rules adopted pursuant to paragraph C, on the sale, offer for sale or distribution for sale of the product for one of the following periods of time, whichever provides a longer period of exemption:

- (a) Five years from the effective date of the rule determining that the use of PFAS in the product or product category is a currently unavoidable use; or
- (b) Five years from the effective date of the otherwise applicable prohibition in this subsection or in the rules adopted pursuant to paragraph C; and

- (2) A manufacturer of the product that sells, offers for sale or distributes for sale the product in this State shall comply with the notification requirement of subsection 2.

G. The prohibitions in this subsection do not apply to a retailer in the State unless the retailer sells, offers for sale or distributes for sale a product containing intentionally added PFAS in the State for which the retailer has received a notification pursuant to subsection 8, paragraph B that the sale of the product is prohibited.

6. Fees. The department may establish by rule and assess a fee payable by a manufacturer ~~upon submission of the notification required under that is required to comply with the notification requirement of subsection 2 to cover the department's reasonable costs in developing rules under subsection 5, paragraphs C and D and administering the requirements of subsections 2 and 9 this section.~~ Notwithstanding Title 5, section 8071, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

7. Failure to provide notice. Beginning January 1, ~~2025~~ 2032, a person may not sell, offer for sale or distribute for sale in the State a product containing intentionally added PFAS for which the department has determined that the use of PFAS in the product is a currently unavoidable use pursuant to subsection 5, paragraph F if the manufacturer of the product has failed to provide the information required under subsection 2; ~~except that this prohibition does not apply to.~~ This prohibition does not apply to a retailer in the State unless the retailer sells, offers for sale or distributes for sale a product containing intentionally added PFAS in the State for which the retailer has received a notification pursuant to subsection 8, paragraph B that the sale of the product is prohibited.

A. A product exempted from the prohibition under this subsection by the department upon a determination by the department that the use of PFAS in the product is a currently unavoidable use;

~~B. A retailer in the State unless the retailer sells, offers for sale or distributes for sale in the State a product for which the retailer has received a notification pursuant to subsection 8, paragraph B that the sale of the product is prohibited;~~

~~C. A manufacturer exempted from the notification requirement pursuant to subsection 2, paragraph D;~~

~~D. A product for which the department has waived the notification requirement pursuant to subsection 3; and~~

~~E. A manufacturer that pursuant to subsection 3 has received from the department an extension of the deadline for submission of the information required by subsection 2. The exception under this paragraph applies only for the duration of the extension provided by the department.~~

8. Certificate of compliance. If the department has reason to believe that a product contains intentionally added PFAS and is being sold, offered for sale or distributed for sale in violation of subsection 5 or 7, the department may direct the manufacturer of the product to, within 30 days:

A. Provide the department with ~~the a~~ certificate attesting that the product does not contain intentionally added PFAS; or

B. Notify persons ~~who sell~~ that sell, offer for sale or distribute for sale the product in this State that the sale of ~~that~~ the product is prohibited in this State and provide the department with a list of the names and addresses of those persons notified.

9. PFAS source reduction program. To the extent funds are available and in consultation with relevant stakeholders, the department shall develop and implement a program to reduce the presence of PFAS in discharges to air, water and land by encouraging the use of ~~safer~~ alternatives to and the proper management of materials containing PFAS. The program may include:

A. Information resources targeted to industrial or commercial users of PFAS;

B. Education of the general public;

C. To the extent funds are available, grants to operators of publicly owned treatment works for the purposes of developing, expanding or implementing pretreatment standards for PFAS and education of users on sources of PFAS and proper management;

D. To the extent funds are available, grants to municipalities for the purposes of educating solid waste disposal users on sources of PFAS and proper management; and

E. Other efforts determined by the department to be prudent to achieve the program's purpose.

10. Rules. The department shall adopt rules to implement this section. Except as provided in subsection 5, paragraph C, rules adopted to implement this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

11. Report. By January 1, 2026, and biennially thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters a report regarding the implementation of this section and other state and federal laws governing the presence of PFAS in products, including any recommendations for necessary legislative changes to this section. After reviewing the report, the committee may report out legislation relating to the report.

12. Proprietary information. Proprietary information submitted to the department by a manufacturer pursuant to the requirements of this section that is identified by the manufacturer as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.

Sec. 2. Department of Environmental Protection; report. The Department of Environmental Protection shall evaluate the feasibility of and develop recommendations as appropriate regarding the implementation of one or more product stewardship programs for any of the products containing intentionally added PFAS that are identified in the Maine Revised Statutes, Title 38, section 1614, subsection 4, paragraphs H to L or subsection 5, paragraph E, subparagraphs (1) and (2). The department shall include its findings and any recommendations from that evaluation in the report required by Title 38, section 1614, subsection 11 and due January 1, 2026 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters.

See title page for effective date.

CHAPTER 631

S.P. 729 - L.D. 1804

An Act to Improve the Reporting Process for Certain Tax Expenditure Programs

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRS §5250-P, sub-§1, ¶C, as enacted by PL 2017, c. 440, §5, is amended to read:

C. On or before June 1st annually, beginning in 2019 ~~and through 2024, and on or before March 1st annually thereafter,~~ annually thereafter, the commissioner shall report to the joint standing committees of the Legislature

having jurisdiction over taxation matters and economic development matters information on qualified Pine Tree Development Zone businesses, including, but not limited to:

- (1) The ~~names~~ name, municipality in this State in which the business's primary place of business is located and business type, including the parent company of the business, if applicable, of each qualified Pine Tree Development Zone ~~businesses~~ business for the report year;
- (2) The estimated or total aggregate amount of Pine Tree Development Zone benefits received by qualified Pine Tree Development Zone businesses in the report year; and
- (3) Aggregate information for each of the most recent 3 report years on:
 - (a) Employment levels for all Maine employees and for qualified Pine Tree Development Zone employees and associated salary and wages for both groups of employees;
 - (b) Average annual salary and wages and access to health insurance and retirement benefits for all Maine employees and for qualified Pine Tree Development Zone employees; and
 - (c) Amount of investment associated with the qualified Pine Tree Development Zone business locations or directly related to the qualified business activities.

Sec. 2. 36 MRSA §5219-AAA, sub-§10, ¶A, as enacted by PL 2023, c. 412, Pt. J, §13, is amended to read:

A. The name, municipality in this State in which the business's primary place of business is located and business type, including the parent company, if applicable, of the qualified business;

Sec. 3. 36 MRSA §6764 is enacted to read:

§6764. Annual report

On or before March 1st annually, beginning in 2025, the commissioner shall report to the joint standing committees of the Legislature having jurisdiction over taxation matters and economic development matters information including the:

1. Applicant information. Name, municipality in this State in which the business's primary place of business is located and business type, including the parent company, if applicable, of each applicant approved for the employment tax increment financing development program;

2. Reimbursement. Aggregate amounts of reimbursements claimed;

3. Number of jobs. Numbers of jobs created as a consequence of the employment tax increment financing development program; and

4. Amount of wages. Aggregate amounts of wages paid for jobs created as a consequence of the employment tax increment financing development program.

See title page for effective date.

CHAPTER 632

S.P. 836 - L.D. 2014

An Act Regarding Spirits Price Review and Recommendations

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28-A MRSA §83-C, sub-§2-B is enacted to read:

2-B. Recommendations; review. Beginning October 1, 2024, and every 2 years thereafter, review the retail prices of spirits sold in the State established by the commission under section 81, subsection 5. The review must include comments provided to the bureau from a public hearing held by the bureau on the retail prices of spirits sold in the State. The bureau shall submit a report of the review conducted under this subsection to the commission and to the joint standing committee of the Legislature having jurisdiction over alcoholic beverages matters. The report may include recommendations regarding the establishment of the retail prices of spirits sold in the State pursuant to subsection 2.

Sec. 2. 28-A MRSA §83-C, sub-§6, as enacted by PL 2013, c. 476, Pt. A, §9, is amended to read:

6. Rules. Adopt rules consistent with this Title or other laws of the State for the administration of all laws concerning the sale of spirits. The rules must include a process for developing recommendations to be submitted to the commission regarding the establishment of the retail prices of spirits sold in the State under subsection 2, including, but not limited to, rules regarding the data and other criteria used in developing the recommendations. The rules must establish a process for the bureau to receive public input regarding the proposed recommendations to the commission. In adopting the rules, the bureau shall hold a public hearing. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A;

Sec. 3. Rulemaking. On or before September 1, 2024, the State Liquor and Lottery Commission, established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 14, shall initiate rulemaking to establish procedures for the conduct of adjudicatory hearings pursuant to Title 28-A, section 81, subsection 5.

See title page for effective date.

**CHAPTER 633
S.P. 870 - L.D. 2069**

**An Act to Amend the
Ownership Disclosure
Requirements for Applicants
for Liquor Licenses and
Certificates of Approval**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 28-A MRSA §651, sub-§2, ¶A, as amended by PL 2021, c. 658, §92, is repealed and the following enacted in its place:

A. An applicant shall disclose any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought. If the applicant is a purchaser by contract, the applicant shall also disclose the terms of the contract.

(1) For any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought and is a business entity, the applicant shall disclose any person that holds an ownership interest in that business entity that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought.

(2) For any person that holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought and is a business entity, the applicant may attest to the bureau by affidavit that no person that holds an ownership interest in that business entity holds an ownership interest equal to or greater than 10% in the person for which a license or certificate of approval is sought.

Sec. 2. 28-A MRSA §651, sub-§2, ¶A-1 is enacted to read:

A-1. An applicant shall disclose any person that holds an indirect financial interest in the person for which a license or certificate of approval is sought. For the purposes of this paragraph, "indirect financial interest" means:

(1) An option, warrant or other right to acquire an equity interest in the person for which a license or certificate of approval is sought; or

(2) A right to payment of, or a right to payment based upon, all or any portion of revenues, profits or losses derived from the operations under a license or certificate of approval issued under this Title of the person for which a li-

cense or certificate of approval is sought, including, but not limited to, profit sharing, revenue sharing or royalty payments.

Sec. 3. 28-A MRSA §651, sub-§3, as amended by PL 2021, c. 658, §92, is further amended to read:

3. False answer given intentionally. An applicant may not attempt to conceal or disguise ownership interest or indirect financial interest in the person for which a license or certificate of approval is sought. A person who intentionally gives an untruthful answer in an application for a license or certificate of approval under this Title violates Title 17-A, section 453. As used in this subsection, "indirect financial interest" has the same meaning as in subsection 2, paragraph A-1.

Sec. 4. 28-A MRSA §651, sub-§4 is enacted to read:

4. Rulemaking. The bureau may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to administer this section.

See title page for effective date.

**CHAPTER 634
S.P. 873 - L.D. 2072**

**An Act to Amend the Laws
Governing Motor Vehicles**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRSA §101, sub-§3, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. More than ~~25~~ 35 years old or is 35 years old or less and more than 25 years old and was registered in the State as an antique vehicle prior to January 2025;

Sec. 2. 29-A MRSA §101, sub-§4, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. More than ~~25~~ 35 years old or is 35 years old or less and more than 25 years old and was registered in the State as an antique motorcycle prior to January 2025;

Sec. 3. 29-A MRSA §457, sub-§3, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. Is over 25 years old or in the case of an antique auto or antique motorcycle, is more than 35 years old or is more than 25 years old and was registered in the State as an antique auto or antique motorcycle prior to January 2025;

Sec. 4. 29-A MRSA §461, sub-§2, as amended by PL 2019, c. 352, §1, is further amended by repealing the first blocked paragraph.

Sec. 5. 29-A MRSA §468, sub-§1-A, as enacted by PL 2023, c. 271, §6, is amended to read:

1-A. Sponsor affiliation. A sponsor who registers with the Secretary of State after June 30, 2025 must be affiliated with a state department that is responsible for oversight of the collection and distribution of the contributions collected under subsection 2, paragraph B and not returned pursuant to subsection 2, paragraph C, which, except as provided by subsection 2, must be deposited in an other special revenue account to provide essential services to the public. To obtain preliminary approval in subsection 1-B, the sponsor shall provide documentation to the Secretary of State identifying the state department providing oversight and that department shall submit in writing on departmental letterhead to the Secretary of State that it agrees to oversee the collection and distribution of the contributions.

Sec. 6. 29-A MRSA §501, sub-§7, ¶G, as enacted by PL 2011, c. 556, §4, is repealed.

Sec. 7. 29-A MRSA §523, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Amputee or blind veterans. On application to the Secretary of State for registration of any motor vehicle of any amputee or blind veteran who has received an automobile from the United States Government under authority of 38 United States Code, Sections 3901, et seq. or any amputee or blind veteran receiving compensation from the United States Department of Veterans Administration Affairs or any branch of the United States Armed Forces for service-connected disability who has a specially designed motor vehicle, that veteran is entitled to have that automobile duly registered and a registration certificate delivered to the veteran without the requirement of the payment of any fee.

Any veteran who has lost both legs or the use of both legs and who has registered a motor vehicle without the payment of a fee as provided in this section upon certification by the United States Department of Veterans Administration Affairs or appropriate branch of the United States Armed Forces must may upon request be issued special designating plates. Those designating plates must be issued by the Secretary of State and must bear the words "Disabled Veteran."

Sec. 8. 29-A MRSA §523, sub-§2, as amended by PL 2017, c. 43, §1, is further amended to read:

2. Disabled veterans; special free license plates. The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482 or upon evidence of exemption from excise tax under Title 36, section 1483, subsection 12,

shall issue, with no annual registration fee, a registration certificate and set of upon request special designating plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 26,000 pounds to any 100% disabled veteran when that application is accompanied by certification from the United States Department of Veterans Administration Affairs or any branch of the United States Armed Forces as to the veteran's permanent disability and receipt of 100% service-connected benefits. A Upon request a disability placard is may be issued in addition to the disabled veteran registration plate at no fee. The Secretary of State may issue a registration certificate and special designating plates for more than one vehicle owned by a veteran eligible under this subsection.

These special designating plates must bear the words "Disabled Veteran," which indicate that the vehicle is owned by a disabled veteran.

Sec. 9. 29-A MRSA §651-B, as amended by PL 2001, c. 671, §11, is further amended to read:

§651-B. Certificate of title permissible

A semitrailer, ~~regardless of model year,~~ no more than 25 years old with an unladen weight in excess of 3,000 pounds that is used for interstate or intrastate transportation may be titled in this State even if the semitrailer is registered in another jurisdiction.

Sec. 10. 29-A MRSA §652, sub-§13, as amended by PL 2023, c. 402, §1, is further amended to read:

13. Vehicles more than 25 years old. Vehicles more than 25 years old, except when the Secretary of State determines it is in the best interest of the State and the applicant to issue a warranty title as prescribed under section 651, subsection 3 to a motor vehicle more than 25 years old;

Sec. 11. 29-A MRSA §657, sub-§7, as amended by PL 1995, c. 645, Pt. A, §8 and affected by §18, is further amended to read:

7. Mailing of certificate. The Secretary of State shall mail a certificate of title or certificate of salvage to the owner named on the certificate. The Secretary of State shall also mail a certificate of lien, certificate of title or certificate of salvage to the first lienholder named on the certificate. If the first lienholder named on the certificate of title participates in the electronic lien titling program as provided by section 651-A, the first lienholder may request that the Secretary of State print a paper certificate of title or certificate of salvage and mail it to an alternate address.

Sec. 12. 29-A MRSA §903, sub-§1, ¶K, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

K. Failure to appear at a hearing required by the Secretary of State ~~or~~, failure to appear in court to

answer a summons or failure to pay fines or fees for a violation of this chapter; or

Sec. 13. 29-A MRSA §953-A, as enacted by PL 1999, c. 211, §1, is amended to read:

§953-A. Document fees

A dealer ~~selling a new or used motor vehicle~~ shall post on ~~the~~ a vehicle the dealer is selling any document preparation fee that will be added to the vehicle's sale price. A violation of this section is prima facie evidence of an unfair trade practice and is a violation of Title 5, section 207.

Sec. 14. 29-A MRSA §954, sub-§5, as amended by PL 2011, c. 556, §8, is further amended to read:

5. Transporter. A garage owner, towing business, body shop, finance company, bank, motor vehicle auction business, motor vehicle rental company, recycler or repossession company licensed by the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection or any public or non-profit organization as described in section 951, subsection 4 may be issued transporter plates and a license to transport a vehicle owned by or in the custody of that owner or business.

A. The holder may use this plate only if the vehicle is accompanied by the owner or the owner's employee.

B. A transporter plate may not be:

- (1) Used in lieu of registration plates;
- (2) Loaned to another;
- (3) Used for personal reasons; or
- (4) Used on a towing vehicle, except for a drive-away saddlemount vehicle transporter combination.

Sec. 15. 29-A MRSA §956, sub-§1, ¶H, as amended by PL 1997, c. 776, §31, is further amended to read:

H. On a used motor vehicle offered for sale, the written vehicle history statement required by Title 10, section 1475; ~~and~~

Sec. 16. 29-A MRSA §956, sub-§1, ¶I, as enacted by PL 1997, c. 776, §32, is amended to read:

I. Copies of titles, transfers and other documents used for titling purposes; and

Sec. 17. 29-A MRSA §956, sub-§1, ¶J is enacted to read:

J. A copy of the purchase and sale agreement for each transaction conducted.

Sec. 18. 29-A MRSA §1002, sub-§1-A, as enacted by PL 2003, c. 452, Pt. Q, §12 and affected by Pt. X, §2, is repealed and the following enacted in its place:

1-A. Limitation on use. The following provisions govern limitations on use.

A. A person using a dealer plate may not permit a vehicle owned or controlled by a manufacturer or dealer to be operated except for the purposes authorized under subsection 1.

B. Unless otherwise authorized by law, a dealer plate may only be used on the type of vehicle for which the plate is issued.

Sec. 19. 29-A MRSA §1002, sub-§5, ¶F, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

F. Large 4-wheel drive trucks and snowplows that are manufactured to be equipment;

Sec. 20. 29-A MRSA §1052, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 21. 29-A MRSA §1108, sub-§1, ¶J, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

J. Failure to appear at a hearing required by the Secretary of State ~~or~~ failure to appear in court pursuant to a lawful summons or failure to pay fines or fees for a violation of this chapter.

Sec. 22. 29-A MRSA §1113, sub-§5, ¶A, as enacted by PL 2021, c. 660, §4, is amended to read:

A. A person who is not a recycler may not operate a business that deals in the purchase or sale of catalytic converters that have been removed from motor vehicles or the deconstruction or disposal of catalytic converters that have been removed from motor vehicles.

A person who violates this paragraph commits a Class E crime.

Sec. 23. 29-A MRSA §1253, sub-§8 is enacted to read:

8. Query of drug and alcohol clearinghouse. Beginning no later than November 18, 2024, the Secretary of State shall query the Federal Motor Carrier Safety Administration's drug and alcohol clearinghouse prior to the issuance, upgrade, renewal or transfer of a commercial driver's license or a commercial learner's permit and shall deny the transaction and initiate downgrade procedures if the query results indicate the driver is prohibited from operating a commercial motor vehicle.

Sec. 24. 29-A MRSA §1301, sub-§2-A, as amended by PL 2017, c. 27, §2 and affected by §10, is further amended to read:

2-A. Legal presence requirement. The Secretary of State may not issue a license to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States. Valid documentary evidence of legal presence for a United States citizen may include a United States passport that has been expired for less than 2 years.

Sec. 25. 29-A MRSA §1353, sub-§1, as enacted by PL 2019, c. 352, §3, is amended to read:

1. Instructor fee. The motorcycle rider education instructor license fee is ~~\$100~~ \$200 and expires ~~one year~~ 2 years from the date of issuance. The renewal fee is ~~\$100~~ \$200.

Sec. 26. 29-A MRSA §1354, sub-§3, ¶A, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

A. The Secretary of State may not issue a license for a driver education school until the ~~applicant~~ school owner has filed with the Secretary of State a certificate showing that ~~the applicant~~ each vehicle used during driving instruction is covered by an automobile bodily injury and property damage liability insurance policy insuring against any legal liability in accordance with the terms of the policy for personal injury or death of any one person in the sum of \$100,000 and for any number of persons in the sum of \$300,000 and against property damage in the sum of \$100,000 arising from the operation of ~~any~~ each vehicle being used in a commercial driver education school. In lieu of that insurance, the applicant may file with the Secretary of State a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$100,000 on account of injury to or death of one person and subject to such limits as respects injury to or death of one person, of at least \$300,000 on account of any one accident resulting in injury to or death of more than one person and of at least \$100,000 for damage to property of others. Failure to comply with this subsection is grounds for suspension or revocation of a driver education school license.

Sec. 27. 29-A MRSA §1410, sub-§8, as amended by PL 2017, c. 27, §6 and affected by §10, is further amended to read:

8. Legal presence requirement. The Secretary of State may not issue a nondriver identification card to an applicant unless the applicant presents to the Secretary of State valid documentary evidence of legal presence in the United States. Valid documentary evidence of legal presence for a United States citizen may include a United States passport that has been expired for less than 2 years.

Sec. 28. 29-A MRSA §1754, sub-§1, ¶D, as amended by PL 2001, c. 180, §1, is further amended to read:

D. If operated by a dealer or holder of a transporter registration certificate, is operated only from a point of purchase to the licensee's place of business. For the purposes of this paragraph, "point of purchase" includes, but is not limited to, an ~~auto~~ automobile auction, distribution center or another licensed vehicle dealer; ~~or~~

Sec. 29. 29-A MRSA §1754, sub-§1, ¶E, as enacted by PL 2001, c. 180, §2, is amended to read:

E. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of traveling to an inspection facility; ~~or~~

Sec. 30. 29-A MRSA §1754, sub-§1, ¶F is enacted to read:

F. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of moving an uninspected motor vehicle to an automobile auction or another licensed vehicle dealer.

Sec. 31. 29-A MRSA §2081, sub-§4, ¶A-1, as amended by PL 2023, c. 364, §1 and affected by §3, is further amended to read:

A-1. The requirements of subsection 3-A do not apply to a driver or passenger who has a medical condition that, in the opinion of a licensed physician, physician assistant, nurse practitioner or registered nurse, warrants an exemption from the requirements of subsection 3-A and that medical condition and opinion are documented by a certificate from that licensed physician, physician assistant, nurse practitioner or registered nurse. That certificate is valid for the period designated by the licensed physician, physician assistant, nurse practitioner or registered nurse, which may not exceed 6 years. The Secretary of State may issue a removable windshield placard that is visible to law enforcement officers to a person with a certificate from a licensed physician, physician assistant, nurse practitioner or registered nurse. A removable windshield placard is a 2-sided permit designed to hang from the rearview mirror when the vehicle is in motion without obstructing the view of the operator. The placard must be displayed by hanging it from the rearview mirror so that it may be viewed from the front and rear of the vehicle when the vehicle is in motion. If the vehicle is not equipped with a rearview mirror, the placard must be displayed on the dashboard. The placard must be identifiable as a seat belt placard as designed by the Secretary of State. A placard issued to a person under this paragraph expires when the licensed physician's, physician assistant's, nurse practitioner's or registered nurse's certificate expires.

Sec. 32. 29-A MRSA §2310, sub-§2, as enacted by PL 2013, c. 484, §2, is amended to read:

2. Multifunction school activity bus. The bus is a multifunction school activity bus that is operated by a driver ~~with a school bus operator endorsement pursuant to section 2303 that is appropriate for the number of passengers and gross vehicle weight rating. A driver of a multifunction school activity bus must comply with all applicable school bus operator requirements of this Title who is at least 21 years of age and who has held a driver's license for at least 2 years.~~

See title page for effective date.

CHAPTER 635

H.P. 1339 - L.D. 2080

An Act to Create a Universal Exclusion List for All Forms of Gambling in the State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 8 MRSA §1001, sub-§13-B is enacted to read:

13-B. Fantasy contest. "Fantasy contest" has the same meaning as in section 1101, subsection 4.

Sec. 2. 8 MRSA §1001, sub-§42-A is enacted to read:

42-A. Sports wagering. "Sports wagering" has the same meaning as in section 1202, subsection 14.

Sec. 3. 8 MRSA §1003, sub-§2, ¶U, as enacted by PL 2015, c. 499, §7, is amended by amending subparagraph (7) to read:

(7) Prescribing methods by which deposits are made to advance deposit wagering accounts. The methods prescribed must prohibit the use of the electronic benefits transfer system administered by the Department of Health and Human Services under Title 22, chapter 1, subchapter 1-A; ~~and~~

Sec. 4. 8 MRSA §1003, sub-§2, ¶U, as enacted by PL 2015, c. 499, §7, is amended by amending subparagraph (8) to read:

(8) Prohibiting the assignment or transfer of an advance deposit wagering account from an authorized account holder to another person; ~~and~~

Sec. 5. 8 MRSA §1003, sub-§2, ¶U, as enacted by PL 2015, c. 499, §7, is amended by enacting a new subparagraph (9) to read:

(9) Provisions allowing persons to restrict themselves from advance deposit wagering

upon request by placing themselves on the universal list pursuant to subsection 3, paragraph I. The rules adopted under this subparagraph must define the standards for involuntary placement on the universal list and for removal from the list.

Sec. 6. 8 MRSA §1003, sub-§3, ¶I, as amended by PL 2021, c. 398, Pt. VV, §3, is further amended to read:

I. Establishment of a universal list of persons who have been or are requested to be excluded or removed from any slot machine facility ~~or~~ casino, advance deposit wagering, fantasy contest or sports wagering in this State including those persons who voluntarily request that their names be included on the universal list of excluded persons and those persons who voluntarily requested that their names be included on a list of persons to be excluded or removed that existed before the establishment of the universal list. Rules adopted under this paragraph must be consistent, to the extent possible, for all forms of gambling included on the universal list. These rules must:

(1) Define the standards for exclusion and removal and include standards regarding persons who are career or professional offenders, as defined by rules of the board, whose presence in a slot machine facility or casino or participation in advance deposit wagering, a fantasy contest or sports wagering would, in the opinion of the board, be inimical to the interest of the State; and

(2) Provide that, before making a payout of winnings in an amount equal to or greater than the amount for which the licensee is required to file a Form W-2G or substantially equivalent form with the United States Internal Revenue Service, the licensee, after any interception of winnings required by law to pay child support debt or other obligations, shall intercept money or anything of value that an excluded person is seeking to redeem as a result of wagers made by the person after that person has been excluded. The rules must offer the excluded person the right to an administrative hearing with reasonable notice to contest the interception of winnings. Winnings intercepted must be remitted by the licensee to the board or its designee for deposit in an Other Special Revenue Funds account within the Office of Behavioral Health within the Department of Health and Human Services to address gambling addiction;

Sec. 7. 8 MRSA §1006, sub-§8, as enacted by PL 2013, c. 212, §12, is amended to read:

8. Voluntary exclusion. Notwithstanding Title 1, section 401, records and information obtained or developed by the board as part of establishing and administering the list of persons who voluntarily request exclusion from any slot machine facility ~~or~~, casino, advance deposit wagering, fantasy contest or sports wagering under section 1003, subsection 3, paragraph I are confidential except that information may be released with the written consent of the person requesting voluntary exclusion and as is necessary to inform the slot machine facility ~~or~~, casino, advance deposit wagering, fantasy contest or sports wagering licensee and enforce the voluntary exclusion. Statistical data and general information that do not allow for a person on the voluntary exclusion list to be personally identified are not confidential.

Sec. 8. 8 MRSA §1104, sub-§1, ¶J, as enacted by PL 2017, c. 303, §2, is amended to read:

J. Allow individuals to restrict themselves from entering fantasy contests upon request pursuant to section 1003, subsection 3, paragraph I and provide reasonable steps to prevent the individuals from entering fantasy contests offered by the fantasy contest operator;

Sec. 9. 8 MRSA §1203, sub-§2, ¶K, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

~~K. Establishment of a list of persons who are not authorized to place a wager on a sports event, including but not limited to those persons who voluntarily request that their names be included on the list of unauthorized persons. Provisions allowing individuals to restrict themselves from sports wagering upon request by placing themselves on the universal list pursuant to section 1003, subsection 3, paragraph I. The rules adopted under this paragraph must define the standards for involuntary placement on the universal list and for removal from the list;~~

Sec. 10. 8 MRSA §1213, sub-§5, as enacted by PL 2021, c. 681, Pt. J, §6, is amended to read:

5. Unauthorized persons. A person on a the universal list established by rule by the director under section ~~4203~~ 1003, subsection ~~2~~ 3, paragraph ~~K~~ I of persons who are ~~not authorized to make~~ restricted from making wagers on sports events;

See title page for effective date.

**CHAPTER 636
S.P. 918 - L.D. 2163**

**An Act to Require Consumer
Consent for Certain
Generation Service Contract
Renewals**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 35-A MRSA §3203, sub-§4-B, as amended by PL 2023, c. 375, §1, is further amended to read:

4-B. Residential consumer protections. As a condition of licensing, a competitive electricity provider that provides or proposes to provide generation service to a residential consumer:

A. Shall disclose, before entering into an agreement to provide service to a residential consumer, to the residential consumer where the residential consumer can obtain information with which to compare the service provided by the competitive electricity provider and the standard-offer service;

B. May not renew a contract for generation service without providing a residential consumer with notice of renewal in advance by mail;

C. May not renew a contract for generation service ~~at a fixed rate that is 20% or more above the contract rate in the expiring contract~~ without the express consent of the residential consumer; if the renewal rate is a fixed rate that is:

(1) Twenty percent or more above the contract rate in the expiring contract; or

(2) Greater than the fixed rate that would, at the time of the residential consumer's contract renewal, be offered by the competitive electricity provider to customers enrolling with the provider for an initial contract of a similar term and product offering;

C-1. May not renew a contract for generation service at a variable rate without the express consent of the residential consumer if the expiring contract provided generation service at a fixed rate;

D. May not renew a contract for generation service for a term that ~~is longer than~~ differs from the term of the expiring contract ~~or 12 months, whichever is shorter,~~ without the express consent of the residential consumer; and

E. May not enter into or renew a contract for generation service that includes an early termination fee.

If a residential consumer does not provide the express consent required by paragraphs C, C-1 and D, the residential consumer must be transferred to standard-offer service.

See title page for effective date.

**CHAPTER 637
H.P. 1421 - L.D. 2215**

**An Act to Implement the
Recommendations of the Right
to Know Advisory Committee
Regarding Public Records
Exceptions**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2425-A, sub-§12, as amended by PL 2023, c. 365, §8, is repealed.

Sec. 2. 22 MRSA §2425-A, sub-§14 is enacted to read:

14. Confidentiality. This subsection governs confidentiality.

A. For purposes of this subsection, "personal contact information" has the same meaning as in Title 1, section 402, subsection 3, paragraph O, subparagraph (1) and "caregiver exempt from registration" means a caregiver who is not required to register pursuant to section 2423-A, subsection 3, paragraph C.

B. Information that identifies a qualifying patient, a visiting qualifying patient or a registered patient under this chapter is confidential and may not be disclosed by the department, except:

- (1) With the written consent of the patient; or
- (2) Pursuant to a court order or a subpoena.

C. Information that identifies a caregiver exempt from registration is confidential and may not be disclosed by the department, except:

- (1) With the written consent of the caregiver; or
- (2) Pursuant to a court order or a subpoena or as provided in paragraph F.

D. Except as provided in this paragraph and in paragraphs B and C, applications, supporting information and other information regarding a registered caregiver, including any address where the registered caregiver cultivates, manufactures, tests, packages, stores or sells cannabis plants or harvested cannabis under this chapter, are not confidential. The personal contact information of a registered caregiver or of an applicant for registration

as a registered caregiver is confidential and may not be disclosed by the department, except:

- (1) With the written consent of the registered caregiver or applicant for registration as a registered caregiver;
- (2) Pursuant to a court order or a subpoena;
- (3) As provided in paragraph F; or
- (4) If a registered caregiver resides at the same address where the registered caregiver cultivates, manufactures, tests, packages, stores or sells cannabis plants or harvested cannabis under this chapter, the department may disclose that address to a state, county or municipal employee responsible for the administration of this chapter or of rules, ordinances or warrant articles authorized under this chapter, including, but not limited to, law enforcement officers and code enforcement officers. Any information received by a state, county or municipal employee under this subparagraph is confidential and may not be further disclosed or disseminated, except as otherwise provided by law.

E. Except as provided in this paragraph and in paragraphs B and C, applications, supporting information and other information regarding a dispensary, manufacturing facility, cannabis testing facility and an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility under this chapter are not confidential. The personal contact information of a cardholder who is an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility and an applicant for a registry identification card as an assistant, officer or director of a registered caregiver, dispensary, manufacturing facility or cannabis testing facility or registration certificate for a dispensary, manufacturing facility or cannabis testing facility is confidential and may not be disclosed by the department, except:

- (1) With the written consent of the cardholder or applicant; or
- (2) Pursuant to a court order or a subpoena.

F. Notwithstanding any provision of this subsection to the contrary, the department may, when necessary to protect the public from a threat to public health or safety, notify the public of the following:

- (1) The identity of a caregiver exempt from registration, a registered caregiver, a dispensary, a manufacturing facility or a cannabis testing facility associated with the threat to public health or safety and that person's status

as a caregiver exempt from registration, registered caregiver, dispensary, manufacturing facility or cannabis testing facility; and

(2) The location where any cannabis plants or harvested cannabis associated with the threat to public health or safety were cultivated, manufactured, tested, packaged, stored or sold.

G. Notwithstanding any provision of this subsection to the contrary, the department shall comply with Title 36, section 175. Information provided by the department pursuant to this paragraph may be used by the department's Bureau of Revenue Services only for the administration and enforcement of taxes imposed under Title 36.

H. A final written decision of the department pursuant to section 2430-I imposing an administrative penalty; ordering forfeiture and destruction of cannabis plants, cannabis or cannabis products; or suspending or revoking a registry identification card or registration certificate is not confidential.

I. A caregiver, dispensary, manufacturing facility or cannabis testing facility or an officer, director or assistant of a caregiver, dispensary, manufacturing facility or cannabis testing facility may not be required to disclose to a law enforcement officer information that could reasonably identify an individual's identity without a warrant requiring the disclosure.

J. A person who accompanies a patient to obtain cannabis plants or harvested cannabis may not be required to disclose to a law enforcement officer information that could reasonably identify an individual patient's identity without a warrant requiring the disclosure.

Sec. 3. 22 MRSA §3022, sub-§8, as amended by PL 2017, c. 475, Pt. A, §33, is further amended to read:

8. Certain information confidential. The following records ~~in the possession or custody of a medical examiner or the Office of Chief Medical Examiner are not public records within the meaning of Title 1, section 402, subsection 3 and~~ are confidential:

- A. Medical records relating to a medical examiner case;
- B. Law enforcement agency reports or records relating to a medical examiner case;
- C. Communications with the Department of the Attorney General relating to a medical examiner case;
- D. Communications with the office of a district attorney relating to a medical examiner case;
- E. Death certificates and amendments made to the certificates, except for the information for which

the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered withheld by the Attorney General relating to a medical examiner case or missing person;

F. Photographs and transparencies, histological slides, videotapes and other like items relating to a medical examiner case; and

G. Written or otherwise recorded communications that express or are evidence of suicidal intent obtained under section 3028, subsections 4 and 5.

Sec. 4. 22 MRSA §3294, as enacted by PL 1987, c. 714, §2, is amended to read:

§3294. Confidential information provided to professional and occupational licensing boards

If confidential information regarding a person subject to or seeking licensure, certification or registration by a licensing board indicates that the person may have engaged in unlawful activity, professional misconduct or conduct ~~which that~~ may be in violation of the laws or rules relating to the licensing board, the director may release this information to the appropriate licensing board. Confidential information ~~shall~~ **must** be disclosed and used in accordance with section 3292 and may also be disclosed to members, employees and agents of a licensing board who are directly related to the matter at issue.

1. Notice to the licensee or applicant. Notice of the release of confidential information ~~shall~~ **must** be provided by the board to the licensee or applicant in accordance with the law and rules relating to the licensing board. If the law or rules relating to a licensing board do not provide for notice to licensees or applicants subject to or seeking licensure, certification or registration, the licensing board shall provide notice to the licensee or applicant upon determination of the board to take further action following its investigation.

2. Licensing board requests for confidential information. Any licensing board pursuing action within the scope of the board's authority or conducting an investigation of any person subject to or seeking licensure, certification or registration by the board for engaging in unlawful activity, professional misconduct or conduct ~~which that~~ may be in violation of the laws or rules relating to the board may request confidential information from the bureau. Any information provided to the board for an investigation ~~shall be~~ **is** governed by section 3292 and this section.

3. Use of confidential information in proceedings and investigations. The use of confidential information in proceedings, informal conferences and adjudicatory hearings ~~shall be~~ **is** governed by Title 5, section 9057, subsection 6. The use of confidential information in investigations is governed by Title 10, section 8003-B, subsection 2, paragraph G as long as any confidential information disclosed under that paragraph is

not further disclosed by any person for purposes other than an investigation by a licensing board.

Sec. 5. 22 MRSA §5409, as enacted by PL 2019, c. 653, Pt. A, §1, is amended to read:

§5409. Records

Except as provided in this section or by other provision of law, information obtained by the marketplace under this chapter is a public record within the meaning of Title 1, chapter 13, subchapter 1.

1. Financial information. Any personally identifiable financial information, supporting data or tax return of any person obtained by the marketplace under this chapter is confidential ~~and not open to public inspection~~ pursuant to 26 United States Code, Section 6103 and Title 36, section 191.

2. Health information. Health information obtained by the marketplace under this chapter that is covered by the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or information covered by ~~Title 22~~, section 1711-C is confidential ~~and not open to public inspection~~.

3. Personally identifiable information. Personally identifiable information not otherwise described in subsection 1 or 2 that is obtained by the marketplace under this chapter is confidential. As used in this subsection, "personally identifiable information" means information that permits the identity of an individual to whom the information applies to be able to be reasonably inferred or known by either direct or indirect means.

Sec. 6. 36 MRSA §191, sub-§3-B, as amended by PL 2017, c. 452, §29, is further amended to read:

3-B. Additional restrictions for certain information provided by the Department of Administrative and Financial Services. Information provided to the assessor by the Department of Administrative and Financial Services pursuant to section 175 and Title 22, section 2425-A, subsection ~~42~~ 14, paragraph ~~E~~ G may be used by the bureau only for the administration and enforcement of taxes imposed under this Title. These restrictions are in addition to those imposed by subsection 1.

See title page for effective date.

CHAPTER 638

S.P. 949 - L.D. 2219

An Act to Implement the Recommendations Regarding the Maine Commission on Public Defense Services

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1801, as amended by PL 2023, c. 558, §3, is further amended to read:

§1801. Maine Commission on Public Defense Services; established

The Maine Commission on Public Defense Services, established by Title 5, section 12004-G, subsection 25-A, is an independent commission whose purpose is to provide efficient, high-quality, effective and efficient representation to indigent criminal defendants, juvenile defendants and children and parents in child protective cases, and promote due process for persons who receive indigent legal services in parity with the resources of the State and consistent with federal and state constitutional and statutory obligations. The commission shall work to ensure the delivery of indigent legal services by qualified and competent counsel in a manner that is fair and consistent throughout the State and to ensure adequate funding of a statewide system of indigent legal services, which must be provided and managed in a fiscally responsible manner, free from undue political interference and conflicts of interest.

Sec. 2. 4 MRSA §1802, sub-§3-A is enacted to read:

3-A. Employed counsel. "Employed counsel" means an attorney employed by the commission to provide legal services directly to persons who are eligible to receive indigent legal services in civil proceedings.

Sec. 3. 4 MRSA §1802, sub-§5 is enacted to read:

5. Public defender. "Public defender" means an attorney employed by the commission to provide legal services directly to persons who are eligible to receive indigent legal services in criminal and juvenile proceedings.

Sec. 4. 4 MRSA §1802-A is enacted to read:

§1802-A. Employed counsel and public defender

An attorney may be employed by the commission both as "employed counsel" and as a "public defender."

Sec. 5. 4 MRSA §1804, sub-§1, as enacted by PL 2009, c. 419, §2, is amended to read:

1. Executive director. The commission shall hire an executive director. The executive director must be an attorney licensed to practice law in this State; be a member in good standing of the bar of the State; and have experience in the legal field, including, but not limited to, the provision of indigent legal services.

Sec. 6. 4 MRSA §1804, sub-§2, as amended by PL 2023, c. 344, §1, is further amended to read:

2. Rulemaking. The commission shall adopt rules governing the delivery of indigent legal services by assigned counsel, contract counsel, employed counsel and public defenders. The rules adopted by the commission must include:

A. Standards governing eligibility for indigent legal services. The eligibility standards must take into account the possibility of a defendant's or civil party's ability to make periodic installment payments toward counsel fees and the cost of private legal services in the relevant geographic area;

B. Standards prescribing minimum experience, training and other ~~qualifications for contract eligibility requirements for attorneys to be eligible to serve as assigned counsel, assigned contract counsel and, employed counsel and~~ public defenders;

C. Standards for assigned counsel, contract counsel, employed counsel and public defender ~~ease loads~~ caseloads;

D. Standards for the evaluation of assigned counsel, contract counsel, employed counsel and public defenders. The commission shall review the standards developed pursuant to this paragraph at least every 5 years, or earlier upon the recommendation of the executive director;

E. Standards for independent, high-quality, effective and efficient representation of clients whose cases present conflicts of interest;

F. Standards for the reimbursement of expenses incurred by assigned counsel, contract counsel, employed counsel and public defenders, including attendance at training events provided by the commission; and

G. Other standards considered necessary and appropriate to ensure the delivery of ~~adequate~~ high-quality, effective and efficient indigent legal services.

Sec. 7. 4 MRSA §1804, sub-§3, ¶A, as amended by PL 2023, c. 344, §2, is further amended to read:

A. Develop and maintain a system that employs employed counsel and public defenders, uses appointed private attorneys and contracts with individual attorneys or groups of attorneys. The commission shall consider other programs necessary to provide quality high-quality, effective and efficient indigent legal services;

Sec. 8. 4 MRSA §1804, sub-§3, ¶C, as amended by PL 2011, c. 420, Pt. C, §1, is further amended to read:

C. Establish processes and procedures consistent with commission standards to ensure that office and contract personnel use information technology and ~~ease-load~~ caseload management systems so that detailed expenditure and ~~ease-load~~ indigent legal services caseload data are accurately collected, recorded and reported;

Sec. 9. 4 MRSA §1804, sub-§3, ¶D, as enacted by PL 2009, c. 419, §2, is repealed and the following enacted in its place:

D. To ensure an adequate pool of qualified attorneys, develop training and evaluation programs for attorneys throughout the State to provide representation in criminal, juvenile, child protective, involuntary commitment and all other types of proceedings for which parties may be eligible to receive indigent legal services;

Sec. 10. 4 MRSA §1804, sub-§3, ¶E, as enacted by PL 2009, c. 419, §2, is amended to read:

E. Establish minimum ~~qualifications~~ eligibility standards to ensure that attorneys who provide indigent legal services are ~~qualified and~~ capable of providing quality high-quality, effective and efficient representation in the case types to which they are assigned, recognizing that quality high-quality, effective and efficient representation in each of these types of cases requires counsel with experience and specialized training in that field;

Sec. 11. 4 MRSA §1804, sub-§3, ¶G, as amended by PL 2023, c. 344, §4, is further amended to read:

G. Establish a method for accurately tracking, monitoring and enforcing ~~ease-load~~ caseload standards for assigned counsel, contract counsel, employed counsel and public defenders;

Sec. 12. 4 MRSA §1804, sub-§3, ¶H, as amended by PL 2023, c. 344, §5, is further amended by amending subparagraph (1) to read:

(1) An evaluation of: ~~contracts; services provided by contract counsel, assigned counsel, employed counsel and public defenders; any contracted professional services; and cost containment measures; and~~

Sec. 13. 4 MRSA §1804, sub-§4, ¶D, as amended by PL 2021, c. 398, Pt. FFF, §1 and c. 481, §5, is further amended to read:

D. Adopt rules to carry out the purposes of this chapter. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A, except that rules adopted to establish rates of compensation for assigned counsel and contract counsel under subsection 3, paragraph F are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A; ~~and~~

Sec. 14. 4 MRSA §1804, sub-§4, ¶E, as enacted by PL 2009, c. 419, §2, is amended to read:

E. Appear in court and before other administrative bodies represented by its own attorneys; ~~and~~

Sec. 15. 4 MRSA §1804, sub-§4, ¶F is enacted to read:

F. Notwithstanding Title 5, chapter 155, through employed counsel and public defenders, retain investigative and expert services that are reasonably necessary for case-specific purposes. For purposes of this paragraph, investigative and expert services are for case-specific purposes if the services relate to a specific case and not to the ongoing activities of the commission, or its employees, that do not relate to a specific case. Nothing in this paragraph affects the applicability of Title 5, chapter 155 to the purchase of services, supplies, materials and equipment by the commission or its employees for purposes that are not case-specific purposes.

Sec. 16. 4 MRSA §1805, sub-§7, ¶B-1, as amended by PL 2017, c. 475, Pt. A, §2, is further amended to read:

B-1. A monthly report on the number of cases opened, the number of vouchers submitted, the amount of vouchers paid, the amount of payments to contract counsel, the number of requests for professional services, the amount of payments for professional services and information on any complaints made against assigned ~~or~~ counsel, contract counsel, employed counsel or public defenders; and

Sec. 17. 4 MRSA §1806, as amended by PL 2023, c. 344, §6, is further amended to read:

§1806. Information not public record

Disclosure of information and records in the possession of the commission is governed by this section.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Individual client information" means name; date of birth; social security number; gender; ethnicity; home, work, school or other address; home telephone number, ~~home facsimile~~; fax number; ~~home~~; e-mail address, ~~personal~~; cellular telephone number, ~~personal~~; pager number; and any information protected under the Maine Rules of Evidence, Rules 501 to 509 or the Maine Rules of Professional Conduct, Rule 1.6 or otherwise protected by the attorney-client relationship.

B. "Personal contact information" means home address, home telephone number, home ~~facsimile~~ fax number, home e-mail address, personal cellular telephone number, personal pager number, date of birth and social security number.

C. "Request for funds for expert or investigative assistance" means a request submitted to the commission ~~by an indigent party or by an attorney or on behalf of an indigent client~~ a person eligible for indigent legal services seeking authorization to expend funds for expert or investigative assistance, which includes, but is not limited to, the assistance

of a private investigator, interpreter or translator, psychiatrist, psychologist or other mental health expert, medical expert and scientific expert.

D. "Case information" means:

- (1) The court in which a case is brought;
- (2) Any criminal charges or juvenile crime charges and the type, but not the contents, of any petition giving rise to a case;
- (3) The docket number;
- (4) The identity of assigned counsel and the date of assignment;
- (5) The withdrawal of assigned counsel and the date of withdrawal; and
- (6) Any order for reimbursement of assigned counsel fees.

2. Confidential information. The following information and records in the possession of the commission are not open to public inspection and do not constitute public records as defined in Title 1, section 402, subsection 3.

A. Individual client information ~~that is submitted by a commission rostered attorney or a court~~ is confidential, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that if committed by an adult would constitute murder or a Class A, Class B or Class C crime are not confidential.

~~B. Information subject to the lawyer-client privilege set forth in the Maine Rules of Evidence, Rule 502 or that constitutes a confidence or secret under the Maine Rules of Professional Conduct, Rule 1.6 is confidential.~~

C. Personal contact information of a commission-rostered attorney is confidential.

D. Personal contact information of a member of the commission or a commission ~~staff member~~ employee, including employed counsel and public defenders, is confidential.

E. A request for funds for expert or investigative assistance ~~that is submitted by an indigent party or by an attorney on behalf of an indigent client~~ is confidential. The decision of the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, to grant or deny such a request is not confidential after a case has been completed. A case is completed when the judgment is affirmed on appeal or the period for appeal has expired.

F. Any information obtained or gathered by the commission through a formal or informal complaint or when performing an evaluation or investigation of an attorney is confidential, except ~~that it~~

~~may be disclosed to the attorney being evaluated or investigated.~~

(1) The commission may disclose the information to the attorney who is the subject of the formal or informal complaint, evaluation or investigation;

(2) The executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, may disclose the information to the Maine Assistance Program for Lawyers described in Title 14, section 164-A;

(3) If the attorney who is subject to an evaluation or investigation appeals a decision of the executive director or the executive director's designee, in accordance with the process established under section 1804, subsection 3, paragraph J, the information may be disclosed at a public hearing conducted by the commission on the appeal, except that information that is protected by the attorney-client privilege or that is confidential under any provision of law, the Maine Rules of Evidence or the Maine Rules of Professional Conduct remains confidential; and

(4) As provided in subsection 4.

3. Confidential information disclosed by the Judicial Department. The Judicial Department may disclose to the commission confidential information necessary for the commission to carry out its functions, including, but not limited to, the collection of amounts owed to reimburse the State for the cost of assigned counsel, as follows:

A. Case information and individual client information with respect to court proceedings that are confidential by statute or court rule in which one or more parties are represented by assigned counsel; and

B. The name, address, date of birth and social security number of any person ordered by the court to reimburse the State for some or all of the cost of assigned counsel.

~~This information~~ Information received by the commission from the Judicial Department under this subsection remains confidential in the possession of the commission and is not open to public inspection, except that the names of criminal defendants and the names of juvenile defendants charged with offenses that, if committed by an adult would constitute murder or a Class A, Class B or Class C crime, are not confidential.

4. Rules of professional conduct. Nothing in this section prohibits the executive director of the commission hired pursuant to section 1804, subsection 1, or the executive director's designee, from reporting potential

professional misconduct under the Maine Rules of Professional Conduct to the Board of Overseers of the Bar or from disclosing information and records related to potential professional misconduct to the board.

5. Confidential information possessed by employed counsel and public defenders. Records, information and materials created, received, obtained, maintained or stored by or on behalf of employed counsel and public defenders that are protected under the Maine Rules of Evidence, Rules 501 to 509 or the Maine Rules of Professional Conduct, Rule 1.6 or otherwise protected by the attorney-client relationship are confidential.

Sec. 18. 15 MRSA §3010, sub-§4, ¶B, as enacted by PL 2021, c. 365, §9 and affected by §37, is amended to read:

B. Any person for any purpose when expressly authorized by a statute, court rule, court decision or court order containing language specifically referring to confidential juvenile history record information or one or more of the types of confidential juvenile history record information; ~~or~~

Sec. 19. 15 MRSA §3010, sub-§4, ¶C, as enacted by PL 2021, c. 365, §9 and affected by §37, is amended to read:

C. A public entity for purposes of international travel, such as issuing visas and granting of citizenship; ~~or~~

Sec. 20. 15 MRSA §3010, sub-§4, ¶D is enacted to read:

D. The Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purposes of assigning, evaluating or supervising counsel.

Sec. 21. 15 MRSA §3306, sub-§1, ¶B, as amended by PL 2019, c. 525, §15, is further amended to read:

~~B. If the juvenile requests an attorney and if the juvenile and the juvenile's parent or parents, guardian or legal custodian are found to be without sufficient financial means, the juvenile must be considered indigent and counsel must be appointed by the court. If, after counsel has been appointed, private counsel retained by the juvenile enters an appearance, appointed counsel must file a motion to withdraw.~~

Sec. 22. 15 MRSA §3308-C, sub-§4, ¶H is enacted to read:

H. Juvenile case records must be open to inspection by and, upon request, be disseminated to the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purposes of assigning, evaluating or supervising counsel.

Sec. 23. 22 MRSA §4005, sub-§2, as amended by PL 1983, c. 783, §2, is further amended to read:

2. Parents. Parents and custodians are entitled to legal counsel in child protection proceedings, except a request for a preliminary protection order under section 4034 or a petition for a medical treatment order under section 4071, but including hearings on those orders. ~~They~~ The parent or custodian may request the court to appoint legal counsel for ~~them~~ the parent or custodian. The court, if it finds ~~them~~ the parent or custodian indigent, shall appoint ~~and pay the reasonable costs and expenses of their~~ legal counsel.

Sec. 24. 22 MRSA §4005-D, sub-§3-A is enacted to read:

3-A. Maine Commission on Public Defense Services; access to proceedings. The executive director of the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A, or the executive director's designee, is authorized to attend and observe all court proceedings under this chapter for any purpose related to assigning, evaluating or supervising counsel, unless the court makes written findings that specific factors unique to the particular proceeding make it inappropriate for the executive director or the executive director's designee to attend all or a part of the proceeding. If the court denies the executive director or the executive director's designee access to the proceeding as provided in this subsection, the court shall order that a copy of a recording of the proceeding or of a transcript of the proceeding be provided to the executive director of the commission at no charge. The court may not grant the commission, the executive director or the executive director's designee intervenor status or the right to be heard solely on the basis of attendance by the executive director or the executive director's designee at a court proceeding under the authority granted in this subsection.

Sec. 25. 22 MRSA §4006, first ¶, as repealed and replaced by PL 1997, c. 715, Pt. A, §3, is amended to read:

A party aggrieved by an order of a court entered pursuant to section 4035, 4054 or 4071 may appeal directly to the Supreme Judicial Court sitting as the Law Court, and such appeals are governed by the Maine Rules of Civil Appellate Procedure, chapter 9.

Sec. 26. 22 MRSA §4007, sub-§1-A, ¶E is enacted to read:

E. The court shall disclose records that are confidential under this subsection to the Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purpose of assigning, evaluating or supervising counsel.

Sec. 27. 22 MRSA §4008, sub-§2, ¶L, as amended by PL 2023, c. 39, §1, is further amended by amending subparagraph (2) to read:

(2) Activities or employment relating to adults with intellectual disabilities, autism, related conditions as set out in 42 Code of Federal Regulations, Section 435.1010 or acquired brain injury; ~~and~~

Sec. 28. 22 MRSA §4008, sub-§2, ¶M, as enacted by PL 2015, c. 494, Pt. A, §23, is amended to read:

M. The personal representative of the estate of a child named in a record who is reported to be abused or neglected; ~~and~~

Sec. 29. 22 MRSA §4008, sub-§2, ¶N is enacted to read:

N. The Maine Commission on Public Defense Services established by Title 5, section 12004-G, subsection 25-A for the purpose of assigning, evaluating or supervising counsel, with protection for identity of reporters and other persons when appropriate.

See title page for effective date.

CHAPTER 639

H.P. 1435 - L.D. 2236

An Act to Expand the List of Crimes Eligible for a Post-judgment Motion to Seal Criminal History Record Information to Include Convictions for Possession and Cultivation of Marijuana

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §2261, sub-§6, as enacted by PL 2021, c. 674, §1, is repealed and the following enacted in its place:

6. Eligible criminal conviction. "Eligible criminal conviction" means:

A. A conviction for a current or former Class E crime, except a conviction for a current or former Class E crime under Title 17-A, chapter 11; and

B. A conviction for a crime when the crime was committed prior to January 30, 2017 for:

(1) Aggravated trafficking, furnishing or cultivation of scheduled drugs under Title 17-A, former section 1105 when the person was convicted of cultivating scheduled drugs, the scheduled drug was marijuana and the crime committed was a Class D crime;

(2) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph A, subparagraph (4);

(3) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph B-1, subparagraph (4);

(4) Aggravated cultivating of marijuana under Title 17-A, section 1105-D, subsection 1, paragraph D, subparagraph (4); and

(5) Unlawful possession of a scheduled drug under Title 17-A, former section 1107 when that drug was marijuana and the underlying crime was a Class D crime.

See title page for effective date.

CHAPTER 640

H.P. 1452 - L.D. 2262

**An Act to Amend the Process
for the Sale of Foreclosed
Properties Due to Nonpayment
of Taxes**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §4422, sub-§1, ¶C, as amended by PL 2021, c. 382, §2, is further amended to read:

C. That portion of the proceeds from any sale of property or any money returned to the former owner of property, pursuant to the provisions of Title 36, section 943-C, that is exempt under this section is exempt for a period of 12 months from the date of receipt of such proceeds for purposes of re-investing in a residence within that period.

Sec. 2. 36 MRSA §943, 6th ¶, as amended by PL 2017, c. 288, Pt. A, §41, is further amended to read:

Beginning with taxes that are assessed after April 1, 1985, the notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE

NOTICE OF IMPENDING AUTOMATIC FORECLOSURE

Title 36, M.R.S.A. Section 943

IMPORTANT: DO NOT DISREGARD THIS NOTICE. YOU WILL LOSE YOUR PROPERTY UNLESS YOU PAY YOUR 20__ PROPERTY TAXES, INTEREST AND COSTS.

TO:

You are the party named on a tax lien certificate filed on _____, 20__, and recorded in Book _____, Page _____ in the County Registry of Deeds. This filing has created a tax lien mortgage on the real estate described therein.

On _____, 20__, the tax lien mortgage will be foreclosed and your right to recover your property by paying the taxes, interest and costs that are owed will expire.

IF THE TAX LIEN FORECLOSES, THE MUNICIPALITY WILL OWN YOUR PROPERTY AND MAY SELL IT AND RETURN EXCESS SALE PROCEEDS TO YOU, IF ANY, PURSUANT TO THE MAINE REVISED STATUTES, TITLE 36, SECTION 943-C.

If you cannot pay the property taxes you owe please contact me to discuss this notice.

Municipal Treasurer

Sec. 3. 36 MRSA §943-C, as amended by PL 2023, c. 523, Pt. A, §8, is further amended to read:

§943-C. Sale of foreclosed properties

Notwithstanding any provision of law to the contrary, after the foreclosure process under sections 942 and 943 or sections 1281 and 1282 is completed and the right of redemption has expired, if a municipality chooses to sell to someone other than the former owner, the municipal officers or their designee shall ~~notify the former owner of the right to require the municipality to use the sale process under subsection 3. For the purpose of this section, "former owner" means the owner or owners of record at the time of foreclosure or, if deceased, the former owner's heirs, devisees or personal representatives. The notice must be sent by United States Postal Service certified mail, return receipt requested, and first class mail to the last known address of the former owner and "tax-acquired property" means real property taken by a municipality for nonpayment of property taxes.~~ If the municipality agrees to sell the property back to the former owner, the alternative sale process under this section does not apply. If the sale to the former owner is not completed, the requirements of this section are reinstated.

1-A. Subject property. This section governs the sale of all tax-acquired property through the tax lien mortgage foreclosure process under sections 942 and 943 or sections 1281 and 1282.

2. Notification; appeal. At least 90 days prior to listing property for sale, the municipal officers or their designee shall send a written notice to the last known address of the former owner, by United States Postal Service certified mail, return receipt requested, and

first-class mail, of ~~the right to require~~ the sale process described in subsection 3. The State Tax Assessor shall prepare notices that must be used by municipalities to inform former owners of ~~their right to apply for~~ the sale process provided under subsection 3.

3. Sale process requirements. ~~If the former owner submits a written demand within 90 days after the notification in subsection 2 that the sale process of this subsection be used~~ When selling a tax-acquired property, the municipal officers or their designee shall:

A. List the property for sale at the highest reasonable price at which the property is anticipated to sell with a real estate broker or agent licensed under Title 32, chapter 114 who does not hold an elected or appointed office in the municipality and is not employed by the municipality;

B. ~~Sell~~ Convey the property via quitclaim deed to the successful buyer at the highest price at which the property is able to sell, ~~or the price at which the property is anticipated by the real estate broker to sell within 6 12 months after listing; and~~

C. Pay to the former owner any sale proceeds in excess of:

- (1) The sum of all taxes owed on the property;
- (2) ~~Property~~ The sum of all taxes that would have been assessed on the property during the period following foreclosure when the property is owned by the municipality;
- (3) All accrued interest;
- (4) Fees, including advertising, mailing, recording, property listing and real estate broker's or agent's fees, to the extent that those fees are not included in the broker or agent fee agreement;
- (5) Any other expenses incurred by the municipality in selling ~~or~~, maintaining or improving the property, including, but not limited to, an administrative fee equal to 10% of the property taxes owed documented administrative costs and reasonable attorney's fees;
- (6) The cost to the municipality of the lien and foreclosure process, including, but not limited to, reasonable attorney's fees; and
- (7) Unpaid sewer, water or other utility charges and reasonable fees imposed by the municipality; ~~and~~

D. Provide to the former owner a written accounting of the amount of excess sale proceeds itemizing any deductions made pursuant to paragraph C, subparagraphs (1) to (7) at the former owner's request.

~~If the municipal officers are unable to list or sell the property under the requirements of paragraphs A and B, or if the property tax payer does not request that the~~

~~property be sold according to the sale process in this subsection, the municipal officers may sell the property in any manner authorized by the municipality's legislative body, if the municipal officers pay the former owner any excess sale proceeds as calculated in paragraph C.~~

4-A. Effect of inability to contract or sell property. If, after 3 attempts, a municipality is unable to contract with a real estate broker or agent for the sale of the property as described in subsection 3 or the broker or agent is unable to sell the property within 12 months after listing, the municipal officers may sell the property in any manner authorized by the municipality's legislative body, as long as the municipality pays the former owner any excess sale proceeds as calculated in subsection 3, paragraph C.

5. Property in the unorganized territory. With regard to the sale of property acquired by the State through tax lien foreclosure in the unorganized territory, the State Tax Assessor has the obligations of a municipality under this section.

6. ~~Quitclaim deed and waiver~~ Waiver of former owner. As a condition of disbursement of excess sale proceeds to the former owner under subsection 3, paragraph C, the municipal officers may require the former owner to execute a quitclaim deed without covenant conveying any interest of the former owner in the property to the municipality and to deliver that deed before conveyance by the municipality to the buyer. Receipt of such excess sale proceeds by the former owner pursuant to this section is deemed to be a waiver of any right of the former owner to commence any action pursuant to section 946-B. Failure of a municipality to file the notice required by subsection 11 does not nullify or otherwise affect the validity of the waiver under this subsection. This subsection may not be construed to prevent the former owner from commencing an action for damages relating to the effective conveyance of excess sale proceeds or the amount of excess sale proceeds.

7. Retention of tax-acquired property. If a municipality chooses to retain a tax-acquired property for municipal use, the municipality shall procure an appraisal report from an appraiser licensed to provide real estate appraisals in this State showing the value of the tax-acquired property being retained. The appraiser may not hold an elected or appointed office in the municipality or be otherwise employed by the municipality. The municipal officers, after providing the notice required by subsection 8, shall pay the former owner any excess sale proceeds as calculated in subsection 3, paragraph C, substituting the value of the tax-acquired property as shown in the appraisal report, which must be prepared within 120 days before the time the excess sale proceeds are paid, for the selling price of the tax-acquired property.

8. Notice of intent to pay excess sale proceeds. If after the sale of a tax-acquired property there exist any excess sale proceeds as described in subsection 3, paragraph C, at least 30 days prior to disbursement of those excess sale proceeds to the former owner the municipal officers shall send written notice of the municipality's intent to pay the former owner the excess sale proceeds. The notice must be sent by first-class mail and certified mail, return receipt requested, to the last known address of the former owner and the last known address of each record holder of an interest in the tax-acquired property. This notice does not limit the right of a lienholder to pursue any claims to the excess sale proceeds against the former owner otherwise available by law.

9. Notice by publication. If the municipality is unable, after reasonable diligence, to locate the former owner of a tax-acquired property in order to send the notice required in subsection 8, the municipality, once a week for 3 consecutive weeks, shall place a notice in a newspaper of general circulation in the county in which the tax-acquired property is located. The notice must include the name of the former owner, a description of the tax-acquired property that was sold, the amount of the excess sale proceeds and the date by which the excess sale proceeds must be claimed.

10. Transfer of proceeds. If, after provision of notice under subsection 9, a former owner fails to claim the excess sale proceeds within 30 days of the final published notice, the municipality shall transfer the excess sale proceeds to the Unclaimed Property Fund under Title 33, section 2141.

11. Notice of payment of proceeds. A municipality, within 10 days of payment of any excess sale proceeds to the former owner under this section, shall record in the registry of deeds of the county or registry district where the tax-acquired property is located a notice signed by the municipal officers. The notice must include the name of the former owner to whom the excess sale proceeds were paid, the amount of the excess sale proceeds, the date on which the excess sale proceeds were paid to the former owner, a description of the tax-acquired property that was sold and a statement that receipt of the excess sale proceeds by the former owner is deemed to be a waiver of the former owner's right to commence any action challenging the taking pursuant to section 946-B.

The State Tax Assessor shall prescribe the form of the notice to be used by municipalities under this subsection.

See title page for effective date.

**CHAPTER 641
H.P. 1371 - L.D. 2147**

An Act to Change the Requirement for Edible Cannabis Products to Be Stamped or Embossed on Each Serving with a Universal Symbol

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

Whereas, current law requires edible cannabis products to be labeled with a universal symbol in order to be sold or offered for sale; and

Whereas, this legislation proposes to change the requirement for edible cannabis products to be embossed or stamped with a universal symbol in order to be sold or offered for sale; and

Whereas, this legislation needs to take effect as soon as possible since new guidance from the Department of Administrative and Financial Services, office of cannabis policy is affecting businesses currently operating; 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:

Sec. 1. 28-B MRSA §703, sub-§1, ¶D, as amended by PL 2019, c. 491, §5, is repealed and the following enacted in its place:

D. Unless determined impracticable by the department by rule, must be stamped or embossed with a universal symbol on each serving of the edible cannabis product or each serving must be individually wrapped or blister packaged with a universal symbol clearly included on the wrapping or packaging. In the event the department determines by rule that stamping, embossing, individual wrapping or blister packaging for a particular type of edible cannabis product is impracticable, each serving of the product must be packaged together and the universal symbol affixed to the packaging. For purposes of this chapter, edible cannabis products that are determined impracticable to stamp, emboss, individually wrap or blister package include but are not limited to:

- (1) Potato or corn chips;
- (2) Popcorn;

(3) Pretzels;

(4) Loose granola; and

(5) Gummies;

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

Effective April 21, 2024.

**CHAPTER 642
S.P. 982 - L.D. 2264**

**An Act to Clarify the Use of
Public Equipment on Public
Easements**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §3036, sub-§5, as enacted by PL 2021, c. 743, §2, is amended to read:

5. Meetings. The commission shall meet at least 3 times, but may meet no more than 6 ~~12~~ times, each year.

Sec. 2. 23 MRSA §3105-A, first ¶, as enacted by PL 2009, c. 501, §2, is amended to read:

The ~~inhabitants~~ legislative body of any town or village corporation at a legal town or village corporation meeting may authorize the municipal officers of the town or assessors of the village corporation to use ~~its~~ the town's or village corporation's highway equipment on private ways within such town or village corporation to plow, maintain or repair those private ways to the extent directed by the legislative body and whenever such municipal officers or assessors consider it advisable in the best interest of the town or village corporation for fire and police protection.

Sec. 3. Commission focus. The Maine Abandoned and Discontinued Roads Commission, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 83-A, shall consider, in addition to matters it is required to consider by statute, the following and shall include recommendations on these matters in the February 1, 2025 report required under Title 23, section 3036, subsection 11:

1. The scope of public use allowed on a public easement over an abandoned or discontinued road, the need or justification for each type of use, the impact of the public use on abutting property owners and ways to reduce the negative impacts on abutting property owners;

2. Property owner liability, including personal injury, property damage and environmental damage liability resulting from public use of an abandoned or discontinued road;

3. Options to create a road inventory of abandoned and discontinued roads in the State; and

4. Options to create a right-of-way template for property owners to use when a local unit of government considers discontinuing the road abutting a property owner's property.

See title page for effective date.

**CHAPTER 643
H.P. 1420 - L.D. 2214**

**An Act to Make Supplemental
Appropriations and Allocations
for the Expenditures of State
Government, General Fund
and Other Funds and to
Change Certain Provisions of
the Law Necessary to the
Proper Operations of State
Government for the Fiscal
Years Ending June 30, 2024
and June 30, 2025**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

**Adult Use Cannabis Public Health and Safety Fund
and Municipal Opt-In Fund Z263**

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$36,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$36,000

**Adult Use Cannabis Regulatory Coordination Fund
Z264**

Initiative: Provides funding for the approved reclassification of 12 Field Investigator positions to OCP Compliance Inspector positions and for the approved reorganization of 4 Field Investigator positions to OCP Compliance Inspector positions in the Adult Use Cannabis Regulatory Coordination Fund program and the Medical Use of Cannabis Fund program. Funding for related All Other costs is provided in the Medical Use of Cannabis Fund program, Other Special Revenue Funds.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$45,336
GENERAL FUND TOTAL	\$0	\$45,336

Adult Use Cannabis Regulatory Coordination Fund Z264

Initiative: Provides funding to align allocations with projected expenditures and available resources for the office of cannabis policy's adult use program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$571,117
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$571,117

Adult Use Cannabis Regulatory Coordination Fund Z264

Initiative: Provides one-time funding for the approved reclassification of 12 Field Investigator positions to OCP Compliance Inspector positions retroactive to June 22, 2022 and for the approved reorganization of 4 Field Investigator positions to OCP Compliance Inspector positions in the Adult Use Cannabis Regulatory Coordination Fund program and the Medical Use of Cannabis Fund program. Funding for related All Other costs is provided in the Medical Use of Cannabis Fund program, Other Special Revenue Funds.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$77,530
GENERAL FUND TOTAL	\$0	\$77,530

Alcoholic Beverages - General Operation 0015

Initiative: Provides funding for the approved reclassification of 12 Liquor Licensing Inspector positions from range 22 to range 25 and transfers All Other to Personal Services to fund the change in the State Alcoholic Beverage Fund.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$58,283
GENERAL FUND TOTAL	\$0	\$58,283

STATE ALCOHOLIC BEVERAGE FUND	2023-24	2024-25
Personal Services	\$0	\$72,128
All Other	\$0	(\$72,128)

STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$0	\$0
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Alcoholic Beverages - General Operation 0015

Initiative: Provides one-time funding for the approved reclassification of 12 Liquor Licensing Inspector positions from range 22 to range 25 retroactive to June 14, 2022 and transfers All Other to Personal Services to fund the change in the State Alcoholic Beverage Fund.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$178,967
GENERAL FUND TOTAL	\$0	\$178,967

STATE ALCOHOLIC BEVERAGE FUND	2023-24	2024-25
Personal Services	\$0	\$92,264
All Other	\$0	(\$92,264)
STATE ALCOHOLIC BEVERAGE FUND TOTAL	\$0	\$0

Buildings and Grounds Operations 0080

Initiative: Provides funding for the approved reorganization of one Public Service Manager I position to a Public Service Manager II position and transfers All Other to Personal Services to fund the reorganization.

REAL PROPERTY LEASE INTERNAL SERVICE FUND	2023-24	2024-25
Personal Services	\$0	\$9,166
All Other	\$0	(\$9,166)
REAL PROPERTY LEASE INTERNAL SERVICE FUND TOTAL	\$0	\$0

Buildings and Grounds Operations 0080

Initiative: Provides one-time funding for an increase in natural gas tariffs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$400,000
GENERAL FUND TOTAL	\$0	\$400,000

Buildings and Grounds Operations 0080

Initiative: Provides one-time funding for an increase in natural gas tariffs in fiscal year 2023-24.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$300,000
GENERAL FUND TOTAL	\$0	\$300,000

Central Services - Purchases 0004

Initiative: Establishes one Postal Service Worker position to support enhanced security efforts relating to receiving and screening packages delivered to state agencies in the greater Augusta area.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$70,616
GENERAL FUND TOTAL	\$0	\$70,616

Information Services 0155

Initiative: Continues and makes permanent one Public Service Manager III position previously continued by Financial Order CV0590 F4 to build out and manage

the Cloud Center of Excellence within the Office of Information Technology and transfers that position from the Federal Expenditures Fund - ARP State Fiscal Recovery to the Office of Information Services Fund on January 1, 2025.

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
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Personal Services	\$0	\$91,219
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$91,219
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OFFICE OF INFORMATION SERVICES FUND	2023-24	2024-25
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POSITIONS - LEGISLATIVE COUNT	0.000	1.000
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Personal Services	\$0	\$91,219
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OFFICE OF INFORMATION SERVICES FUND TOTAL	\$0	\$91,219
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Information Services 0155

Initiative: Continues and makes permanent one Public Service Manager II position previously continued by Financial Order CV0590 F4 to align cybersecurity architecture and engineering to implement technical solutions within the Office of Information Technology and transfers that position from the Federal Expenditures Fund - ARP State Fiscal Recovery to the General Fund on January 1, 2025. This initiative also transfers All Other to Personal Services to fund the General Fund cost of this initiative.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
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Personal Services	\$0	\$74,121
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All Other	\$0	(\$74,121)
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GENERAL FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
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Personal Services	\$0	\$74,122
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$74,122
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Information Services 0155

Initiative: Continues and makes permanent one Public Service Manager II position previously established by Financial Order CV0659 F4 to oversee and manage the security, governance, risk and compliance efforts within the Office of Information Technology and transfers the position from the Federal Expenditures Fund - ARP State Fiscal Recovery to the General Fund on January 1, 2025. This initiative also transfers All Other to

Personal Services to fund the General Fund cost of this initiative.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
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Personal Services	\$0	\$74,123
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All Other	\$0	(\$74,123)
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GENERAL FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
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Personal Services	\$0	\$74,123
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$74,123
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Information Services 0155

Initiative: Continues and makes permanent one Public Service Manager II position previously established by Financial Order CV0690 to supervise vendor-managed services in the development of security plans, standard operating procedures and security analysis, policies and procedures within the Office of Information Technology and transfers the position from the Federal Expenditures Fund - ARP State Fiscal Recovery to the General Fund on January 1, 2025. This initiative also transfers All Other to Personal Services to fund the General Fund cost of this initiative.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
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Personal Services	\$0	\$71,576
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All Other	\$0	(\$71,576)
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GENERAL FUND TOTAL	\$0	\$0
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
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Personal Services	\$0	\$71,577
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$71,577
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Information Services 0155

Initiative: Continues and makes permanent one Public Service Manager II position previously established by Financial Order CV0691 to oversee and manage cross-functional information security programs within the Office of Information Technology and transfers the position from the Federal Expenditures Fund - ARP State Fiscal Recovery to the General Fund on January 1, 2025. This initiative also transfers All Other to Personal Services to fund the General Fund cost of this initiative.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
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Personal Services	\$0	\$71,577
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All Other	\$0	(\$71,577)
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Personal Services	\$0	\$71,576
All Other	\$0	(\$71,576)
GENERAL FUND TOTAL	\$0	\$0

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
Personal Services	\$0	\$71,577
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$71,577

Medical Use of Cannabis Fund Z265

Initiative: Provides funding for the approved reclassification of 12 Field Investigator positions to OCP Compliance Inspector positions and for the approved reorganization of 4 Field Investigator positions to OCP Compliance Inspector positions in the Adult Use Cannabis Regulatory Coordination Fund program and the Medical Use of Cannabis Fund program. Funding for related All Other costs is provided in the Medical Use of Cannabis Fund program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$112,544
All Other	\$0	\$3,879
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$116,423

Medical Use of Cannabis Fund Z265

Initiative: Provides one-time funding for the approved reclassification of 12 Field Investigator positions retroactive to June 22, 2022 and for the approved reorganization of 4 Field Investigator positions to OCP Compliance Inspector positions in the Adult Use Cannabis Regulatory Coordination Fund program and the Medical Use of Cannabis Fund program. Funding for related All Other costs is provided in the Medical Use of Cannabis Fund program, Other Special Revenue Funds.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$174,067
All Other	\$0	\$5,955
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$180,022

**Renewable Energy Facilities Property Tax
Exemption Z296**

Initiative: Provides funding for an increase in the expected reimbursement to municipalities under the Renewable Energy Facilities Property Tax Exemption program due to anticipated new projects.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,500,000

GENERAL FUND TOTAL	\$0	\$1,500,000
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State Benefit Mandate Defrayal Z373

Initiative: Eliminates one-time funding for the cost of the benefit mandate providing coverage of infertility treatment under Public Law 2021, chapter 692.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$3,800,000)
GENERAL FUND TOTAL	\$0	(\$3,800,000)

State Benefit Mandate Defrayal Z373

Initiative: Provides ongoing funding for the cost of the benefit mandate providing coverage of infertility treatment under Public Law 2021, chapter 692.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,800,000
GENERAL FUND TOTAL	\$0	\$3,800,000

**Workers' Compensation Management Fund
Program 0802**

Initiative: Increases funding for persons returning to light-duty work through the workers' compensation program.

WORKERS' COMPENSATION MANAGEMENT FUND	2023-24	2024-25
Personal Services	\$0	\$374,000
WORKERS' COMPENSATION MANAGEMENT FUND TOTAL	\$0	\$374,000

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF
DEPARTMENT TOTALS**

GENERAL FUND	\$0	\$2,630,732
OTHER SPECIAL REVENUE FUNDS	\$0	\$903,562
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	\$0	\$382,618
OFFICE OF INFORMATION SERVICES FUND	\$0	\$91,219
WORKERS' COMPENSATION MANAGEMENT FUND	\$0	\$374,000
REAL PROPERTY LEASE INTERNAL SERVICE FUND	\$0	\$0
STATE ALCOHOLIC BEVERAGE FUND	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$4,382,131

Sec. A-2. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Bureau of Agriculture 0393

Initiative: Provides one-time funding to upgrade the Cony Road facility.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Capital Expenditures	\$0	\$750,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$750,000

Bureau of Agriculture 0393

Initiative: Provides one-time funding for capital improvements and deferred maintenance for the Big E building.

GENERAL FUND	2023-24	2024-25
Capital Expenditures	\$0	\$58,436
GENERAL FUND TOTAL	\$0	\$58,436

Bureau of Agriculture 0393

Initiative: Provides funding to establish allocation in the PFAS Reserve - Bureau of Agriculture Other Special Revenue Funds account.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000

Bureau of Agriculture 0393

Initiative: Provides funding for the approved reclassification of one State Horticulturist position from range 28 to range 30.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$8,301
GENERAL FUND TOTAL	\$0	\$8,301

Bureau of Agriculture 0393

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$400,000
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$400,000

Bureau of Agriculture 0393

Initiative: Provides one-time funding for the approved reclassification of one State Horticulturist position from range 28 to range 30, retroactive to October 14, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$14,024
GENERAL FUND TOTAL	\$0	\$14,024

Conservation and Recreation Fund Z378

Initiative: Transfers All Other funding from the Conservation and Recreation Fund program to the Land For Maine's Future Trust Fund program to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$500)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$500)

Conservation Land Management Fund Z379

Initiative: Transfers All Other funding from the Conservation Land Management Fund program to the Land For Maine's Future Trust Fund program to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$500)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$500)

DACF Administration 0401

Initiative: Continues and makes permanent one Agency GIS/Technology Coordinator position previously continued by Financial Order 002859 F4 and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292
GENERAL FUND TOTAL	\$0	\$3,292

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$101,740
All Other	\$0	\$16,684

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$118,424
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DACF Administration 0401

Initiative: Continues and makes permanent one Planning and Research Associate II position previously continued by Financial Order 002858 F4 and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292

GENERAL FUND TOTAL	\$0	\$3,292
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$106,790
All Other	\$0	\$16,489
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$123,279

DACF Administration 0401

Initiative: Continues and makes permanent one Planning and Research Associate I position previously established by financial order for the land and water conservation fund program. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292
GENERAL FUND TOTAL	\$0	\$3,292

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$647

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647
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DACF Administration 0401

Initiative: Continues and makes permanent one Planning and Research Associate I position previously established by financial order to work as a trail specialist for recreational trails program projects and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292

GENERAL FUND TOTAL	\$0	\$3,292
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$647

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647
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DACF Administration 0401

Initiative: Establishes one Public Service Manager II position as the southern region lands manager and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292

GENERAL FUND TOTAL	\$0	\$3,292
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$647

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647
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DACF Administration 0401

Initiative: Continues and makes permanent one Senior Entomology Technician position previously established by Public Law 2021, chapter 727 and provides funding for related All Other costs under the DACF Administration and Forest Resource Management programs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292

GENERAL FUND TOTAL	\$0	\$3,292
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$647

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647
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DACF Administration 0401

Initiative: Continues and makes permanent one Entomologist I position previously established by Public Law 2021, chapter 727 and provides funding for related All Other costs under the DACF Administration and Forest Resource Management programs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292

GENERAL FUND TOTAL	\$0	\$3,292
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$647

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647
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DACF Administration 0401

Initiative: Establishes one Forest Fire Prevention Specialist position to administer the federal Community Wildfire Defense Grant and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,292

GENERAL FUND TOTAL	\$0	\$3,292
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$647

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$647
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DACF Administration 0401

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,000,000

Division of Forest Protection Z232

Initiative: Establishes one Forest Fire Prevention Specialist position to administer the federal Community Wildfire Defense Grant and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$94,793
All Other	\$0	\$22,724

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$117,517
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Division of Forest Protection Z232

Initiative: Provides funding to pay risk management costs for workers' compensation for call-when-needed firefighters, including unpaid invoices from prior years.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,889
GENERAL FUND TOTAL	\$0	\$3,889

Division of Forest Protection Z232

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$100,000
All Other	\$0	\$1,100,000

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,200,000
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Division of Forest Protection Z232

Initiative: Provides one-time funding to pay risk management costs for workers' compensation for call-when-needed firefighters, including unpaid invoices from prior years.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$56,809

GENERAL FUND TOTAL	\$0	\$56,809
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Farmers Drought Relief Grant Program Fund Z364

Initiative: Provides one-time funding to increase allocation in the Farmers Drought Relief Grant Program Fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,000,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000
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Forest Resource Management Z233

Initiative: Continues and makes permanent one Senior Entomology Technician position previously established by Public Law 2021, chapter 727 and provides funding for related All Other costs under the DACF Administration and Forest Resource Management programs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$84,736
All Other	\$0	\$15,500

GENERAL FUND TOTAL	\$0	\$100,236
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Forest Resource Management Z233

Initiative: Continues and makes permanent one Entomologist I position previously established by Public Law 2021, chapter 727 and provides funding for related All Other costs under the DACF Administration and Forest Resource Management programs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$96,300
All Other	\$0	\$15,500

GENERAL FUND TOTAL	\$0	\$111,800
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Forest Resource Management Z233

Initiative: Provides funding for the approved reclassification of one Entomologist III position to a Natural Resource Pathologist position. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$2,163
GENERAL FUND TOTAL	\$0	\$2,163

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$543
All Other	\$0	\$13

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$556
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Forest Resource Management Z233

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$100,000
All Other	\$0	\$800,000

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$900,000
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Forest Resource Management Z233

Initiative: Provides one-time funding for the approved reclassification of one Entomologist III position to a Natural Resource Pathologist position, retroactive to February 10, 2022. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,273
GENERAL FUND TOTAL	\$0	\$5,273
FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$1,321
All Other	\$0	\$32
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,353

Geology and Resource Information Z237

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$250,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$250,000

Harness Racing Commission 0320

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$413,590
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$413,590

Harness Racing Commission 0320

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$154,524
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$154,524

Land for Maine's Future Z162

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$10,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$10,000

Land for Maine's Future Z162

Initiative: Transfers All Other funding from the Land For Maine's Future program, Other Special Revenue Funds account to the Land For Maine's Future Trust Fund program, Other Special Revenue Funds account to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$47,560)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$47,560)

Land for Maine's Future - Community Conservation Projects Z307

Initiative: Eliminates funding for the Land For Maine's Future - Community Conservation Projects program, Other Special Revenue Funds account.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$20,000,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$20,000,000)

Land For Maine's Future Trust Fund Z377

Initiative: Provides one-time allocation for land acquisitions in the Land For Maine's Future Trust Fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$20,000,000
Capital Expenditures	\$0	\$10,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$30,000,000

Land For Maine's Future Trust Fund Z377

Initiative: Transfers All Other funding from the Conservation and Recreation Fund program to the Land For Maine's Future Trust Fund program to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Land For Maine's Future Trust Fund Z377

Initiative: Transfers All Other funding from the Conservation Land Management Fund program to the Land For Maine's Future Trust Fund program to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Land For Maine's Future Trust Fund Z377

Initiative: Transfers All Other funding from the Land For Maine's Future program, Other Special Revenue Funds account to the Land For Maine's Future Trust Fund program, Other Special Revenue Funds account to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$47,560
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$47,560

Land For Maine's Future Trust Fund Z377

Initiative: Transfers All Other funding from the Maine Working Farmland Access and Protection Fund program, Other Special Revenue Funds account to the Land For Maine's Future Trust Fund program, Other Special Revenue Funds account to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Land Management and Planning Z239

Initiative: Continues and makes permanent one Forester II position previously established by Public Law 2021, chapter 635 and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$6,820
All Other	\$0	\$191
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$7,011

Land Management and Planning Z239

Initiative: Establishes one Public Service Manager II position as the southern region lands manager and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$138,596
All Other	\$0	\$7,474
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$146,070

Land Management and Planning Z239

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$500,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$500,000

Maine Healthy Soils Fund Z328

Initiative: Provides one-time funding to increase allocation in the Maine Healthy Soils Fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,500,000

Maine Land Use Planning Commission Z236

Initiative: Provides funding for the approved reclassification of one Secretary Associate position to an Office Specialist II position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,494
GENERAL FUND TOTAL	\$0	\$4,494

Maine Land Use Planning Commission Z236

Initiative: Provides one-time funding for the approved reclassification of one Secretary Associate position to an Office Specialist II position, retroactive to February 28, 2023.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,721
GENERAL FUND TOTAL	\$0	\$4,721

Maine Working Farmland Access and Protection Fund Z313

Initiative: Transfers All Other funding from the Maine Working Farmland Access and Protection Fund program, Other Special Revenue Funds account to the Land For Maine's Future Trust Fund program, Other Special Revenue Funds account to consolidate these funds under one program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$500)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$500)

Milk Commission 0188

Initiative: Provides one-time funding for the distribution of payments to address escalating production costs to Maine dairy farmers who meet specific milk production criteria.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$3,000,000

OTHER SPECIAL REVENUE	\$0	\$3,000,000
FUNDS TOTAL		

Milk Commission 0188

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$3,770,853)

OTHER SPECIAL REVENUE	\$0	(\$3,770,853)
FUNDS TOTAL		

Milk Commission 0188

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$30,178,525

OTHER SPECIAL REVENUE	\$0	\$30,178,525
FUNDS TOTAL		

Natural Areas Program Z821

Initiative: Provides funding for the approved reclassification of one Biologist I position to a Resource Management Coordinator position. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,279
All Other	\$0	\$568

FEDERAL EXPENDITURES	\$0	\$5,847
FUND TOTAL		

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$5,276
All Other	\$0	\$567

OTHER SPECIAL REVENUE	\$0	\$5,843
FUNDS TOTAL		

Natural Areas Program Z821

Initiative: Provides funding for the approved reclassification of one Public Service Manager II position from range 30 to range 32.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$10,058

GENERAL FUND TOTAL	\$0	\$10,058
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Natural Areas Program Z821

Initiative: Provides one-time funding for the approved reclassification of one Biologist I position to a Resource Management Coordinator position, retroactive to April

28, 2022. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$4,810
All Other	\$0	\$513

FEDERAL EXPENDITURES	\$0	\$5,323
FUND TOTAL		

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$4,808
All Other	\$0	\$513

OTHER SPECIAL REVENUE	\$0	\$5,321
FUNDS TOTAL		

Natural Areas Program Z821

Initiative: Provides one-time funding for the approved reclassification of one Public Service Manager II position from range 30 to range 32, retroactive to October 21, 2021.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$42,801

GENERAL FUND TOTAL	\$0	\$42,801
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Off-Road Recreational Vehicles Program Z224

Initiative: Continues and makes permanent 2 Recreation Trails Coordinator positions previously continued by Financial Order 002857 F4 and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$166,153
All Other	\$0	\$11,844

OTHER SPECIAL REVENUE	\$0	\$177,997
FUNDS TOTAL		

Off-Road Recreational Vehicles Program Z224

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$115,774)

OTHER SPECIAL REVENUE	\$0	(\$115,774)
FUNDS TOTAL		

Off-Road Recreational Vehicles Program Z224

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$25,923

OTHER SPECIAL REVENUE \$0 \$25,923
FUNDS TOTAL

Parks - General Operations Z221

Initiative: Continues and makes permanent one Planning and Research Associate I position previously established by financial order for the land and water conservation fund program. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$85,892
All Other	\$0	\$6,000

FEDERAL EXPENDITURES \$0 \$91,892
FUND TOTAL

Parks - General Operations Z221

Initiative: Continues and makes permanent one Planning and Research Associate I position previously established by financial order to work as a trail specialist for recreational trails program projects and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$85,892
All Other	\$0	\$6,001

FEDERAL EXPENDITURES \$0 \$91,893
FUND TOTAL

Parks - General Operations Z221

Initiative: Provides funding to increase allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$5,000,000

FEDERAL EXPENDITURES \$0 \$5,000,000
FUND TOTAL

Parks - General Operations Z221

Initiative: Provides funding for the approved reclassification of one Supervisor Outdoor Recreation position to a Public Service Manager II position. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,834
GENERAL FUND TOTAL	\$0	\$5,834

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,833
All Other	\$0	\$163

FEDERAL EXPENDITURES \$0 \$5,996
FUND TOTAL

Parks - General Operations Z221

Initiative: Provides one-time funding to address damage incurred by state parks, historic sites and public lands from the December 2023 and January 2024 storms.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,000,000
Capital Expenditures	\$0	\$2,000,000

OTHER SPECIAL REVENUE \$0 \$3,000,000
FUNDS TOTAL

Parks - General Operations Z221

Initiative: Provides one-time funding for the approved reclassification of one Supervisor Outdoor Recreation position to a Public Service Manager II position, retroactive to April 3, 2023. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,927

GENERAL FUND TOTAL \$0 \$5,927

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,926
All Other	\$0	\$165

FEDERAL EXPENDITURES \$0 \$6,091
FUND TOTAL

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS 2023-24 2024-25

GENERAL FUND	\$0	\$461,102
FEDERAL EXPENDITURES FUND	\$0	\$9,186,468
OTHER SPECIAL REVENUE FUNDS	\$0	\$47,723,762
FEDERAL BLOCK GRANT FUND	\$0	\$400,000

DEPARTMENT TOTAL - ALL FUNDS \$0 \$57,771,332

Sec. A-3. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Provides funding for the approved reorganization of 4 Research Assistant MSEA-B positions from range 19 to range 22.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,381
GENERAL FUND TOTAL	\$0	\$5,381
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$14,495
All Other	\$0	\$360
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$14,855

Administration - Attorney General 0310

Initiative: Transfers one Assistant Attorney General position and related All Other costs from the Administration - Attorney General program to the Human Services Division program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$152,762)
All Other	\$0	(\$12,367)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$165,129)

Administration - Attorney General 0310

Initiative: Provides funding to reflect salary stipends currently authorized by contract or human resources memo.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$92,717
GENERAL FUND TOTAL	\$0	\$92,717

FEDERAL EXPENDITURES FUND

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$47,686
All Other	\$0	\$1,185
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$48,871

OTHER SPECIAL REVENUE FUNDS

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$27,309
All Other	\$0	\$678
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$27,987

Administration - Attorney General 0310

Initiative: Transfers one Assistant Attorney General position from 50% Administration - Attorney General program, General Fund and 50% Human Services Division program, Other Special Revenue Funds to 50% General

Fund and 50% Other Special Revenue Funds within the Human Services Division program. This initiative also transfers related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$89,667)
All Other	\$0	(\$4,184)
GENERAL FUND TOTAL	\$0	(\$93,851)

Administration - Attorney General 0310

Initiative: Provides funding for the approved reorganization of one Research Assistant MSEA-B position from range 22 to range 25 and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,738
All Other	\$0	(\$4,738)
GENERAL FUND TOTAL	\$0	\$0

Administration - Attorney General 0310

Initiative: Provides one-time funding for the approved reorganization of one Research Assistant MSEA-B position from range 22 to range 25.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$1,130
GENERAL FUND TOTAL	\$0	\$1,130

Chief Medical Examiner - Office of 0412

Initiative: Provides one-time funding for unanticipated costs resulting from the Lewiston mass casualty event in October 2023.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$11,607
All Other	\$0	\$16,500
GENERAL FUND TOTAL	\$0	\$28,107

Chief Medical Examiner - Office of 0412

Initiative: Provides funding for the continuation of a pilot program for premium overtime, call-out and standby pay for the medical examiner assistants in the Office of Chief Medical Examiner.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$65,105
GENERAL FUND TOTAL	\$0	\$65,105

Chief Medical Examiner - Office of 0412

Initiative: Provides funding to reflect salary stipends currently authorized by contract or human resources memo.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$200,300
GENERAL FUND TOTAL	\$0	\$200,300

Chief Medical Examiner - Office of 0412

Initiative: Provides one-time funding for the continuation of a pilot program for premium overtime, call-out and standby pay for the medical examiner assistants in the Office of Chief Medical Examiner.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$63,772
GENERAL FUND TOTAL	\$0	\$63,772

District Attorneys Salaries 0409

Initiative: Provides position count for 2 Assistant District Attorney positions to correct an error in Public Law 2023, chapter 412.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
GENERAL FUND TOTAL	\$0	\$0

Human Services Division 0696

Initiative: Provides funding for the approved reorganization of 5 Research Assistant MSEA-B positions from range 20 to range 22.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$20,415
All Other	\$0	\$508
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,923

Human Services Division 0696

Initiative: Provides funding for the approved reorganization of one Research Assistant MSEA-B position from range 19 to range 20.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$4,845
All Other	\$0	\$120
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,965

Human Services Division 0696

Initiative: Provides funding for the approved reorganization of one Secretary Associate Legal position to a Research Assistant MSEA-B position.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$3,668
All Other	\$0	\$91
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,759

Human Services Division 0696

Initiative: Provides funding for the approved reorganization of one Research Assistant MSEA-B position to a Research Assistant MSEA-D position.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$6,292
All Other	\$0	\$157
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,449

Human Services Division 0696

Initiative: Transfers one Assistant Attorney General position and related All Other costs from the Administration - Attorney General program to the Human Services Division program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$152,762
All Other	\$0	\$12,367
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$165,129

Human Services Division 0696

Initiative: Transfers one Assistant Attorney General position from 50% Administration - Attorney General program, General Fund and 50% Human Services Division program, Other Special Revenue Funds to 50% General Fund and 50% Other Special Revenue Funds within the Human Services Division program. This initiative also transfers related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$89,667
All Other	\$0	\$4,184
GENERAL FUND TOTAL	\$0	\$93,851

Maine Mass Violence Care Fund Z400

Initiative: Provides funding to establish the Maine Mass Violence Care Fund to provide financial support to victims and their families and household members of a mass violence event.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Victims' Compensation Board 0711

Initiative: Establishes one limited-period Research Assistant MSEA-B position through June 7, 2025 and provides one-time funding for related All Other costs. This position is needed pursuant to Public Law 2019, chapter 549.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$88,406
All Other	\$0	\$7,389
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$95,795

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$456,512
FEDERAL EXPENDITURES FUND	\$0	\$48,871
OTHER SPECIAL REVENUE FUNDS	\$0	\$175,233
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$680,616

Sec. A-4. Appropriations and allocations. The following appropriations and allocations are made.

AUDITOR, OFFICE OF THE STATE

Audit Bureau 0067

Initiative: Provides funding for the approved reorganization of one Senior Auditor position to a Principal Auditor position and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$6,305
All Other	\$0	\$339
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,644

Audit Bureau 0067

Initiative: Provides one-time funding for the approved reorganization of one Senior Auditor position to a Principal Auditor position and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,372
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,372

AUDITOR, OFFICE OF THE STATE DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$0	\$8,016
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$8,016

Sec. A-5. Appropriations and allocations. The following appropriations and allocations are made.

BAXTER STATE PARK AUTHORITY

Baxter State Park Authority 0253

Initiative: Eliminates one vacant Office Associate II Supervisor position and provides funding to continue and make permanent one Management Analyst II position previously established by Financial Order 003216 F4 to enhance the leadership team at Baxter State Park. This initiative also provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$20,529
All Other	\$0	\$222
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,751

Sec. A-6. Appropriations and allocations. The following appropriations and allocations are made.

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Maine Community College System - Board of Trustees 0556

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,811
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,811

Maine Community College System - Board of Trustees 0556

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$19,504
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$19,504

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$0	\$21,315
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$21,315

Sec. A-7. Appropriations and allocations. The following appropriations and allocations are made.

CORRECTIONS, DEPARTMENT OF

Administration - Corrections 0141

Initiative: Provides one-time funding for the implementation costs for the offender management system.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$4,800,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,800,000

Administration - Corrections 0141

Initiative: Reduces one-time funding in the Corrections Food program and the Corrections Fuel program by recognizing one-time savings due to food costs and fuel rates being lower than anticipated. This initiative also provides one-time funding in the Administration - Corrections program for the subscription costs for the offender management system.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$900,000
GENERAL FUND TOTAL	\$0	\$900,000

County Jails Operation Fund Z227

Initiative: Provides one-time funding to county jails for medication-assisted treatment and medical care, which was recently required in Public Law 2021, chapter 732, Part C.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$4,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,000,000

CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$900,000
OTHER SPECIAL REVENUE FUNDS	\$0	\$8,800,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$9,700,000

Sec. A-8. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Administration - Defense, Veterans and Emergency Management 0109

Initiative: Provides one-time funding for environmental closure activity costs at the former Maine Military Authority site in Limestone, Maine.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$460,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$460,000

Administration - Maine Emergency Management Agency 0214

Initiative: Provides one-time funding for the Disaster Recovery Fund to meet state funding requirements for emergency declarations.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$15,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,000,000

Military Training and Operations 0108

Initiative: Adjusts one-time funding within the same program by reducing appropriation in the General Fund and increasing allocation in the Other Special Revenue Funds to fund costs associated with the requirements of the Maine Revised Statutes, Title 37-B, section 390-D.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	(\$126,000)
All Other	\$0	(\$54,000)
GENERAL FUND TOTAL	\$0	(\$180,000)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$126,000
All Other	\$0	\$54,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$180,000
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Military Training and Operations 0108

Initiative: Provides funding for the approved reorganization of one Carpenter position to a Building Maintenance Coordinator position and transfers the position from General Fund to Federal Expenditures Fund within the same program.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
Personal Services	0.000	(1.000)
GENERAL FUND TOTAL	\$0	\$1,251

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$3,378

FEDERAL EXPENDITURES	\$0	\$3,378
FUND TOTAL		

Military Training and Operations 0108

Initiative: Provides funding for the approved reclassification of one Environmental Specialist III position to a Public Service Coordinator I position.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$13,398

FEDERAL EXPENDITURES	\$0	\$13,398
FUND TOTAL		

Military Training and Operations 0108

Initiative: Provides funding for the approved reclassification of one Oil & Hazardous Material Specialist II position to a Public Service Coordinator I position.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$9,984

FEDERAL EXPENDITURES	\$0	\$9,984
FUND TOTAL		

Military Training and Operations 0108

Initiative: Provides one-time funding for the approved reclassification of one Environmental Specialist III position to a Public Service Coordinator I position, retroactive to January 27, 2023.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$12,594

FEDERAL EXPENDITURES	\$0	\$12,594
FUND TOTAL		

Military Training and Operations 0108

Initiative: Provides one-time funding for the approved reclassification of one Oil & Hazardous Material Specialist II position to a Public Service Coordinator I position, retroactive to February 8, 2023.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$8,756

FEDERAL EXPENDITURES	\$0	\$8,756
FUND TOTAL		

Veterans Services 0110

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$12,979

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$12,979
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Veterans Services 0110

Initiative: Provides funding for the approved reorganization of one Veterans Services Officer position to a Public Service Manager I position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$8,332

GENERAL FUND TOTAL	\$0	\$8,332
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Veterans Services 0110

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,632

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,632
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DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	(\$170,417)
FEDERAL EXPENDITURES FUND	\$0	\$48,110
OTHER SPECIAL REVENUE FUNDS	\$0	\$15,654,611

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$15,532,304
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Sec. A-9. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development 0069

Initiative: Transfers the cost of one limited-period Public Service Executive I position and related All Other costs from the Office of Tourism program to the Administration - Economic and Community Development program within the same fund for the administration of the outdoor recreation economy federal award from the Northern Border Regional Commission.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$152,768
All Other	\$0	\$272,932

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$425,700
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Business Development 0585

Initiative: Provides one-time funding for a one-time grant to a licensed provider of behavioral health services to prevent a significant disruption in a range of behavioral health services, including those provided to victims of the Lewiston mass casualty event in October 2023, including in the Maine Resiliency Center, and other community residents as attested to in testimony before the Legislature prior to March 1, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,900,000
GENERAL FUND TOTAL	\$0	\$1,900,000

Community Development Block Grant Program 0587

Initiative: Adjusts position count and funding between the Federal Expenditures Fund and the Federal Block Grant Fund in the Community Development Block Grant Program to correct an error in Public Law 2023, chapter 412.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT Personal Services	0.000	1.000
	\$0	\$76,998
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$76,998

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT Personal Services	0.000	(1.000)
	\$0	(\$76,998)
FEDERAL BLOCK GRANT FUND TOTAL	\$0	(\$76,998)

Office of Tourism 0577

Initiative: Transfers the cost of one limited-period Public Service Executive I position and related All Other costs from the Office of Tourism program to the Administration - Economic and Community Development program within the same fund for the administration of the outdoor recreation economy federal award from the Northern Border Regional Commission.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	(\$152,768)
All Other	\$0	(\$272,932)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$425,700)

Office of Tourism 0577

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$76,996

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$76,996
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ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$1,900,000
FEDERAL	\$0	\$76,998
EXPENDITURES FUND		
OTHER SPECIAL REVENUE FUNDS	\$0	\$76,996
FEDERAL BLOCK GRANT FUND	\$0	(\$76,998)
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,976,996

Sec. A-10. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF Adult Education 0364

Initiative: Reallocates one Public Service Manager II position and one Education Specialist III position from 100% Federal Expenditures Fund to 70% Federal Expenditures Fund and 30% General Fund within the same program and reallocates one Education Specialist III position from 100% General Fund to 70% General Fund and 30% Federal Expenditures Fund within the same program. This initiative also reduces funding in the Federal Expenditures Fund for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$38,380
GENERAL FUND TOTAL	\$0	\$38,380

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	(\$38,380)
All Other	\$0	(\$1,086)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$39,466)

Child Development Services 0449

Initiative: Provides funding for increases in staff costs attributed to collective bargaining.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$926,191
GENERAL FUND TOTAL	\$0	\$926,191

Child Development Services 0449

Initiative: Allocates one-time funds for payments of a daily rate for special purpose private preschools from July 1, 2024 to June 30, 2025.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$11,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$11,000,000

Early Childhood Special Education Pathways Pilot Project N497

Initiative: Establishes one limited-period Public Service Coordinator II position and provides one-time funding for the early childhood special education pathways pilot project. This position ends on June 30, 2025.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$125,951
All Other	\$0	\$874,049
GENERAL FUND TOTAL	\$0	\$1,000,000

Education in Unorganized Territory 0220

Initiative: Provides one-time funding to update mechanical, electrical and plumbing systems and address exterior building enclosure deficiencies at the 3 state-owned schools in the unorganized territories.

GENERAL FUND	2023-24	2024-25
Capital Expenditures	\$0	\$2,377,112
GENERAL FUND TOTAL	\$0	\$2,377,112

Education in Unorganized Territory 0220

Initiative: Provides ongoing funding to make timely payments to vendors and school administrative units for tuition, transportation and special education costs that are necessary to maintain current services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,700,000
GENERAL FUND TOTAL	\$0	\$1,700,000

Education in Unorganized Territory 0220

Initiative: Provides one-time funding to make timely payments to vendors and school administrative units for tuition, transportation and special education costs that are necessary to maintain current services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,156,667
GENERAL FUND TOTAL	\$0	\$1,156,667

General Purpose Aid for Local Schools 0308

Initiative: Provides funding to maintain the statutory requirement of funding the state share of the total cost of funding public education from kindergarten to grade 12 at 55%.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$22,605,146
GENERAL FUND TOTAL	\$0	\$22,605,146

General Purpose Aid for Local Schools 0308

Initiative: Transfers one Public Service Manager III position and related All Other costs from the General Purpose Aid for Local Schools program to the Innovative Teaching and Learning program within the same fund. This initiative also transfers one Education Specialist III position and one Office Specialist I position and related All Other costs from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$170,038)
All Other	\$0	(\$8,860)
GENERAL FUND TOTAL	\$0	(\$178,898)

General Purpose Aid for Local Schools 0308

Initiative: Transfers and reallocates the costs of one Public Service Manager II position, one Office Specialist II position and related All Other from 100% General Purpose Aid for Local Schools program to 50% Leadership Team program and 50% General Purpose Aid for Local Schools program within the same fund.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
Personal Services	\$0	(\$111,285)
All Other	\$0	(\$8,860)
GENERAL FUND TOTAL	\$0	(\$120,145)

General Purpose Aid for Local Schools 0308

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$176,183)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$176,183)

General Purpose Aid for Local Schools 0308

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$170,181
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$170,181

Higher Education and Educator Support Services Z082

Initiative: Provides funding for the approved reclassification of one Office Associate II position to an Office Specialist I position.

GENERAL FUND	2023-24	2024-25
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Personal Services	\$0	\$5,059
GENERAL FUND TOTAL	\$0	\$5,059

Higher Education and Educator Support Services Z082

Initiative: Provides funding to support the administrative work required to facilitate the State Authorization Reciprocity Agreements membership.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$35,929

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$35,929
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Higher Education and Educator Support Services Z082

Initiative: Provides one-time funding for the approved reclassification of one Office Associate II position to an Office Specialist I position, retroactive to January 5, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$10,089

GENERAL FUND TOTAL	\$0	\$10,089
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Innovative Teaching and Learning Z394

Initiative: Transfers 2 State Education Representative positions and related All Other costs from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
	0.000	2.000
Personal Services	\$0	\$250,728
All Other	\$0	\$20,000

GENERAL FUND TOTAL	\$0	\$270,728
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Innovative Teaching and Learning Z394

Initiative: Transfers one Public Service Manager III position, one Education Specialist III position and funding for All Other costs related to the early learning team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
	0.000	2.000
Personal Services	\$0	\$286,481
All Other	\$0	\$50,000

GENERAL FUND TOTAL	\$0	\$336,481
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Innovative Teaching and Learning Z394

Initiative: Transfers one Public Service Manager II position, 5 Interdisciplinary Instruction Specialist positions and All Other funding for the interdisciplinary instruction team from the Office of Innovation program

to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
	0.000	6.000
Personal Services	\$0	\$748,456
All Other	\$0	\$82,720

GENERAL FUND TOTAL	\$0	\$831,176
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Innovative Teaching and Learning Z394

Initiative: Transfers one Public Service Manager III position and related All Other costs from the General Purpose Aid for Local Schools program to the Innovative Teaching and Learning program within the same fund. This initiative also transfers one Education Specialist III position and one Office Specialist I position and related All Other costs from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
	0.000	3.000
Personal Services	\$0	\$369,946
All Other	\$0	\$27,720

GENERAL FUND TOTAL	\$0	\$397,666
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Leadership Team Z077

Initiative: Transfers and reallocates the costs of one Public Service Manager II position, one Office Specialist II position and related All Other costs from 100% General Purpose Aid for Local Schools program to 50% Leadership Team program and 50% General Purpose Aid for Local Schools program within the same fund.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
	0.000	2.000
Personal Services	\$0	\$111,285
All Other	\$0	\$8,860

GENERAL FUND TOTAL	\$0	\$120,145
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Learning Systems Team Z081

Initiative: Continues one limited-period State Education Representative position previously established by Financial Order 003086 F4, one limited-period Education Specialist III position previously established by Financial Order 002908 F4, one limited-period Education Specialist II position previously established by Financial Order 002932 F4 and one limited-period Education Specialist II position previously continued by Financial Order 002883 F4 through December 30, 2025 and provides All Other funding to provide targeted outreach and support for families, expansion of community-based prekindergarten partnerships, early childhood education workforce development and integration of early childhood data across state agencies through a preschool development grant.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$410,080
All Other	\$0	\$3,582,008
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,992,088

Learning Systems Team Z081

Initiative: Transfers 3 Education Specialist III positions, one Public Service Manager I position and All Other funding for career and technical education from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program within the same fund.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(4.000)
Personal Services	\$0	(\$499,628)
All Other	\$0	(\$6,739,502)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$7,239,130)

Learning Systems Team Z081

Initiative: Transfers funding for the George Briggs fund from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$54,640)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$54,640)

Learning Systems Team Z081

Initiative: Provides funding for the federal Student Support and Academic Enrichment grant.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$2,203,210
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,203,210

Learning Systems Team Z081

Initiative: Provides funding for the federal English Language Acquisition State Grant.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$126,621
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$126,621

Learning Systems Team Z081

Initiative: Provides funding for the federal so-called Title I, Part A grants to local education agencies.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$8,385,887
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$8,385,887

Learning Systems Team Z081

Initiative: Reduces funding to align allocations with projected available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	(\$7,085,705)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$7,085,705)

Learning Systems Team Z081

Initiative: Provides funding for the approved reorganization of one Education Specialist III position to a State Education Representative position and transfers All Other to Personal Services to fund the reorganization.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$7,710
All Other	\$0	(\$7,710)
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

Maine School Safety Center Z293

Initiative: Transfers funding for restorative practices from the School and Student Supports program to the Maine School Safety Center program to align funding with the appropriate program.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$700,000
GENERAL FUND TOTAL	\$0	\$700,000

Maine School Safety Center Z293

Initiative: Establishes one limited-period Public Service Coordinator II position to train public safety professionals and first responders and reduces All Other funding to fund the position. This position ends on June 30, 2025.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$125,951
All Other	\$0	(\$125,951)
GENERAL FUND TOTAL	\$0	\$0

Office of Innovation Z333

Initiative: Transfers 2 State Education Representative positions and related All Other costs from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND	2023-24	2024-25

POSITIONS -	0.000	(2.000)
LEGISLATIVE COUNT		
Personal Services	\$0	(\$250,728)
All Other	\$0	(\$20,000)

GENERAL FUND TOTAL	\$0	(\$270,728)
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Office of Innovation Z333

Initiative: Transfers one Public Service Manager III position, one Education Specialist III position and funding for All Other costs related to the early learning team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND	2023-24	2024-25
POSITIONS -	0.000	(2.000)
LEGISLATIVE COUNT		
Personal Services	\$0	(\$286,481)
All Other	\$0	(\$50,000)

GENERAL FUND TOTAL	\$0	(\$336,481)
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Office of Innovation Z333

Initiative: Transfers one Public Service Manager II position, 5 Interdisciplinary Instruction Specialist positions and All Other funding for the interdisciplinary instruction team from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND	2023-24	2024-25
POSITIONS -	0.000	(6.000)
LEGISLATIVE COUNT		
Personal Services	\$0	(\$748,456)
All Other	\$0	(\$82,720)

GENERAL FUND TOTAL	\$0	(\$831,176)
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Office of Innovation Z333

Initiative: Transfers one Public Service Manager III position and related All Other costs from the General Purpose Aid for Local Schools program to the Innovative Teaching and Learning program within the same fund. This initiative also transfers one Education Specialist III position and one Office Specialist I position and related All Other costs from the Office of Innovation program to the Innovative Teaching and Learning program within the same fund.

GENERAL FUND	2023-24	2024-25
POSITIONS -	0.000	(2.000)
LEGISLATIVE COUNT		
Personal Services	\$0	(\$199,908)
All Other	\$0	(\$18,860)

GENERAL FUND TOTAL	\$0	(\$218,768)
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Office of Innovation Z333

Initiative: Provides funding for the proposed reorganization of one Public Service Executive II position from range 35 to range 38.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$9,640

GENERAL FUND TOTAL	\$0	\$9,640
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Office of Workforce Development and Innovative Pathways Z334

Initiative: Transfers 3 Education Specialist III positions, one Public Service Manager I position and All Other funding for career and technical education from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program within the same fund.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS -	0.000	4.000
LEGISLATIVE COUNT		
Personal Services	\$0	\$499,628
All Other	\$0	\$6,739,502

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$7,239,130
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Office of Workforce Development and Innovative Pathways Z334

Initiative: Transfers funding for the George Briggs fund from the Learning Systems Team program to the Office of Workforce Development and Innovative Pathways program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$54,640

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$54,640
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Office of Workforce Development and Innovative Pathways Z334

Initiative: Allocates funds to provide career exploration services targeted to high school students.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,500,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,500,000
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Preschool Special Education Z399

Initiative: Provides funding to establish the Preschool Special Education program supporting special education and related services for preschool children 3 to 5 years of age.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$9,000,000

GENERAL FUND TOTAL	\$0	\$9,000,000
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School and Student Supports Z270

Initiative: Transfers funding for restorative practices from the School and Student Supports program to the Maine School Safety Center program to align funding with the appropriate program.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$700,000)
GENERAL FUND TOTAL	\$0	(\$700,000)

School and Student Supports Z270

Initiative: Reallocates the cost of one State Education Representative position from 100% Federal Block Grant Fund to 70% Federal Block Grant Fund and 30% General Fund within the same program and reallocates the cost of one State Education Representative position from 88% Federal Block Grant Fund and 12% Federal Expenditures Fund to 70% Federal Block Grant Fund, 12% Federal Expenditures Fund and 18% General Fund within the same program. This initiative also reduces related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$61,459
GENERAL FUND TOTAL	\$0	\$61,459

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
Personal Services	\$0	(\$61,459)
All Other	\$0	(\$29,437)
FEDERAL BLOCK GRANT FUND TOTAL	\$0	(\$90,896)

School Finance and Operations Z078

Initiative: Provides funding for the federal Statewide Longitudinal Data Systems grant.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,049,886
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,049,886

School Finance and Operations Z078

Initiative: Provides funding for the federal Farm to School grant.

FEDERAL EXPENDITURES FUND - ARP	2023-24	2024-25
All Other	\$0	\$698,955
FEDERAL EXPENDITURES FUND - ARP TOTAL	\$0	\$698,955

School Finance and Operations Z078

Initiative: Provides funding for the approved reclassification of one Office Specialist I position to a Management Analyst II position and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$9,437
All Other	\$0	\$268

FEDERAL EXPENDITURES	\$0	\$9,705
FUND TOTAL		

School Finance and Operations Z078

Initiative: Provides funding for the approved reorganization of one Office Associate II position to a Management Analyst II position and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$8,247
All Other	\$0	\$234
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$8,481

School Finance and Operations Z078

Initiative: Provides one-time funding for the approved reclassification of one Office Specialist I position to a Management Analyst II position, retroactive to August 31, 2022.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$10,300
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$10,300

School Finance and Operations Z078

Initiative: Provides one-time funding for the approved reorganization of one Office Associate II position to a Management Analyst II position.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$1,313
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,313

Special Services Team Z080

Initiative: Provides funding for the approved reclassification of one Public Service Executive II position from range 34 to range 35.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$6,364
All Other	\$0	\$180
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$6,544

Special Services Team Z080

Initiative: Provides one-time funding for the approved reclassification of one Public Service Executive II position from range 34 to range 35, retroactive to July 18, 2022.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$10,969

FEDERAL EXPENDITURES	\$0	\$10,969
FUND TOTAL		

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$38,889,743
FEDERAL	\$0	\$8,679,833
EXPENDITURES FUND		
OTHER SPECIAL	\$0	\$12,529,927
REVENUE FUNDS		
FEDERAL BLOCK	\$0	(\$90,896)
GRANT FUND		
FEDERAL	\$0	\$698,955
EXPENDITURES FUND - ARP		
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$60,707,562

Sec. A-11. Appropriations and allocations. The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Administration - Environmental Protection 0251

Initiative: Provides funding for the approved reclassification of one Senior Planner position to a Policy Development Specialist position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$21,044
GENERAL FUND TOTAL	\$0	\$21,044

Administration - Environmental Protection 0251

Initiative: Provides funding for the approved reorganization of one Office Associate I position to an Office Associate II position and transfers All Other to Personal Services to fund the reorganization.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$3,267
All Other	\$0	(\$3,267)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Administration - Environmental Protection 0251

Initiative: Provides one-time funding for the approved reclassification of one Senior Planner position to a Policy Development Specialist position, retroactive to December 14, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$25,700
GENERAL FUND TOTAL	\$0	\$25,700

**Coastal Sand Dune Restoration and Protection
Fund Z402**

Initiative: Provides funding to support projects meeting specific criteria for restoration, protection and enhancement to sand dune systems in the State.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000

Land Resources Z188

Initiative: Provides funding for the approved reorganization of one Environmental Licensing Specialist I position to an Assistant Environmental Engineer position and transfers All Other to Personal Services to fund the reorganization.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$6,907
All Other	\$0	(\$6,907)
GENERAL FUND TOTAL	\$0	\$0

Maine Environmental Protection Fund 0421

Initiative: Provides funding in the Maine Environmental Protection Fund program for the Cost and Carbon Efficient Technology Fund established in Public Law 2023, chapter 482.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Maine Environmental Protection Fund 0421

Initiative: Provides funding for the approved reclassification of one Environmental Specialist II position to an Environmental Specialist III position. This initiative also provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$6,720
All Other	\$0	\$247
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,967

Maine Environmental Protection Fund 0421

Initiative: Provides one-time funding for the approved reclassification of one Environmental Specialist II position to an Environmental Specialist III position, retroactive to July 1, 2022. This initiative also provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$7,131
All Other	\$0	\$265

OTHER SPECIAL REVENUE	\$0	\$7,396
FUNDS TOTAL		

Remediation and Waste Management 0247

Initiative: Provides funding to align allocations with projected available resources in the Remediation and Waste Management program.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,381,182

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,381,182
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Water Quality 0248

Initiative: Provides funding to align allocations with projected available resources in the Water Quality program.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$866,529

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$866,529
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ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	\$46,744
FEDERAL EXPENDITURES FUND	\$0	\$2,247,711
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,014,863

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,309,318
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Sec. A-12. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

GOPIF - Community Resilience Partnership Z376

Initiative: Provides funding for grants and technical assistance to Maine municipalities and tribes for climate planning and actions, including adaptation and resilience projects, as well as emissions reduction initiatives, including clean energy and energy efficiency projects.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$5,000,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,000,000
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Governor's Energy Office Z122

Initiative: Continues and makes permanent one Public Service Coordinator II position previously established

by Financial Order CV0685 F4 to support workforce development initiatives and related grant management, programming, communications, external engagement and other initiatives for the Governor's Energy Office.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$140,645

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$140,645
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Governor's Energy Office Z122

Initiative: Continues and makes permanent one Public Service Coordinator II position, previously continued by Public Law 2023, chapter 17, to advance grid modernization efforts as well as coordinate programs related to the federal Infrastructure Investment and Jobs Act and transfers the position from Other Special Revenue Funds to the Federal Expenditures Fund within the same program on November 25, 2024.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$87,567

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$87,567
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Governor's Energy Office Z122

Initiative: Continues and makes permanent one Public Service Coordinator II position previously continued by Financial Order CV0592 F4 to manage industry and higher education sector engagement and transfers the position from the Federal Expenditures Fund - ARP State Fiscal Recovery to the Federal Expenditures Fund within the same program on December 31, 2024.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$72,172

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$72,172
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY

Personal Services	\$0	\$72,172
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FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$72,172
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Governor's Energy Office Z122

Initiative: Provides funding to align allocation with projected available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,357,028
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,357,028

Office of New Americans Z398

Initiative: Establishes one Public Service Coordinator II position and one Public Service Executive I position and provides funding for related All Other costs to support the Office of New Americans program.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
Personal Services	\$0	\$275,454
All Other	\$0	\$24,546
GENERAL FUND TOTAL	\$0	\$300,000

Office of New Americans Z398

Initiative: Provides allocation in the Office of New Americans program.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$500

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

Public Advocate 0410

Initiative: Continues and makes permanent one Senior Counsel position previously continued by Financial Order 002871 F4.

OTHER SPECIAL REVENUE FUNDS POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
Personal Services	\$0	\$196,918
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$196,918

EXECUTIVE DEPARTMENT DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$300,000
FEDERAL EXPENDITURES FUND	\$0	\$1,657,912
OTHER SPECIAL REVENUE FUNDS	\$0	\$5,197,418

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	\$0	\$72,172
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$7,227,502
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Sec. A-13. Appropriations and allocations. The following appropriations and allocations are made.

FINANCE AUTHORITY OF MAINE

Dairy Improvement Fund Z143

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$3,130)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$3,130)

Dairy Improvement Fund Z143

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,125
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,125

FINANCE AUTHORITY OF MAINE

DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	(\$1,005)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$1,005)

Sec. A-14. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Child Care Services 0563

Initiative: Continues one limited-period Social Services Program Manager position and one limited-period Developmental Disabilities Resources Coordinator position previously continued by Financial Order 002884 F4 and 3 limited-period Social Services Program Specialist II positions established by Financial Order 002911 F4 through March 30, 2026 and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$577,727
All Other	\$0	\$60,994
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$638,721

Child Care Services 0563

Initiative: Provides one-time funding for technology enhancements necessary to implementing the eligibility changes for child care subsidies in the Maine Child Care Affordability Program under Public Law 2023, chapter 412, Part VVV.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,500,000
GENERAL FUND TOTAL	\$0	\$1,500,000

Child Care Services 0563

Initiative: Provides one-time allocation for child care stability grants.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$11,772,649
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$11,772,649

Data, Research and Vital Statistics Z037

Initiative: Provides funding for the approved reorganization of one Director Division Data and Research position to a Public Service Manager II position in the Data, Research and Vital Statistics program, General Fund.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$8,725
GENERAL FUND TOTAL	\$0	\$8,725

Department of Health and Human Services Central Operations 0142

Initiative: Provides funding for the approved reorganization of 7 Office Assistant II positions and one Office Associate I position in the Department of Health and Human Services Central Operations program, 4 Office Assistant II positions in the Office for Family Independence - District program and 2 Office Assistant II positions in the Office of Child and Family Services - District program to Office Associate II positions and also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$16,802
GENERAL FUND TOTAL	\$0	\$16,802

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$9,446
All Other	\$0	\$232

OTHER SPECIAL REVENUE	\$0	\$9,678
FUNDS TOTAL		

Developmental Services - Community Z208

Initiative: Transfers 36 positions between the Office of Aging and Disability Services Central Office program, Office of Aging and Disability Services Adult Protective Services program and Developmental Services - Community program within the Office of Aging and Disability Services to align the duties being performed with the proper funding source. This initiative also adjusts funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(32.000)
Personal Services	\$0	(\$3,335,327)
All Other	\$0	(\$217,216)
GENERAL FUND TOTAL	\$0	(\$3,552,543)

Developmental Services Waiver - MaineCare Z211

Initiative: Provides funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$127,084)
GENERAL FUND TOTAL	\$0	(\$127,084)

Developmental Services Waiver - MaineCare Z211

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,348,026
GENERAL FUND TOTAL	\$0	\$2,348,026

Developmental Services Waiver - MaineCare Z211

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$16,997,086
GENERAL FUND TOTAL	\$0	\$16,997,086

Developmental Services Waiver - MaineCare Z211

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$16,997,086)
GENERAL FUND TOTAL	\$0	(\$16,997,086)

Developmental Services Waiver - MaineCare Z211

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$303,424
GENERAL FUND TOTAL	\$0	\$303,424

Developmental Services Waiver - MaineCare Z211

Initiative: Adjusts funding one-time in various MaineCare general Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$606,848
GENERAL FUND TOTAL	\$0	\$606,848

Developmental Services Waiver - MaineCare Z211

Initiative: Provides one-time funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$121,703)
GENERAL FUND TOTAL	\$0	(\$121,703)

Developmental Services Waiver - Supports Z212

Initiative: Provides funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$329,066
GENERAL FUND TOTAL	\$0	\$329,066

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$605,597
GENERAL FUND TOTAL	\$0	\$605,597

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding in the Medicaid dedicated tax accounts and the corresponding General Fund accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$3,854)
GENERAL FUND TOTAL	\$0	(\$3,854)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$3,854

OTHER SPECIAL REVENUE	\$0	\$3,854
FUNDS TOTAL		

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$623,725
GENERAL FUND TOTAL	\$0	\$623,725

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$623,725)
GENERAL FUND TOTAL	\$0	(\$623,725)

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$9,865)
GENERAL FUND TOTAL	\$0	(\$9,865)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$21,000

OTHER SPECIAL REVENUE	\$0	\$21,000
FUNDS TOTAL		

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding one time in the General Fund accounts that correspond to the Medicaid dedicated tax accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$3,854)
GENERAL FUND TOTAL	\$0	(\$3,854)

Developmental Services Waiver - Supports Z212

Initiative: Adjusts funding one time in various MaineCare General Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,269
GENERAL FUND TOTAL	\$0	\$1,269

Developmental Services Waiver - Supports Z212

Initiative: Provides one-time funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$315,134
GENERAL FUND TOTAL	\$0	\$315,134

Disability Determination - Division of 0208

Initiative: Provides funding for the approved range change of 6 Disability Claims Supervisor positions from range 24 to range 26. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$42,256
All Other	\$0	\$1,036
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$43,292

Disability Determination - Division of 0208

Initiative: Provides funding for the approved range change of 46 Disability Claims Adjudicator positions from range 23 to range 25. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$336,754
All Other	\$0	\$8,254
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$345,008

Disproportionate Share - Dorothea Dix Psychiatric Center Z225

Initiative: Provides one-time funding to replace the 2nd floor windows in the so-called B building at the Dorothea Dix Psychiatric Center.

GENERAL FUND	2023-24	2024-25
Capital Expenditures	\$0	\$496,411
GENERAL FUND TOTAL	\$0	\$496,411

Disproportionate Share - Dorothea Dix Psychiatric Center Z225

Initiative: Adjusts funding for positions in the Dorothea Dix Psychiatric Center as a result of the decrease in the 2025 Federal Medical Assistance Percentage. The blended rate is 62.21% Federal Expenditures Fund and 37.79% General Fund in fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$125,160
GENERAL FUND TOTAL	\$0	\$125,160

Disproportionate Share - Dorothea Dix Psychiatric Center Z225

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Specialist I position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,228
GENERAL FUND TOTAL	\$0	\$3,228

Disproportionate Share - Dorothea Dix Psychiatric Center Z225

Initiative: Provides one-time funding for the approved reclassification of one Office Assistant II position to an Office Specialist I position, retroactive to April 22, 2019.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$15,127
GENERAL FUND TOTAL	\$0	\$15,127

Disproportionate Share - Riverview Psychiatric Center Z220

Initiative: Adjusts funding for positions in the Riverview Psychiatric Center as a result of the decrease in the 2025 Federal Medical Assistance Percentage. The blended rate is 62.21% Federal Expenditures Fund and 37.79% General Fund in fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$162,718
GENERAL FUND TOTAL	\$0	\$162,718

Division of Licensing and Certification Z036

Initiative: Provides funding in various programs to align allocation with available resources.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$819,608
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$819,608

Dorothea Dix Psychiatric Center Z222

Initiative: Adjusts funding for positions in the Dorothea Dix Psychiatric Center as a result of the decrease in the 2025 Federal Medical Assistance Percentage. The blended rate is 62.21% Federal Expenditures Fund and 37.79% General Fund in fiscal year 2024-25.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$125,160)
All Other	\$0	(\$3,842)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$129,002)

Dorothea Dix Psychiatric Center Z222

Initiative: Provides funding for the approved reclassification of one Office Assistant II position to an Office Specialist I position.

Specialist I position. This initiative also provides one-time funding for a retroactive payment.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$5,314
All Other	\$0	\$164
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,478

Drinking Water Enforcement 0728

Initiative: Adjusts funding between the Maine Center for Disease Control and Prevention program, Other Special Revenue Funds and the Drinking Water Enforcement program, Other Special Revenue Funds to correct an error in Public Law 2023, chapter 412.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$17,262)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$17,262)

Food Supplement Administration Z019

Initiative: Provides funding for state-funded Supplemental Nutrition Assistance Program benefits within the Food Supplement Administration program, General Fund.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$5,400,000
GENERAL FUND TOTAL	\$0	\$5,400,000

Food Supplement Administration Z019

Initiative: Provides funding in the Food Supplement Administration program, Federal Expenditures Fund to align allocations with available resources for the Supplemental Nutrition Assistance Program summer electronic benefit transfer program.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$11,765,298
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$11,765,298

Forensic Services Z203

Initiative: Provides funding for the approved reorganization of one Psychiatric Social Worker II position to a Social Services Program Specialist II position to more accurately reflect the needs of the State Forensic Service and the duties to be assigned.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,350
GENERAL FUND TOTAL	\$0	\$4,350

General Assistance - Reimbursement to Cities and Towns 0130

Initiative: Provides additional one-time funding in tandem with programmatic reforms in order to support the substantial new demand for the General Assistance - Reimbursement to Cities and Towns program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$10,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,000,000

Head Start 0545

Initiative: Provides one-time allocation for child care stability grants.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,134,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,134,000

Low-cost Drugs To Maine's Elderly 0202

Initiative: Provides funding for the increase in so-called clawback payments beginning January 1, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$403,438
GENERAL FUND TOTAL	\$0	\$403,438

Low-cost Drugs To Maine's Elderly 0202

Initiative: Provides one-time funding for the increase in so-called clawback payments beginning January 1, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$167,630
GENERAL FUND TOTAL	\$0	\$167,630

Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding for the approved reorganization of one Social Services Program Specialist II position to a Health Program Manager position in the Maine Center for Disease Control and Prevention program. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,449
GENERAL FUND TOTAL	\$0	\$3,449

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$3,446
All Other	\$0	\$85
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,531

Maine Center for Disease Control and Prevention 0143

Initiative: Adjusts funding between the Maine Center for Disease Control and Prevention program, Other Special Revenue Funds and the Drinking Water Enforcement program, Other Special Revenue Funds to correct an error in Public Law 2023, chapter 412.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$17,262
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$17,262

Maine Center for Disease Control and Prevention 0143

Initiative: Transfers 3 Comprehensive Health Planner I positions, 2 Comprehensive Health Planner II positions, one Senior Health Program Manager position, one Senior Staff Accountant position and one Office Associate I position between accounts within the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund. This initiative also adjusts All Other funding between accounts within the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to ensure expenditures are reflected in the appropriate account.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	0.000
Personal Services	\$0	\$0
All Other	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

Maine Center for Disease Control and Prevention 0143

Initiative: Transfers one limited-period Social Services Program Specialist II position from the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to the Maternal and Child Health program, Federal Expenditures Fund and adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	(\$106,666)
All Other	\$0	(\$9,606)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$116,272)

Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding for opioid abatement through harm reduction, treatment, prevention and recovery support in accordance with the approved uses in

the Maine State-Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds-2023.

MAINE RECOVERY FUND	2023-24	2024-25
All Other	\$0	\$1,350,000
MAINE RECOVERY FUND TOTAL	\$0	\$1,350,000

Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding in the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to align allocation with available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$3,660,938
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,660,938

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding for retroactive payment related to the reclassification of one Chemist II position to a Chemist III position approved in Public Law 2023, chapter 17.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,826
GENERAL FUND TOTAL	\$0	\$3,826

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$2,334
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,334

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding for retroactive payment related to the reclassification of one Planning and Research Associate II position to a Comprehensive Health Planner II position approved in Public Law 2023, chapter 17.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,212
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,212

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding for retroactive payment related to the reclassification of one Chemist I position to a Chemist II position approved in Public Law 2023, chapter 17.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,165
GENERAL FUND TOTAL	\$0	\$5,165
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$3,150
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,150

Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding for the approved reclassification of one Comprehensive Health Planner I position to a Comprehensive Health Planner II position funded 50% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund and 50% Maternal and Child Health program, Federal Block Grant Fund and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,654
All Other	\$0	\$139
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,793

Maine Center for Disease Control and Prevention 0143

Initiative: Provides funding for the approved reclassification of one Office Associate II position to a Planning and Research Associate I position and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$8,470
All Other	\$0	\$208
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$8,678

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding for the Department of Health and Human Services to support federally qualified health centers in developing and expanding pharmacy services and access to affordably priced prescription drugs for the patients of such health centers.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$4,000,000
GENERAL FUND TOTAL	\$0	\$4,000,000

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding for the approved reclassification of one Comprehensive Health Planner I

position to a Comprehensive Health Planner II position, retroactive to April 9, 2021, funded 50% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund and 50% Maternal and Child Health program, Federal Block Grant Fund and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$18,978
GENERAL FUND TOTAL	\$0	\$18,978

Maine Center for Disease Control and Prevention 0143

Initiative: Provides one-time funding for the approved reclassification of one Office Associate II position to a Planning and Research Associate I position, retroactive to November 8, 2019, and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,985
GENERAL FUND TOTAL	\$0	\$4,985

Maine Center for Disease Control and Prevention 0143

Initiative: Establishes one limited-period Comprehensive Health Planner II position and one limited-period Management Analyst II position to administer the grants and monitor the finances of the program to support access to pharmacy services and affordably priced prescription drugs to residents of the State in rural and underserved communities through June 17, 2025.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$208,549
All Other	\$0	\$13,074
GENERAL FUND TOTAL	\$0	\$221,623

Maternal and Child Health 0191

Initiative: Continues one limited-period Comprehensive Health Planner I position, previously continued by Public Law 2023, chapter 17, through June 12, 2027 and provides funding for related All Other costs. This initiative also effectively transfers the position from the Office of MaineCare Services program, Federal Expenditures Fund to the Maternal and Child Health program, Federal Block Grant Fund effective January 1, 2025 and reduces All Other funding in the Maternal and Child Health program, Federal Block Grant Fund to fund a portion of the position.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$15,876
All Other	\$0	\$1,780
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$17,656

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
Personal Services	\$0	\$23,812
All Other	\$0	(\$23,812)
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$0

Maternal and Child Health 0191

Initiative: Transfers one limited-period Social Services Program Specialist II position from the Maine Center for Disease Control and Prevention program, Federal Expenditures Fund to the Maternal and Child Health program, Federal Expenditures Fund and adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$106,666
All Other	\$0	\$9,606
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$116,272

Maternal and Child Health 0191

Initiative: Provides Federal Expenditures Fund and Federal Block Grant Fund allocation to align with available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,500,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,500,000

Maternal and Child Health 0191

Initiative: Provides funding for the approved reclassification of one Comprehensive Health Planner I position to a Comprehensive Health Planner II position, retroactive to April 9, 2021, funded 50% Maine Center for Disease Control and Prevention program, Federal Expenditures Fund and 50% Maternal and Child Health program, Federal Block Grant Fund and provides funding for related All Other costs. This initiative also provides funding for a one-time retroactive payment in the Maine Center for Disease Control and Prevention program, General Fund.

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
Personal Services	\$0	\$5,654
All Other	\$0	\$139
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$5,793

Medicaid Services - Developmental Services Z210

Initiative: Provides funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual,

Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$935,811
GENERAL FUND TOTAL	\$0	\$935,811

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$443,037
GENERAL FUND TOTAL	\$0	\$443,037

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding in the Medicaid dedicated tax accounts and the corresponding General Fund accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$228,675)
GENERAL FUND TOTAL	\$0	(\$228,675)

OTHER SPECIAL REVENUE FUNDS

	2023-24	2024-25
All Other	\$0	\$5,675
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,675

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$929,003
GENERAL FUND TOTAL	\$0	\$929,003

OTHER SPECIAL REVENUE FUNDS

	2023-24	2024-25
All Other	\$0	(\$19,371,502)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$19,371,502)

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$929,003)

GENERAL FUND TOTAL	\$0	(\$929,003)
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$19,371,502
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$19,371,502

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$445,643)
GENERAL FUND TOTAL	\$0	(\$445,643)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$283,584)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$283,584)

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding one time in the General Fund accounts that correspond to the Medicaid dedicated tax accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$228,675)
GENERAL FUND TOTAL	\$0	(\$228,675)

Medicaid Services - Developmental Services Z210

Initiative: Adjusts funding one time in various MaineCare General Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$471,286)
GENERAL FUND TOTAL	\$0	(\$471,286)

Medicaid Services - Developmental Services Z210

Initiative: Provides one-time funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$925,001
GENERAL FUND TOTAL	\$0	\$925,001

Medicaid Waiver for Brain Injury Residential /Community Serv Z218

Initiative: Provides funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$138,767
GENERAL FUND TOTAL	\$0	\$138,767

Medicaid Waiver for Brain Injury Residential /Community Serv Z218

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$110,075
GENERAL FUND TOTAL	\$0	\$110,075

Medicaid Waiver for Brain Injury Residential /Community Serv Z218

Initiative: Provides one-time funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$132,892
GENERAL FUND TOTAL	\$0	\$132,892

Medicaid Waiver for Other Related Conditions Z217

Initiative: Provides funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,898
GENERAL FUND TOTAL	\$0	\$1,898

Medicaid Waiver for Other Related Conditions Z217

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$46,715
GENERAL FUND TOTAL	\$0	\$46,715

Medicaid Waiver for Other Related Conditions Z217

Initiative: Provides one-time funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,817
GENERAL FUND TOTAL	\$0	\$1,817

Medical Care - Payments to Providers 0147

Initiative: Provides funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
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All Other	\$0	\$299,179
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$299,179</u>
FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$5,029,181
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$5,029,181</u>
FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	(\$95,040)
FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$95,040)</u>

Medical Care - Payments to Providers 0147

Initiative: Provides funding for annual cost-of-living increases per Public Law 2021, chapter 639 related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 2, 13, 17, 26, 28, 65 and 92.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$5,938,263
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$5,938,263</u>
FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$11,097,270
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$11,097,270</u>
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$137,478
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$137,478</u>
FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$386,382
FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>\$386,382</u>

Medical Care - Payments to Providers 0147

Initiative: Provides funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$501,364
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$501,364</u>

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$921,332
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$921,332</u>
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$58,307
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$58,307</u>

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$8,940,537
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$8,940,537</u>
FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	(\$14,214,961)
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>(\$14,214,961)</u>
FUND FOR A HEALTHY MAINE	2023-24	2024-25
All Other	\$0	\$377,244
FUND FOR A HEALTHY MAINE TOTAL	<u>\$0</u>	<u>\$377,244</u>
FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	(\$19,261)
FEDERAL BLOCK GRANT FUND TOTAL	<u>\$0</u>	<u>(\$19,261)</u>

Medical Care - Payments to Providers 0147

Initiative: Provides funding for prospective interim payments for critical access hospitals.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,800,012
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,800,012</u>
FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$3,617,093
FEDERAL EXPENDITURES FUND TOTAL	<u>\$0</u>	<u>\$3,617,093</u>
FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$126,395

FEDERAL BLOCK GRANT	\$0	\$126,395
FUND TOTAL		

Medical Care - Payments to Providers 0147

Initiative: Provides funding to increase rates for services that the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services categorizes as family planning to 100% of Medicare and, for non-Medicare long-acting reversible contraception, to the average wholesale acquisition cost.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$78,710
GENERAL FUND TOTAL	\$0	\$78,710

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$708,388
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$708,388

Medical Care - Payments to Providers 0147

Initiative: Provides funding for a new comprehensive foster child assessment service in the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 23 pursuant to Public Law 2019, chapter 162.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$339,478
GENERAL FUND TOTAL	\$0	\$339,478

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$543,013
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$543,013

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$26,750
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$26,750

Medical Care - Payments to Providers 0147

Initiative: Provides funding for new mobile crisis rates and services to be included in the MaineCare Benefits Manual beginning January 1, 2025. This is a preliminary estimate for 6 months and will be annualized in fiscal year 2025-26 and updated in future years, as needed, once actual rates are finalized and utilization of these services is more certain.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$633,034
GENERAL FUND TOTAL	\$0	\$633,034

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,879,789

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,879,789
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FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$289,070

FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$289,070
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Medical Care - Payments to Providers 0147

Initiative: Adjusts funding in the Medical Care - Payments to Providers program between the General Fund and Other Special Revenue Funds due to rebasing the hospital tax year from fiscal year 2019-20 to 2021-22, updating the tax rate applied to acute care hospitals from 2.23% to 3.25% and eliminating the hospital tax for critical access hospitals.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$29,472,420)
GENERAL FUND TOTAL	\$0	(\$29,472,420)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$29,472,420

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$29,472,420
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Medical Care - Payments to Providers 0147

Initiative: Provides funding for further reimbursement reform for hospitals, related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 45, to improve the transparency and accountability of hospital reimbursement and to align reimbursement with the cost, quality and value of services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$24,990,019
GENERAL FUND TOTAL	\$0	\$24,990,019

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$65,309,981

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$65,309,981
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Medical Care - Payments to Providers 0147

Initiative: Provides funding for the increase in so-called clawback payments beginning January 1, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$12,568,858

GENERAL FUND TOTAL	\$0	\$12,568,858
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Medical Care - Payments to Providers 0147

Initiative: Reduces funding one-time due to the delay of the effective date of the income eligibility limit expansion, from 150% to 185% of the federal poverty level, for qualified Medicare beneficiaries to July 1, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$2,273,040)
GENERAL FUND TOTAL	\$0	(\$2,273,040)
FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	(\$5,374,707)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$5,374,707)

Medical Care - Payments to Providers 0147

Initiative: Provides ongoing funding for broader reimbursement reform for hospitals, including for an acute care hospital transitioning from cost reimbursement to a diagnosis-related group reimbursement methodology for inpatient care, under Chapter III, Section 45 of the department's rule Chapter 101: MaineCare Benefits Manual to improve the transparency and accountability of hospital reimbursement and to better align reimbursement with the cost, quality and value of services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$8,771,119
GENERAL FUND TOTAL	\$0	\$8,771,119
FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$19,495,417
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$19,495,417
FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$320,281
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$320,281

Medical Care - Payments to Providers 0147

Initiative: Eliminates one-time funding authorized in Public Law 2023, chapter 412 for broader reimbursement reform for acute care hospitals under Chapter III, Section 45 of the department's rule Chapter 101: MaineCare Benefits Manual to improve the transparency and accountability of hospital reimbursement and to align reimbursement with the cost, quality and value of services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$6,271,119)
GENERAL FUND TOTAL	\$0	(\$6,271,119)

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	(\$15,962,985)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$15,962,985)

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	(\$265,896)
FEDERAL BLOCK GRANT FUND TOTAL	\$0	(\$265,896)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,151,264
GENERAL FUND TOTAL	\$0	\$3,151,264

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	(\$15,221,316)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$15,221,316)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$12,456,722)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$12,456,722)

Medical Care - Payments to Providers 0147

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$3,151,264)
GENERAL FUND TOTAL	\$0	(\$3,151,264)

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$15,221,316
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$15,221,316

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$12,456,722
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$12,456,722

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for unexpected pharmacy costs due to the 3rd-party cybersecurity-related disruption of the MaineCare pharmacy system that started on February 21, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$5,500,000
GENERAL FUND TOTAL	\$0	\$5,500,000

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$15,230,260
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$15,230,260

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for a supplemental payment to the Maine Veterans' Homes for MaineCare residents.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$922,940
GENERAL FUND TOTAL	\$0	\$922,940

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,840,881
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,840,881

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$264,886
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$264,886

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for annual cost-of-living increases per Public Law 2021, chapter 639 related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 2, 13, 17, 26, 28, 65 and 92.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,040,095
GENERAL FUND TOTAL	\$0	\$2,040,095

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
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All Other	\$0	\$436,541
GENERAL FUND TOTAL	\$0	\$436,541

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for nonemergency medical transportation due to increased broker rates.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$307,149
GENERAL FUND TOTAL	\$0	\$307,149

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for prospective interim payments for critical access hospitals.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,200,001
GENERAL FUND TOTAL	\$0	\$1,200,001

Medical Care - Payments to Providers 0147

Initiative: Provides one-time funding for the increase in so-called clawback payments beginning January 1, 2024.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$5,222,410
GENERAL FUND TOTAL	\$0	\$5,222,410

Mental Health Services - Child Medicaid Z207

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$499,963
GENERAL FUND TOTAL	\$0	\$499,963

Mental Health Services - Child Medicaid Z207

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$821,688
GENERAL FUND TOTAL	\$0	\$821,688

Mental Health Services - Child Medicaid Z207

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$821,688)
GENERAL FUND TOTAL	\$0	(\$821,688)

Mental Health Services - Child Medicaid Z207

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$14,668
GENERAL FUND TOTAL	\$0	\$14,668

Mental Health Services - Child Medicaid Z207

Initiative: Adjusts funding one time in various MaineCare General Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$29,337
GENERAL FUND TOTAL	\$0	\$29,337

Mental Health Services - Children Z206

Initiative: Establishes one Social Services Program Manager position to support so-called High Fidelity Wraparound services for children funded 50% Other Special Revenue Funds and 50% Federal Expenditures Fund in the Office of MaineCare Services program through March 31, 2025 and funded 50% Mental Health Services - Children's program, General Fund and 50% Office of MaineCare Services program, Federal Expenditures Fund beginning April 1, 2025. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$13,474
All Other	\$0	\$849
GENERAL FUND TOTAL	\$0	\$14,323

Mental Health Services - Children Z206

Initiative: Provides one-time funding for room and board, clothing, activities and respite to support the full implementation of the Treatment Foster Care Oregon program.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$407,515
GENERAL FUND TOTAL	\$0	\$407,515

Mental Health Services - Children Z206

Initiative: Provides funding to correct an error regarding funding in the establishment of one Comprehensive Health Planner II position in Public Law 2023, chapter 17 and transfers and reallocates the position from 50% General Fund in the Mental Health Services - Children's program and 50% Federal Expenditures Fund in the Office of MaineCare Services program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program. This initiative also adjusts funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
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POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$47,533)
All Other	\$0	(\$3,394)
GENERAL FUND TOTAL	\$0	(\$50,927)

Mental Health Services - Children Z206

Initiative: Provides one-time funding to correct an error regarding funding in the establishment of one Comprehensive Health Planner II position in Public Law 2023, chapter 17 and transfers and reallocates the position from 50% General Fund in the Mental Health Services - Children's program and 50% Federal Expenditures Fund in the Office of MaineCare Services program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program. This initiative also adjusts funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,464
GENERAL FUND TOTAL	\$0	\$4,464

Mental Health Services - Children Z206

Initiative: Provides a one-time appropriation for the Department of Health and Human Services to provide training to clinicians in assertive continuing care to facilitate the delivery of the evidence-based practice for potential expansion of services for the acute mental health needs of adolescents with co-occurring disorders.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
GENERAL FUND TOTAL	\$0	\$1,000,000

Mental Health Services - Community Z198

Initiative: Adjusts funding between accounts within the Mental Health Services - Community program, Federal Expenditures Fund to separate the continuum of care program into its own distinct account and provides additional funding to align allocation with available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$465,198
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$465,198

Mental Health Services - Community Z198

Initiative: Provides one-time funding to establish a behavioral health crisis receiving center in Lewiston open 24 hours per day, 7 days per week to support the long-term behavioral health needs of the community.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$950,000
GENERAL FUND TOTAL	\$0	\$950,000

Mental Health Services - Community Z198

Initiative: Provides ongoing funding to support a behavioral health crisis receiving center in Lewiston open 24 hours per day, 7 days per week to support the long-term behavioral health needs of the community.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$450,000
GENERAL FUND TOTAL	\$0	\$450,000

Mental Health Services - Community Z198

Initiative: Provides funding for required mental health assessments of foreseeable harm pursuant to Public Law 2019, chapter 411, commonly referred to as Maine's Yellow Flag Law.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$422,400
GENERAL FUND TOTAL	\$0	\$422,400

Mental Health Services - Community Z198

Initiative: Provides one-time funding for the startup and implementation costs for all mental health organizations participating in certified community behavioral health clinic projects that have previously been funded by federal grants from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,000,000
GENERAL FUND TOTAL	\$0	\$2,000,000

Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$681,661
GENERAL FUND TOTAL	\$0	\$681,661

Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding in the Medicaid dedicated tax accounts and the corresponding General Fund accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$407,526)
GENERAL FUND TOTAL	\$0	(\$407,526)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$407,526

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$407,526
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Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$5,765,413
GENERAL FUND TOTAL	\$0	\$5,765,413

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$5,765,413)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$5,765,413)
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Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$5,765,413)
GENERAL FUND TOTAL	\$0	(\$5,765,413)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$5,765,413

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,765,413
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Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$400,000)
GENERAL FUND TOTAL	\$0	(\$400,000)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$400,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$400,000
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Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding one-time in the General Fund accounts that correspond to the Medicaid dedicated tax accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$815,051)
GENERAL FUND TOTAL	\$0	(\$815,051)

Mental Health Services - Community Medicaid Z201

Initiative: Adjusts funding one time in various MaineCare General Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$800,000)
GENERAL FUND TOTAL	\$0	(\$800,000)

Nursing Facilities 0148

Initiative: Provides funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,040,320
GENERAL FUND TOTAL	\$0	\$1,040,320

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$3,564,173
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,564,173

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$196,349
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$196,349

Nursing Facilities 0148

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,373,392
GENERAL FUND TOTAL	\$0	\$2,373,392

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	(\$2,373,392)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$2,373,392)

Nursing Facilities 0148

Initiative: Provides funding to support nursing facility rate reform efforts beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$3,194,000
GENERAL FUND TOTAL	\$0	\$3,194,000

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$6,206,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$6,206,000

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$600,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$600,000

Nursing Facilities 0148

Initiative: Adjusts funding in the Medicaid dedicated tax accounts and the corresponding General Fund accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$830,366)
GENERAL FUND TOTAL	\$0	(\$830,366)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$830,366
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$830,366

Nursing Facilities 0148

Initiative: Provides one-time funding in the Nursing Facilities program, Other Special Revenue Funds to establish the Nursing Facility Reform Transition Fund to fund components of nursing facility rates starting January 1, 2025 to support a complete transition to the new payment system by calendar year 2028.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$45,170,859
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$45,170,859

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$27,614,927
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$27,614,927

Nursing Facilities 0148

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$2,500,000)

GENERAL FUND TOTAL	\$0	(\$2,500,000)
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,500,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,500,000
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Nursing Facilities 0148

Initiative: Provides one-time funding for a supplemental payment to Maine Veterans' Homes nursing facilities for MaineCare residents.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,792,478

GENERAL FUND TOTAL	\$0	\$2,792,478
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FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$5,569,834

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,569,834
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$533,765

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$533,765
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Nursing Facilities 0148

Initiative: Adjusts funding one time in the General Fund accounts that correspond to the Medicaid dedicated tax accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$830,366)

GENERAL FUND TOTAL	\$0	(\$830,366)
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Nursing Facilities 0148

Initiative: Adjusts funding one time in various MaineCare General Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$2,500,000)

GENERAL FUND TOTAL	\$0	(\$2,500,000)
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Nursing Facilities 0148

Initiative: Provides one-time funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits

Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,025,921

GENERAL FUND TOTAL	\$0	\$1,025,921
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Office for Family Independence Z020

Initiative: Provides funding in various programs to align allocation with available resources.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$512,255

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$512,255
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Office for Family Independence Z020

Initiative: Establishes one Public Service Coordinator II position funded 50% General Fund and 50% Other Special Revenue Funds in the Office for Family Independence program and provides funding for related All Other costs.

GENERAL FUND POSITIONS - LEGISLATIVE COUNCIL	2023-24	2024-25
Personal Services	0.000	1.000
All Other	\$0	\$65,012
	\$0	\$3,394

GENERAL FUND TOTAL	\$0	\$68,406
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$65,006
All Other	\$0	\$5,013

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$70,019
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Office for Family Independence - District 0453

Initiative: Provides funding for the approved reorganization of 7 Office Assistant II positions and one Office Associate I position in the Department of Health and Human Services Central Operations program, 4 Office Assistant II positions in the Office for Family Independence - District program and 2 Office Assistant II positions in the Office of Child and Family Services - District program to Office Associate II positions and also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,237

GENERAL FUND TOTAL	\$0	\$4,237
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$6,927
All Other	\$0	\$170

OTHER SPECIAL REVENUE \$0 \$7,097
FUNDS TOTAL

Office for Family Independence - District 0453

Initiative: Establishes 20 Eligibility Specialist positions, 3 Family Independence Unit Supervisor positions and one Program Administrator Family Independence position funded 62.1% Other Special Revenue Funds and 37.9% General Fund in the Office for Family Independence - District program and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$814,283
All Other	\$0	\$63,916
GENERAL FUND TOTAL	\$0	\$878,199

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	24.000
Personal Services	\$0	\$1,334,280
All Other	\$0	\$146,093

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$1,480,373

Office of Aging and Disability Services Adult Protective Services Z040

Initiative: Transfers 36 positions between the Office of Aging and Disability Services Central Office program, Office of Aging and Disability Services Adult Protective Services program and Developmental Services - Community program within the Office of Aging and Disability Services to align the duties being performed with the proper funding source. This initiative also adjusts funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	7.000
Personal Services	\$0	\$533,501
All Other	\$0	\$47,516
GENERAL FUND TOTAL	\$0	\$581,017

Office of Aging and Disability Services Adult Protective Services Z040

Initiative: Reallocates 98 Human Services Caseworker positions, 15 Human Services Casework Supervisor positions and 4 Public Service Manager II positions from 100% General Fund to 90% General Fund and 10% Other Special Revenue Funds in the Office of Aging and Disability Services Adult Protective Services program and one Human Services Casework Supervisor position from 83% General Fund in the Office of Aging and Disability Services Adult Protective Services program and 17% Federal Expenditures Fund in the Office of MaineCare Services program to 90% General Fund and 10% Other Special Revenue Funds in the Office of

Aging and Disability Services Adult Protective Services program. This initiative also adjusts funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	(\$1,223,726)
All Other	\$0	(\$78,944)
GENERAL FUND TOTAL	\$0	(\$1,302,670)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,243,555
All Other	\$0	\$112,541

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$1,356,096

Office of Aging and Disability Services Central Office 0140

Initiative: Provides Federal Expenditures Fund and Federal Block Grant Fund allocation to align with available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$2,500,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,500,000

Office of Aging and Disability Services Central Office 0140

Initiative: Transfers 36 positions between the Office of Aging and Disability Services Central Office program, Office of Aging and Disability Services Adult Protective Services program and Developmental Services - Community program within the Office of Aging and Disability Services to align the duties being performed with the proper funding source. This initiative also adjusts funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	25.000
Personal Services	\$0	\$2,801,826
All Other	\$0	\$169,700
GENERAL FUND TOTAL	\$0	\$2,971,526

Office of Child and Family Services - Central 0307

Initiative: Provides Federal Expenditures Fund and Federal Block Grant Fund allocation to align with available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,000,000

Office of Child and Family Services - Central 0307

Initiative: Provides funding for the approved reorganization of 5 Social Services Supervisor positions to Social Services Program Specialist II positions in the Office of Child and Family Services - Central program and also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$14,395
GENERAL FUND TOTAL	\$0	\$14,395
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$5,598
All Other	\$0	\$248
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,846

Office of Child and Family Services - Central 0307

Initiative: Provides funding for the approved range change of 445 Child Protective Services Caseworker positions from range 22 to range 24 and 100 Child Protective Services Caseworker Supervisor positions from range 25 to range 27. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$36,999
GENERAL FUND TOTAL	\$0	\$36,999
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$14,392
All Other	\$0	\$637
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,029

Office of Child and Family Services - Central 0307

Initiative: Establishes 3 Secretary Associate Legal positions funded 72% General Fund and 28% Other Special Revenue Funds in the Office of Child and Family Services - Central program to manage child welfare court-required paperwork, supporting efforts to reduce administrative workloads on child protective services caseworkers. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
Personal Services	\$0	\$181,209
All Other	\$0	\$14,662
GENERAL FUND TOTAL	\$0	\$195,871
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$70,467
All Other	\$0	\$9,019

OTHER SPECIAL REVENUE	\$0	\$79,486
FUNDS TOTAL		

Office of Child and Family Services - District 0452

Initiative: Provides funding for the approved reorganization of 7 Office Assistant II positions and one Office Associate I position in the Department of Health and Human Services Central Operations program, 4 Office Assistant II positions in the Office for Family Independence - District program and 2 Office Assistant II positions in the Office of Child and Family Services - District program to Office Associate II positions and also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,977
GENERAL FUND TOTAL	\$0	\$3,977
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,058
All Other	\$0	\$26
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,084

Office of Child and Family Services - District 0452

Initiative: Provides funding for the approved reorganization of one Social Services Supervisor position to a Social Services Program Manager position in the Office of Child and Family Services - District program and adjusts funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,829
GENERAL FUND TOTAL	\$0	\$5,829
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,551
All Other	\$0	\$38
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,589

Office of Child and Family Services - District 0452

Initiative: Provides funding for the approved range change of 445 Child Protective Services Caseworker positions from range 22 to range 24 and 100 Child Protective Services Caseworker Supervisor positions from range 25 to range 27. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,069,402
GENERAL FUND TOTAL	\$0	\$3,069,402
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$814,287

All Other	\$0	\$19,958
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$834,245

Office of Child and Family Services - District 0452

Initiative: Establishes 8 Child Protective Services Caseworker Supervisor positions funded 79% General Fund and 21% Other Special Revenue Funds in the Office of Child and Family Services - District program to serve as onboarding specialists and training coordinators to mentor new caseworkers in each district. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	8.000
Personal Services	\$0	\$764,176
All Other	\$0	\$42,901
GENERAL FUND TOTAL	\$0	\$807,077

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$203,128
All Other	\$0	\$16,629
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$219,757

Office of Child and Family Services - District 0452

Initiative: Establishes one Child Protective Services Assistant Program Administrator position funded 79% General Fund and 21% Other Special Revenue Funds in the Office of Child and Family Services - District program and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$89,610
All Other	\$0	\$5,362
GENERAL FUND TOTAL	\$0	\$94,972

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$23,820
All Other	\$0	\$2,040
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,860

Office of Child and Family Services - District 0452

Initiative: Provides one-time funding for grants and incentives to behavioral health providers to increase availability of services in rural areas to children and adults for families involved in the child welfare system.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$500,000
GENERAL FUND TOTAL	\$0	\$500,000

Office of MaineCare Services 0129

Initiative: Provides Federal Expenditures Fund and Federal Block Grant Fund allocation to align with available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,000,000

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
All Other	\$0	\$500,000
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$500,000

Office of MaineCare Services 0129

Initiative: Reallocates 98 Human Services Caseworker positions, 15 Human Services Casework Supervisor positions and 4 Public Service Manager II positions from 100% General Fund to 90% General Fund and 10% Other Special Revenue Funds in the Office of Aging and Disability Services Adult Protective Services program and one Human Services Casework Supervisor position from 83% General Fund in the Office of Aging and Disability Services Adult Protective Services program and 17% Federal Expenditures Fund in the Office of MaineCare Services program to 90% General Fund and 10% Other Special Revenue Funds in the Office of Aging and Disability Services Adult Protective Services program. This initiative also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	(\$19,829)
All Other	\$0	(\$1,668)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$21,497)

Office of MaineCare Services 0129

Initiative: Establishes one Social Services Program Manager position to support so-called High Fidelity Wraparound services for children funded 50% Other Special Revenue Funds and 50% Federal Expenditures Fund in the Office of MaineCare Services program through March 31, 2025 and funded 50% Mental Health Services - Children's program, General Fund and 50% Office of MaineCare Services program, Federal Expenditures Fund beginning April 1, 2025. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$63,692
All Other	\$0	\$5,038

FEDERAL EXPENDITURES \$0 \$68,730
 FUND TOTAL

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$50,220
All Other	\$0	\$3,839
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$54,059

Office of MaineCare Services 0129

Initiative: Continues one limited-period Reimbursement Specialist position previously continued by Financial Order 002877 F4 through June 14, 2025, funded 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program, and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$46,374
All Other	\$0	\$3,654
GENERAL FUND TOTAL	\$0	\$50,028

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$41,934
All Other	\$0	\$4,505

FEDERAL EXPENDITURES FUND TOTAL \$0 \$46,439

Office of MaineCare Services 0129

Initiative: Provides funding to correct an error regarding funding in the establishment of one Comprehensive Health Planner II position in Public Law 2023, chapter 17 and transfers and reallocates the position from 50% General Fund in the Mental Health Services - Children's program and 50% Federal Expenditures Fund in the Office of MaineCare Services program to 50% General Fund and 50% Federal Expenditures Fund in the Office of MaineCare Services program. This initiative also adjusts funding for related All Other costs.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
	0.000	1.000
Personal Services	\$0	\$52,337
All Other	\$0	\$3,394

GENERAL FUND TOTAL \$0 \$55,731

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$4,803
All Other	\$0	\$118

FEDERAL EXPENDITURES FUND TOTAL \$0 \$4,921

Office of MaineCare Services 0129

Initiative: Provides funding for the approved reorganization of one Social Services Program Manager position to a Public Service Manager II position in the Office of MaineCare Services program and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,913
GENERAL FUND TOTAL	\$0	\$5,913

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,916
All Other	\$0	\$145

FEDERAL EXPENDITURES FUND TOTAL \$0 \$6,061

Office of MaineCare Services 0129

Initiative: Provides funding for the approved reorganization of one Planning and Research Associate II position to an Assistant Director Division of Medicaid/Medicare Services position in the Office of MaineCare Services program and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$2,148
GENERAL FUND TOTAL	\$0	\$2,148

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$2,150
All Other	\$0	\$53

FEDERAL EXPENDITURES FUND TOTAL \$0 \$2,203

Office of MaineCare Services 0129

Initiative: Provides one-time funding to sustain the infrastructure, operations and services for the state-designated statewide health information exchange through September 30, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,700,000
GENERAL FUND TOTAL	\$0	\$1,700,000

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$5,100,000

FEDERAL EXPENDITURES FUND TOTAL \$0 \$5,100,000

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$163,994
GENERAL FUND TOTAL	\$0	\$163,994

FUND FOR A HEALTHY MAINE	2023-24	2024-25
All Other	\$0	\$15,875
FUND FOR A HEALTHY MAINE TOTAL	\$0	\$15,875

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding in the Medicaid dedicated tax accounts and the corresponding General Fund accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$31,509)
GENERAL FUND TOTAL	\$0	(\$31,509)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$31,509
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$31,509

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding and rates to reflect the elimination of health care services from the service provider tax under the Maine Revised Statutes, Title 36, section 2552 beginning January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$155,165
GENERAL FUND TOTAL	\$0	\$155,165

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$155,165)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$155,165)

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding and rates on a one-time basis to reflect the inclusion of health care services in the service provider tax under the Maine Revised Statutes, Title 36, section 2552 until January 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$155,165)
GENERAL FUND TOTAL	\$0	(\$155,165)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
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All Other	\$0	\$155,165
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$155,165

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$12,500)
GENERAL FUND TOTAL	\$0	(\$12,500)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$12,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$12,500

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding one time in the General Fund accounts that correspond to the Medicaid dedicated tax accounts to align resources with the December 2023 revenue forecast.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$63,018)
GENERAL FUND TOTAL	\$0	(\$63,018)

Office of Substance Abuse & Mental Health Srv-Medicaid Seed Z202

Initiative: Adjusts funding one time in various MaineCare General Fund accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$25,000)
GENERAL FUND TOTAL	\$0	(\$25,000)

Office of Substance Abuse and Mental Health Services Z199

Initiative: Provides funding for opioid abatement through harm reduction, treatment, prevention and recovery support in accordance with the approved uses in the Maine State-Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds-2023.

MAINE RECOVERY FUND	2023-24	2024-25
All Other	\$0	\$3,350,000
MAINE RECOVERY FUND TOTAL	\$0	\$3,350,000

Office of Substance Abuse and Mental Health Services Z199

Initiative: Reduces funding by recognizing one-time savings for the operations of one substance use disorder treatment center funded in Public Law 2023, chapter 412 because the facility will not be operational until fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$1,600,000)
GENERAL FUND TOTAL	\$0	(\$1,600,000)

Office of Substance Abuse and Mental Health Services Z199

Initiative: Provides additional one-time funding for the development of a substance use disorder treatment center in Kennebec County. This funding will supplement one-time funding that was provided in Public Law 2023, chapter 412 for the same purpose.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$550,000
GENERAL FUND TOTAL	\$0	\$550,000

Office of Substance Abuse and Mental Health Services Z199

Initiative: Provides one-time funding to be included as capital costs in a request for proposals to develop one or more psychiatric residential treatment facilities in the State to meet the needs of adolescents who have high levels of behavioral health needs that cannot be met by existing behavioral health services in the State.

GENERAL FUND	2023-24	2024-25
Capital Expenditures	\$0	\$2,000,000
GENERAL FUND TOTAL	\$0	\$2,000,000

Office of Substance Abuse and Mental Health Services Z199

Initiative: Provides emergency one-time funding for post-traumatic wellness time for first responders, peer support counseling and other incidental costs associated with the Lewiston mass casualty event on October 25, 2023.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$247,622
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$247,622

Office of Substance Abuse and Mental Health Services Z199

Initiative: Provides emergency one-time funding to St. Mary’s Regional Medical Center to cover projected operating losses in the fiscal period beginning January 1, 2023 and ending June 30, 2024 and to sustain and improve acute behavioral health care services.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$8,500,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$8,500,000
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Opioid Use Disorder Prevention and Treatment Fund Z289

Initiative: Provides funding in various programs to align allocation with available resources.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,500,000

PNMI Room and Board Z009

Initiative: Provides funding for annual cost-of-living increases per Public Law 2021, chapter 639 related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 2, 13, 17, 26, 28, 65 and 92.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$142,754
GENERAL FUND TOTAL	\$0	\$142,754

PNMI Room and Board Z009

Initiative: Provides funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$462,570
GENERAL FUND TOTAL	\$0	\$462,570

PNMI Room and Board Z009

Initiative: Provides one-time funding to Maine Veterans' Homes nursing facilities for costs not allowable under Medicaid law.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,386,060
GENERAL FUND TOTAL	\$0	\$1,386,060

PNMI Room and Board Z009

Initiative: Provides one-time funding for annual cost-of-living increases per Public Law 2021, chapter 639 related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Sections 2, 13, 17, 26, 28, 65 and 92.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$51,189
GENERAL FUND TOTAL	\$0	\$51,189

PNMI Room and Board Z009

Initiative: Provides one-time funding for higher than expected cost-of-living increases pursuant to the Maine Revised Statutes, Title 22, section 3173-J related to the department's rule Chapter 101: MaineCare Benefits Manual, Chapter III, Section 50, Section 67 and Section 97, Appendix C.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$462,570
GENERAL FUND TOTAL	\$0	\$462,570

Purchased Social Services 0228

Initiative: Provides one-time funding to replace current and anticipated reductions in grants to the department under the federal victim assistance formula grant program administered by the United States Department of Justice, Office of Justice Programs, Office for Victims of Crime pursuant to the federal Victims of Crime Act of 1984.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$6,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,000,000

Residential Treatment Facilities Assessment Z197

Initiative: Adjusts funding in the Medicaid dedicated tax accounts and the corresponding General Fund accounts to align resources with the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$223,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$223,000

Residential Treatment Facilities Assessment Z197

Initiative: Adjusts funding in various MaineCare accounts to reflect impacts from the March 1, 2024 Revenue Forecasting Committee projections.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$400,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$400,000

Riverview Psychiatric Center Z219

Initiative: Adjusts funding for positions in the Riverview Psychiatric Center as a result of the decrease in the 2025 Federal Medical Assistance Percentage. The blended rate is 62.21% Federal Expenditures Fund and 37.79% General Fund in fiscal year 2024-25.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$162,718)
All Other	\$0	(\$4,995)

OTHER SPECIAL REVENUE	\$0	(\$167,713)
FUNDS TOTAL		

Temporary Assistance for Needy Families 0138

Initiative: Provides funding for opioid abatement through harm reduction, treatment, prevention and recovery support in accordance with the approved uses in the Maine State-Subdivision Memorandum of Understanding and Agreement Regarding Use of Settlement Funds-2023.

MAINE RECOVERY FUND	2023-24	2024-25
All Other	\$0	\$1,450,000
MAINE RECOVERY FUND TOTAL	\$0	\$1,450,000

Traumatic Brain Injury Seed Z214

Initiative: Adjusts funding as a result of the decrease in the Federal Medical Assistance Percentage for federal fiscal year 2024-25.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,498
GENERAL FUND TOTAL	\$0	\$1,498

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	\$78,084,811
FEDERAL EXPENDITURES FUND	\$0	\$176,423,608
FUND FOR A HEALTHY MAINE	\$0	\$393,119
OTHER SPECIAL REVENUE FUNDS	\$0	\$107,790,577
FEDERAL BLOCK GRANT FUND	\$0	\$1,274,474
MAINE RECOVERY FUND	\$0	\$6,150,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$370,116,589

Sec. A-15. Appropriations and allocations. The following appropriations and allocations are made.

HOUSING AUTHORITY, MAINE STATE

Emergency Housing Relief Fund Program Z340

Initiative: Provides one-time funding to supplement or establish programs addressing the needs of people experiencing homelessness or facing other immediate housing needs and support other uses that address housing emergencies in the State, such as through winter warming shelters, legal services and other wraparound settlement supports intended to help individuals integrate into Maine's workforce and communities.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$13,500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$13,500,000

Emergency Housing Relief Fund Program Z340

Initiative: Allocates funds to privately operated low-barrier shelters to be distributed in fiscal year 2024-25 through fiscal year 2026-27.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,500,000

Housing Authority - State 0442

Initiative: Adjusts funding to bring allocations in line with projected available resources for fiscal year 2023-24 and fiscal year 2024-25.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$330,820)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$330,820)

Housing Authority - State 0442

Initiative: Provides one-time funding for new housing units through the authority's Affordable Homeownership Program to expand affordable, energy-efficient housing options that are affordable to workers and support state workforce needs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$10,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,000,000

Housing Authority - State 0442

Initiative: Provides one-time funding to expand affordable rental and ownership housing options through the Rural Affordable Rental Housing Program and the federal Low-income Housing Tax Credit Program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$20,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,000,000

Housing Authority - State 0442

Initiative: Provides one-time funding to establish a manufactured and mobile home park preservation and assistance program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$5,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,000,000

Housing Subsidy Program for Homeless Students N432

Initiative: Allocates one-time funding for housing subsidies for homeless students in elementary school and secondary school.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,000,000

Stable Home Fund N466

Initiative: Allocates one-time funds for a pilot program to provide support for eviction prevention.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$18,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$18,000,000

HOUSING AUTHORITY, MAINE STATE DEPARTMENT TOTALS

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$70,669,180
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$70,669,180

Sec. A-16. Appropriations and allocations. The following appropriations and allocations are made.

HUMAN RIGHTS COMMISSION, MAINE

Human Rights Commission - Regulation 0150

Initiative: Provides funding for the approved reclassification of one Maine Human Rights Lead Investigator position to a Maine Human Rights Investigator Supervisor position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$11,174
GENERAL FUND TOTAL	\$0	\$11,174

Human Rights Commission - Regulation 0150

Initiative: Provides one-time funding for the approved reclassification of one Maine Human Rights Lead Investigator position to a Maine Human Rights Investigator Supervisor position and provides one-time funding

for retroactive pay and interest effective November 14, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$11,349
GENERAL FUND TOTAL	\$0	\$11,349

HUMAN RIGHTS COMMISSION, MAINE DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$22,523
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$22,523

Sec. A-17. Appropriations and allocations. The following appropriations and allocations are made.

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes a new public defender office for Androscoggin, Franklin and Oxford counties.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	12.000
Personal Services	\$0	\$1,240,597
All Other	\$0	\$155,690
GENERAL FUND TOTAL	\$0	\$1,396,287

Maine Commission on Indigent Legal Services Z112

Initiative: Establishes a new public defender office for Hancock and Washington counties located in Machias or Ellsworth.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	6.000
Personal Services	\$0	\$365,150
All Other	\$0	\$40,457
GENERAL FUND TOTAL	\$0	\$405,607

Maine Commission on Indigent Legal Services Z112

Initiative: Increases staffing of the rural defender unit, which will transition to providing counsel to indigent parents in child protection proceedings.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$179,169
All Other	\$0	\$18,638
GENERAL FUND TOTAL	\$0	\$197,807

INDIGENT LEGAL SERVICES, MAINE COMMISSION ON DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$1,999,701
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,999,701

Sec. A-18. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

ATV Safety and Educational Program 0559

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$7,302)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$7,302)

ATV Safety and Educational Program 0559

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,022
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,022

Endangered Nongame Operations 0536

Initiative: Provides funding for the approved reorganization of one Public Relations Specialist position to an IF&W Senior Resource Biologist position and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$1,063
All Other	\$0	\$65
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,128

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,067
All Other	\$0	\$65

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,132
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Endangered Nongame Operations 0536

Initiative: Provides funding for the approved reorganization of one Public Service Coordinator I position

from range 25 to range 26 and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$383
All Other	\$0	\$12
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$395

Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Provides funding for the increase in aircraft maintenance costs.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$109,400
GENERAL FUND TOTAL	\$0	\$109,400

Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Provides funding for the replacement of 130 handguns.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$146,250
GENERAL FUND TOTAL	\$0	\$146,250

Enforcement Operations - Inland Fisheries and Wildlife 0537

Initiative: Provides funding for 130 rifle plate inserts used in ballistic vests.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$150,000
GENERAL FUND TOTAL	\$0	\$150,000

Fisheries and Hatcheries Operations 0535

Initiative: Provides funding for the approved range change of one Superintendent Fish Hatcheries position from range 30 to range 32.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$9,303
GENERAL FUND TOTAL	\$0	\$9,303

Fisheries and Hatcheries Operations 0535

Initiative: Provides funding for the approved reorganization of one Public Service Coordinator I position from range 25 to range 26 and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$224
GENERAL FUND TOTAL	\$0	\$224

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$574

All Other	\$0	\$17
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$591

Fisheries and Hatcheries Operations 0535

Initiative: Reallocates the cost of one Public Service Manager II position from 50% General Fund and 50% Federal Expenditures Fund to 100% General Fund within the same program and transfers and reallocates the cost of one Public Service Manager III position from 66% Federal Expenditures Fund and 34% General Fund to 100% General Fund within the same program. This initiative also adjusts funding for related All Other costs to meet the operational needs of the program.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNCIL	0.000	1.000
Personal Services	\$0	\$186,132
All Other	\$0	\$286,000
GENERAL FUND TOTAL	\$0	\$472,132

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNCIL	0.000	(1.000)
Personal Services	\$0	(\$186,132)
All Other	\$0	(\$298,346)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$484,478)

Fisheries and Hatcheries Operations 0535

Initiative: Provides one-time funding for the approved range change of one Superintendent Fish Hatcheries position from range 30 to range 32, retroactive to August 14, 2020.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$38,306
GENERAL FUND TOTAL	\$0	\$38,306

Licensing Services - Inland Fisheries and Wildlife 0531

Initiative: Provides funding for the approved reorganization of one Public Service Manager II position, range 30, to a Public Service Coordinator II position, range 32.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,222
GENERAL FUND TOTAL	\$0	\$4,222

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$4,222
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,222

Office of the Commissioner - Inland Fisheries and Wildlife 0529

Initiative: Provides funding for unbilled workers' compensation premiums for the search and rescue volunteers dating back to 2015.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$199,260
GENERAL FUND TOTAL	\$0	\$199,260

Public Information and Education, Division of 0729

Initiative: Provides funding for the approved reclassification of one Office Associate II position to an Office Specialist I position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,060
GENERAL FUND TOTAL	\$0	\$5,060

Public Information and Education, Division of 0729

Initiative: Provides one-time funding for the approved reclassification of one Office Associate II position to an Office Specialist I position, retroactive to May 23, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$10,948
GENERAL FUND TOTAL	\$0	\$10,948

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Provides funding for operating expenses in the Resource Management Services - Inland Fisheries and Wildlife program, Black Bear Research and Management Fund Other Special Revenue Funds account.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$30,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$30,000

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Provides funding for operating expenses in the Resource Management Services - Inland Fisheries and Wildlife program, Moose Research and Management Fund Other Special Revenue Funds account.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$40,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$40,000

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Continues and makes permanent one IF&W Resource Biologist position previously established by Financial Order 02900 F4 in the Bureau of Resource Management and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$108,460
All Other	\$0	\$2,837

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$111,297
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Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Provides funding for the approved reorganization of one IF&W Senior Resource Biologist position to an IF&W Resource Supervisor position and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$1,756
All Other	\$0	\$101

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,857
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$5,273
All Other	\$0	\$303

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,576
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Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Provides funding for the approved reorganization of one Public Relations Specialist position to an IF&W Senior Resource Biologist position and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$1,063
GENERAL FUND TOTAL	\$0	\$1,063

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$3,192
All Other	\$0	\$196

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,388
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OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$4,256
All Other	\$0	\$261

OTHER SPECIAL REVENUE \$0 \$4,517
 FUNDS TOTAL

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Provides funding for the approved reorganization of one Public Service Coordinator I position from range 25 to range 26 and provides funding for related All Other costs.

GENERAL FUND 2023-24 2024-25
 Personal Services \$0 \$735

GENERAL FUND TOTAL \$0 \$735

FEDERAL EXPENDITURES FUND 2023-24 2024-25
 Personal Services \$0 \$1,275
 All Other \$0 \$22

FEDERAL EXPENDITURES FUND TOTAL \$0 \$1,297

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS 2023-24 2024-25
 GENERAL FUND \$0 \$1,146,903
 FEDERAL \$0 (\$475,822)
 EXPENDITURES FUND
 OTHER SPECIAL \$0 \$190,464
 REVENUE FUNDS

DEPARTMENT TOTAL - ALL FUNDS \$0 \$861,545

Sec. A-19. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding to maintain 3 former court facility buildings in York County.

GENERAL FUND 2023-24 2024-25
 All Other \$0 \$355,000

GENERAL FUND TOTAL \$0 \$355,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the approved reclassification of one Revenue Manager position from range 17 to range 20 and reallocates the cost from 100% General Fund to 95% General Fund and 5% Other Special Revenue Funds within the same program. This initiative also provides funding for related All Other costs in Other Special Revenue Funds.

GENERAL FUND 2023-24 2024-25
 Personal Services \$0 \$2,529

GENERAL FUND TOTAL \$0 \$2,529

OTHER SPECIAL REVENUE FUNDS 2023-24 2024-25

Personal Services \$0 \$7,368
 All Other \$0 \$48

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$7,416

Courts - Supreme, Superior and District 0063

Initiative: Reduces funding for the approved reorganization of one Official Court Reporter position to a Courtroom Technology Assistant position and transfers Personal Services to All Other to fund contracted temporary staffing services.

GENERAL FUND 2023-24 2024-25
 Personal Services \$0 (\$35,009)
 All Other \$0 \$35,009

GENERAL FUND TOTAL \$0 \$0

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for an increase in file storage costs.

GENERAL FUND 2023-24 2024-25
 All Other \$0 \$60,000

GENERAL FUND TOTAL \$0 \$60,000

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for translation of court forms.

GENERAL FUND 2023-24 2024-25
 All Other \$0 \$70,000

GENERAL FUND TOTAL \$0 \$70,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for hourly rate increases for court-rostered interpreters from \$35 to \$50 per hour for Tier I, \$45 to \$60 per hour for Tier II and \$50 to \$70 per hour for Tier III.

GENERAL FUND 2023-24 2024-25
 All Other \$0 \$60,000

GENERAL FUND TOTAL \$0 \$60,000

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for a volume increase in guardian ad litem, interpreter and mental health examiner services.

GENERAL FUND 2023-24 2024-25
 All Other \$0 \$490,000

GENERAL FUND TOTAL \$0 \$490,000

Courts - Supreme, Superior and District 0063

Initiative: Reallocates funding in fiscal year 2024-25 only for the Odyssey case management system from the CMS-Technology Fee account in Other Special Revenue Funds to the Supreme JD & Superior Courts account in the General Fund within the same program.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,838,125
GENERAL FUND TOTAL	\$0	\$1,838,125

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$992,300)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$992,300)

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for the replacement of audio and visual equipment at the Penobscot Judicial Center.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$160,000
GENERAL FUND TOTAL	\$0	\$160,000

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for a quality assurance tester for the Odyssey case management system.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$100,000
GENERAL FUND TOTAL	\$0	\$100,000

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time contracted technical account management services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$75,000
GENERAL FUND TOTAL	\$0	\$75,000

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the approved reorganization of one Information Technology Project Manager position to a Director of Data and Project Management position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$13,341
GENERAL FUND TOTAL	\$0	\$13,341

Courts - Supreme, Superior and District 0063

Initiative: Continues one limited-period Staff Accountant position previously continued by Financial Order JJ2310 F4 through June 14, 2025 and provides one-time funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$110,152
All Other	\$0	\$706

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$110,858
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Courts - Supreme, Superior and District 0063

Initiative: Provides funding for an increase in mental health evaluator rates from \$100 per hour to \$150 per hour.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$250,000
GENERAL FUND TOTAL	\$0	\$250,000

Courts - Supreme, Superior and District 0063

Initiative: Reallocates the cost of 3 Court Operations Specialist positions, one Information Technology Business Analyst position, one Senior Database Administrator and Security Officer position, one Programmer Analyst II position, one Quality Assurance Test Lead position and 2 Information Technology Field Technician positions from 100% Other Special Revenue Funds to 80% Other Special Revenue Funds and 20% General Fund within the same program.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$240,262
GENERAL FUND TOTAL	\$0	\$240,262

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$240,262)
All Other	\$0	(\$1,540)

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$241,802)
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Courts - Supreme, Superior and District 0063

Initiative: Provides funding for the projected general operations costs associated with acquiring the 55 Lisbon Street property in Lewiston.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$95,000
GENERAL FUND TOTAL	\$0	\$95,000

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for the projected general operations costs associated with acquiring the 55 Lisbon Street property in Lewiston.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$25,500
GENERAL FUND TOTAL	\$0	\$25,500

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for a volume increase in guardian ad litem, interpreter and mental health examiner services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$490,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$490,000</u>

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for the approved reclassification of one Revenue Manager position from range 17 to range 20 and reallocates the cost from 100% General Fund to 95% General Fund and 5% Other Special Revenue Funds within the same program.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$625
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$625</u>

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$7,088
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$7,088</u>

Courts - Supreme, Superior and District 0063

Initiative: Reallocates funding in fiscal year 2024-25 only for the Odyssey case management system from the CMS-Technology Fee account in Other Special Revenue Funds to the Supreme JD & Superior Courts account in the General Fund within the same program.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,631,016
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$1,631,016</u>

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for a quality assurance tester for the Odyssey case management system.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$100,000
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$100,000</u>

JUDICIAL DEPARTMENT DEPARTMENT TOTALS

GENERAL FUND	\$0	\$6,056,398
OTHER SPECIAL REVENUE FUNDS	\$0	(\$1,108,740)
DEPARTMENT TOTAL - ALL FUNDS	<u>\$0</u>	<u>\$4,947,658</u>

Sec. A-20. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Administration - Bureau of Labor Standards 0158

Initiative: Provides funding for the Wage Recovery Fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$200,000
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$200,000</u>

Administration - Labor 0030

Initiative: Provides funding for the approved reclassification of one Secretary Associate Supervisor position to an Office Specialist I Supervisor position. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$123
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$123</u>

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,496
All Other	\$0	\$34
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$1,530</u>

Administration - Labor 0030

Initiative: Provides one-time funding for the approved reclassification of one Secretary Associate Supervisor position to an Office Specialist I Supervisor position, retroactive to January 25, 2023.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$210
GENERAL FUND TOTAL	<u>\$0</u>	<u>\$210</u>

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$2,530
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$2,530</u>

Employment Security Services 0245

Initiative: Provides funding to match anticipated revenues for 3 unemployment insurance federal American Rescue Plan Act of 2021 grants.

FEDERAL EXPENDITURES FUND - ARP	2023-24	2024-25
Personal Services	\$0	\$118,074
All Other	\$0	\$820,963
FEDERAL EXPENDITURES FUND - ARP TOTAL	<u>\$0</u>	<u>\$939,037</u>

Employment Security Services 0245

Initiative: Continues and makes permanent 3 Hearings Examiner positions, one UC Eligibility Agent position,

one Unemployment Compensation Regional Manager position and one Unemployment Compensation Team Leader position previously continued by Public Law 2023, chapter 17; one Assistant Unemployment Compensation Team Leader position and 2 Unemployment Compensation Team Leader positions previously continued by Public Law 2023, chapter 412; and 3 Accounting Associate II positions, 2 Accounting Specialist positions, 4 Claims Adjudicator positions, 7 Fraud Investigator positions, 10 Unemployment Compensation Eligibility Agent positions, 2 Unemployment Compensation Team Leader positions and one Secretary Associate Legal position previously continued by Public Law 2021, chapter 635. This initiative also provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	38.000
Personal Services	\$0	\$157,934
All Other	\$0	\$1,202
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$159,136

Employment Security Services 0245

Initiative: Provides funding to match anticipated revenues.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$277,093
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$277,093

Employment Services Activity 0852

Initiative: Establishes 2 Labor and Safety Inspector positions and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$189,906
All Other	\$0	\$5,483
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$195,389

Employment Services Activity 0852

Initiative: Transfers one CareerCenter Consultant position from 100% Employment Services Activity program to 100% Maine Apprenticeship Program within the same fund and one Customer Representative Associate II position from 100% Employment Services Activity program, Other Special Revenue Funds to 100% Maine Apprenticeship Program, Federal Expenditures Fund. This initiative also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$85,955)
All Other	\$0	(\$2,482)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$88,437)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$77,485)
All Other	\$0	(\$2,237)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$79,722)

Employment Services Activity 0852

Initiative: Transfers and reallocates the cost of one Clerk IV position from 80% Federal Expenditures Fund and 20% General Fund to 100% General Fund within the same program.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$65,506
All Other	\$0	\$6,520
GENERAL FUND TOTAL	\$0	\$72,026

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$65,506)
All Other	\$0	(\$8,600)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$74,106)

Employment Services Activity 0852

Initiative: Reduces allocation in the Department of Labor for career exploration services that will be provided by the Department of Education.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$1,500,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$1,500,000)

Employment Services Activity 0852

Initiative: Provides funding for the approved reorganization of one Public Service Manager II position from range 32 to range 33. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$335

GENERAL FUND TOTAL	\$0	\$335
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$5,257
All Other	\$0	\$152
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,409

Maine Apprenticeship Program Z375

Initiative: Transfers one CareerCenter Consultant position from 100% Employment Services Activity program to 100% Maine Apprenticeship Program within the same fund and one Customer Representative Associate II position from 100% Employment Services Activity program, Other Special Revenue Funds to 100% Maine Apprenticeship Program, Federal Expenditures Fund. This initiative also adjusts funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$163,440
All Other	\$0	\$4,719
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$168,159

Paid Family and Medical Leave Insurance Fund Z383

Initiative: Transfers one Public Service Executive III position, one Public Service Manager III position, one Public Service Manager II position, 3 Office Associate II positions, 2 Management Analyst II positions, 2 Tax Section Manager positions, one Labor Program Specialist position, one Senior Hearing Examiner position, 4 Accounting Associate II positions, 4 Accounting Specialist positions, 4 Hearings Examiner positions, one Financial Analyst position, 3 Field Advisor Examiner positions and 3 Auditor II positions from Other Special Revenue Funds to the Paid Family and Medical Leave Insurance Fund within the same program to establish and administer the paid family and medical leave benefits program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(31.000)
Personal Services	\$0	(\$2,646,300)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$2,646,300)

PAID FAMILY AND MEDICAL LEAVE INSURANCE FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	31.000

Personal Services	\$0	\$2,646,300
PAID FAMILY AND MEDICAL LEAVE INSURANCE FUND TOTAL	\$0	\$2,646,300

Paid Family and Medical Leave Insurance Fund Z383

Initiative: Adjusts funding in the Paid Family and Medical Leave Insurance Fund program by increasing the allocation in the Paid Family and Medical Leave Insurance Fund and reducing the allocation in Other Special Revenue Funds to accurately reflect the expenditures associated with implementing and administering the paid family and medical leave benefits program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$10,015,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$10,015,000)

PAID FAMILY AND MEDICAL LEAVE INSURANCE FUND	2023-24	2024-25
All Other	\$0	\$10,015,000
PAID FAMILY AND MEDICAL LEAVE INSURANCE FUND TOTAL	\$0	\$10,015,000

Regulation and Enforcement 0159

Initiative: Transfers one Labor and Safety Inspector position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 100% Regulation and Enforcement program, General Fund. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$93,823
All Other	\$0	\$4,169
GENERAL FUND TOTAL	\$0	\$97,992

Regulation and Enforcement 0159

Initiative: Reallocates the cost of one Staff Development Coordinator position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 50% Safety Education and Training Programs program, Other Special Revenue Funds and 50% Regulation and Enforcement program, General Fund in order to conduct outreach and education for Maine labor laws.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$53,276
GENERAL FUND TOTAL	\$0	\$53,276

Regulation and Enforcement 0159

Initiative: Reallocates the cost of one Statistician II position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 50% Safety Education and Training Programs program, Other Special Revenue Funds and 50% Regulation and Enforcement program, General Fund and provides funding for data analysis and storage in support of the annual survey of construction wage rates.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$36,796
All Other	\$0	\$53,440
GENERAL FUND TOTAL	\$0	\$90,236

Regulation and Enforcement 0159

Initiative: Provides funding for the proposed reorganization of 7 Occupational Safety Specialist positions from range 23 to range 25. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,909
GENERAL FUND TOTAL	\$0	\$5,909

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$21,244
All Other	\$0	\$315
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$21,559

Rehabilitation Services 0799

Initiative: Continues one limited-period Rehabilitation Services Manager position and one limited-period Rehabilitation Counselor I position previously established by Financial Order in fiscal year 2023-24 and provides one-time funding for related All Other costs. These positions end on June 7, 2025.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$196,355
All Other	\$0	\$79
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$196,434

Rehabilitation Services 0799

Initiative: Provides funding for the approved reorganization of one Secretary Associate position to a Rehabilitation Counselor I position and related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$2,784
All Other	\$0	\$1
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$2,785

Rehabilitation Services 0799

Initiative: Provides funding for the approved range change of one State Accessibility Coordinator position from range 24 to range 26 and related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$7,494
All Other	\$0	\$3
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$7,497

Rehabilitation Services 0799

Initiative: Provides one-time funding for the approved range change of one State Accessibility Coordinator position from range 24 to range 26.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$4,500
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$4,500

Safety Education and Training Programs 0161

Initiative: Transfers one Labor and Safety Inspector position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 100% Regulation and Enforcement program, General Fund. This initiative also provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$93,823)
All Other	\$0	(\$5,624)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$99,447)

Safety Education and Training Programs 0161

Initiative: Reallocates the cost of one Staff Development Coordinator position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 50% Safety Education and Training Programs program, Other Special Revenue Funds and 50% Regulation and Enforcement program, General Fund in order to conduct outreach and education for Maine labor laws.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$53,276)
All Other	\$0	(\$791)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$54,067)

Safety Education and Training Programs 0161

Initiative: Reallocates the cost of one Statistician II position from 100% Safety Education and Training Programs program, Other Special Revenue Funds to 50%

Safety Education and Training Programs program, Other Special Revenue Funds and 50% Regulation and Enforcement program, General Fund and provides funding for data analysis and storage in support of the annual survey of construction wage rates.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$36,796)
All Other	\$0	(\$546)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$37,342)

Safety Education and Training Programs 0161

Initiative: Provides funding for the proposed reorganization of 7 Occupational Safety Specialist positions from range 23 to range 25. This initiative also provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$4,399
All Other	\$0	\$65
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,464

LABOR, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	\$320,107
FEDERAL	\$0	\$592,916
EXPENDITURES FUND		
OTHER SPECIAL REVENUE FUNDS	\$0	(\$13,940,852)
FEDERAL	\$0	\$939,037
EXPENDITURES FUND - ARP		
PAID FAMILY AND MEDICAL LEAVE INSURANCE FUND	\$0	\$12,661,300
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$572,508

Sec. A-21. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Establishes and provides funding for one Information Security Administrator position, one Virtual Meeting Production Administrator position, 2 Senior Programmer Analyst positions and one session-only Desktop Support Administrator position in the Office of Legislative Information Technology.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	4.000
POSITIONS - FTE COUNT	0.000	0.654
Personal Services	\$0	\$510,200

All Other	\$0	\$8,514
GENERAL FUND TOTAL	\$0	\$518,714

Sec. A-22. Appropriations and allocations. The following appropriations and allocations are made.

LIBRARY, MAINE STATE

Imagination Library of Maine Program Z338

Initiative: Allocates one-time funding for the Imagination Library of Maine Program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$168,030
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$168,030

Maine State Library 0217

Initiative: Provides funding for the approved reorganization of one Office Specialist I Manager Supervisor position to a Librarian - Acquisitions position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$7,359
GENERAL FUND TOTAL	\$0	\$7,359

Maine State Library 0217

Initiative: Provides one-time funding for the approved reorganization of one Office Specialist I Manager Supervisor position to a Librarian - Acquisitions position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,426
GENERAL FUND TOTAL	\$0	\$4,426

LIBRARY, MAINE STATE DEPARTMENT TOTALS

GENERAL FUND	\$0	\$11,785
OTHER SPECIAL REVENUE FUNDS	\$0	\$168,030
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$179,815

Sec. A-23. Appropriations and allocations. The following appropriations and allocations are made.

MAINE OFFICE OF COMMUNITY AFFAIRS

Maine Office of Community Affairs Z396

Initiative: Establishes one Director position and provides funding for related All Other costs for the Maine Office of Community Affairs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$158,437

All Other	\$0	\$12,000
GENERAL FUND TOTAL	\$0	\$170,437

Maine Office of Community Affairs Z396

Initiative: Provides Federal Expenditures Fund allocations for the Maine Office of Community Affairs program.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$500
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$500

Maine Office of Community Affairs Z396

Initiative: Provides Other Special Revenue Funds allocations for the Maine Office of Community Affairs program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

MAINE OFFICE OF COMMUNITY AFFAIRS DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$170,437
FEDERAL EXPENDITURES FUND	\$0	\$500
OTHER SPECIAL REVENUE FUNDS	\$0	\$500
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$171,437

Sec. A-24. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Science 0027

Initiative: Continues one limited-period Office Specialist I Supervisor position previously continued by Financial Order 002852 F4, 2 limited-period Office Associate II positions previously continued by Financial Order 002853 F4 and one limited-period Office Associate II position previously continued by Financial Order 002854 F4 through June 7, 2025. This initiative also provides one-time funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$354,239
All Other	\$0	\$16,918
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$371,157

Bureau of Marine Science 0027

Initiative: Continues 2 limited-period Marine Resource Specialist II positions previously continued by Financial Order 002851 F4 and provides funding for the approved reorganization to Marine Resource Specialist positions. These positions end June 7, 2025. This initiative also provides one-time funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$178,480
All Other	\$0	\$8,525
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$187,005

Bureau of Marine Science 0027

Initiative: Provides funding to increase the baseline allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$690,386
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$690,386

Bureau of Marine Science 0027

Initiative: Provides funding to increase the baseline allocation for nonfederal grants.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$60,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$60,000

Bureau of Marine Science 0027

Initiative: Moves a transfer from the Department of Environmental Protection's Maine Ground and Surface Waters Clean-up and Response Fund from the Bureau of Marine Science to the Bureau of Public Health.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$25,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$25,000)

Bureau of Marine Science 0027

Initiative: Provides funding for the approved reclassification of one Marine Resource Scientist II position to a Marine Resource Scientist III position. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,146
GENERAL FUND TOTAL	\$0	\$3,146

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$9,442
All Other	\$0	\$451
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$9,893

Bureau of Marine Science 0027

Initiative: Transfers one Marine Resource Specialist II position and related All Other costs from the Bureau of Policy and Management program to the Bureau of Marine Science program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$86,925
All Other	\$0	\$4,152
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$91,077

Bureau of Marine Science 0027

Initiative: Provides funding for the approved reorganization of 5 Marine Resource Specialist I positions and 12 Marine Resource Specialist II positions to Marine Resource Specialist positions. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$8,136
GENERAL FUND TOTAL	\$0	\$8,136

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$27,360
All Other	\$0	\$1,307
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$28,667

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$10,168
All Other	\$0	\$487
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,655

Bureau of Marine Science 0027

Initiative: Provides funding for the approved reorganization of 9 Resource Management Coordinator positions to Marine Resource Management Coordinator positions. This initiative also provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$3,854
All Other	\$0	\$185

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$4,039
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Bureau of Marine Science 0027

Initiative: Provides funding for the approved range change of 9 Marine Resource Scientist I positions from range 23 to range 24, 23 Marine Resource Scientist II positions from range 25 to range 28, 15 Marine Resource Scientist III positions from range 28 to range 29 and 5 Marine Resource Scientist IV positions from range 31 to range 32. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$81,341
GENERAL FUND TOTAL	\$0	\$81,341

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$36,922
All Other	\$0	\$1,763
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$38,685

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$69,491
All Other	\$0	\$3,339

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$72,830
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Bureau of Marine Science 0027

Initiative: Provides funding for the approved range change of one limited-period Marine Resource Scientist II position from range 25 to range 28 and 2 limited-period Marine Resource Scientist I positions from range 23 to range 24. This initiative also provides one-time funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$21,280
All Other	\$0	\$1,017
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$22,297

Bureau of Marine Science 0027

Initiative: Reallocates the cost of one Marine Resource Scientist II position from 50% Other Special Revenue Funds and 25% General Fund in the Bureau of Marine Science program and 25% Other Special Revenue Funds in the Bureau of Policy and Management program to 75% Other Special Revenue Funds and 25% General Fund in the Bureau of Marine Science program. This initiative also reallocates related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	(\$5)

GENERAL FUND TOTAL	\$0	(\$5)
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$24,166
All Other	\$0	\$1,155
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,321

Bureau of Marine Science 0027

Initiative: Provides one-time funding for the approved reclassification of one Marine Resource Scientist II position to a Marine Resource Scientist III position, retroactive to May 31, 2022. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$13,285
GENERAL FUND TOTAL	\$0	\$13,285
FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$9,161
All Other	\$0	\$434
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$9,595

Bureau of Policy and Management 0258

Initiative: Continues 3 limited-period Marine Resource Specialist II positions previously continued by Financial Order 002865 F4 and provides funding for the approved reorganization to Marine Resource Specialist positions. These positions end June 7, 2025. This initiative reduces All Other funding one time to fund the cost of the positions and the reorganization.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$267,720
All Other	\$0	(\$267,720)
GENERAL FUND TOTAL	\$0	\$0

Bureau of Policy and Management 0258

Initiative: Continues one limited-period Marine Resource Scientist I position previously continued by Financial Order 002865 F4 and one limited-period Marine Resource Scientist I position previously continued by Financial Order 002866 F4 and provides funding for the approved reorganization from range 23 to range 24. These positions end June 7, 2025. This initiative reduces All Other funding one time to fund the cost of the positions and the reorganization.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$198,104
All Other	\$0	(\$198,104)
GENERAL FUND TOTAL	\$0	\$0

Bureau of Policy and Management 0258

Initiative: Transfers one Marine Resource Specialist II position and related All Other costs from the Bureau of Policy and Management program to the Bureau of Marine Science program within the same fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$86,925)
All Other	\$0	(\$4,152)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$91,077)

Bureau of Policy and Management 0258

Initiative: Provides funding for the approved reorganization of 9 Resource Management Coordinator positions to Marine Resource Management Coordinator positions. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$35,337
GENERAL FUND TOTAL	\$0	\$35,337
FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$7,709
All Other	\$0	\$369
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$8,078

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$17,700
All Other	\$0	\$847
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$18,547

Bureau of Policy and Management 0258

Initiative: Provides funding for the approved range change of 9 Marine Resource Scientist I positions from range 23 to range 24, 23 Marine Resource Scientist II positions from range 25 to range 28, 15 Marine Resource Scientist III positions from range 28 to range 29 and 5 Marine Resource Scientist IV positions from range 31 to range 32. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$21,990
GENERAL FUND TOTAL	\$0	\$21,990
OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$3,796
All Other	\$0	\$182

OTHER SPECIAL REVENUE \$0 \$3,978
 FUNDS TOTAL

Bureau of Policy and Management 0258

Initiative: Continues one limited-period Marine Resource Scientist II position previously continued by Financial Order CV0599 F4 and provides funding for the approved reorganization from range 25 to range 28. This position ends on December 31, 2024.

FEDERAL EXPENDITURES	2023-24	2024-25
FUND - ARP STATE FISCAL RECOVERY		
Personal Services	\$0	\$67,390
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FEDERAL EXPENDITURES	\$0	\$67,390

FUND - ARP STATE FISCAL RECOVERY TOTAL

Bureau of Policy and Management 0258

Initiative: Continues 2 limited-period Marine Resource Scientist I positions previously continued by Financial Order CV0600 F4 and provides funding for the approved reorganization from range 23 to range 24. These positions end on December 31, 2024.

FEDERAL EXPENDITURES	2023-24	2024-25
FUND - ARP STATE FISCAL RECOVERY		
Personal Services	\$0	\$115,208
	<hr/>	<hr/>
FEDERAL EXPENDITURES	\$0	\$115,208

FUND - ARP STATE FISCAL RECOVERY TOTAL

Bureau of Policy and Management 0258

Initiative: Adjusts funding to correct a negative allocation due to Public Law 2023, chapter 17, which transferred position count and related STA-CAP charges to a different funding source.

FEDERAL EXPENDITURES	2023-24	2024-25
FUND		
All Other	\$0	\$930
	<hr/>	<hr/>
FEDERAL EXPENDITURES	\$0	\$930

FUND TOTAL

Bureau of Policy and Management 0258

Initiative: Reallocates the cost of one Marine Resource Scientist II position from 50% Other Special Revenue Funds and 25% General Fund in the Bureau of Marine Science program and 25% Other Special Revenue Funds in the Bureau of Policy and Management program to 75% Other Special Revenue Funds and 25% General Fund in the Bureau of Marine Science program. This initiative also reallocates related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	(\$24,161)
All Other	\$0	(\$1,154)
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OTHER SPECIAL REVENUE \$0 (\$25,315)
 FUNDS TOTAL

Bureau of Public Health Z154

Initiative: Moves a transfer from the Department of Environmental Protection's Maine Ground and Surface Waters Clean-up and Response Fund from the Bureau of Marine Science to the Bureau of Public Health.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$25,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE	\$0	\$25,000

FUNDS TOTAL

Bureau of Public Health Z154

Initiative: Provides funding for the approved reclassification of 2 Marine Resource Specialist I positions to Marine Resource Specialist II positions.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$9,878
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$9,878

Bureau of Public Health Z154

Initiative: Provides funding for the approved reorganization of 5 Marine Resource Specialist I positions and 12 Marine Resource Specialist II positions to Marine Resource Specialist positions. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$33,407
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$33,407

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$9,822
All Other	\$0	\$470
	<hr/>	<hr/>

OTHER SPECIAL REVENUE \$0 \$10,292
 FUNDS TOTAL

Bureau of Public Health Z154

Initiative: Provides funding for the approved range change of 9 Marine Resource Scientist I positions from range 23 to range 24, 23 Marine Resource Scientist II positions from range 25 to range 28, 15 Marine Resource Scientist III positions from range 28 to range 29 and 5 Marine Resource Scientist IV positions from range 31 to range 32. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$36,016
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$36,016

FEDERAL EXPENDITURES	2023-24	2024-25
FUND		
Personal Services	\$0	\$8,114

All Other	\$0	\$388
FEDERAL EXPENDITURES	\$0	\$8,502
FUND TOTAL		

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$101,071
All Other	\$0	\$4,829
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$105,900

Bureau of Public Health Z154

Initiative: Provides funding for the approved range change of 2 Seafood Technologist positions from range 20 to range 21.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,883
GENERAL FUND TOTAL	\$0	\$5,883

Bureau of Public Health Z154

Initiative: Provides funding for the approved range change of 2 Seafood Technologist positions from range 21 to range 23.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$14,317
GENERAL FUND TOTAL	\$0	\$14,317

Bureau of Public Health Z154

Initiative: Provides funding for the approved range change of one Seafood Technology Supervisor position from range 25 to range 27.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$7,311
GENERAL FUND TOTAL	\$0	\$7,311

Bureau of Public Health Z154

Initiative: Provides funding for the approved range change of one Seafood Technology Supervisor position from range 27 to range 30.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$11,726
GENERAL FUND TOTAL	\$0	\$11,726

Bureau of Public Health Z154

Initiative: Provides funding for the approved range change of one Senior Seafood Inspector position from range 22 to range 25.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$12,008
GENERAL FUND TOTAL	\$0	\$12,008

Bureau of Public Health Z154

Initiative: Provides one-time funding for the approved reclassification of 2 Marine Resource Specialist I positions to Marine Resource Specialist II positions, retroactive to February 17, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$20,352
GENERAL FUND TOTAL	\$0	\$20,352

Bureau of Public Health Z154

Initiative: Provides one-time funding for the approved range change of 2 Seafood Technologist positions from range 20 to range 21, retroactive to July 19, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$11,505
GENERAL FUND TOTAL	\$0	\$11,505

Bureau of Public Health Z154

Initiative: Provides one-time funding for the approved range change of one Seafood Technology Supervisor position from range 25 to range 27, retroactive to August 1, 2022.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$14,189
GENERAL FUND TOTAL	\$0	\$14,189

Marine Patrol - Bureau of 0029

Initiative: Provides funding to support the increased cost of lobster trap tags.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$502,844
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$502,844

Marine Patrol - Bureau of 0029

Initiative: Provides one-time capital funding for renovations to the interior shared space of the Department of Agriculture, Conservation and Forestry and the Bureau of Marine Patrol's Division II.

GENERAL FUND	2023-24	2024-25
Capital Expenditures	\$0	\$200,000
GENERAL FUND TOTAL	\$0	\$200,000

Sea Run Fisheries and Habitat Z295

Initiative: Provides funding to increase the baseline allocation for federal grants.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$168,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$168,000

Sea Run Fisheries and Habitat Z295

Initiative: Provides funding for the approved reorganization of 5 Marine Resource Specialist I positions and 12 Marine Resource Specialist II positions to Marine Resource Specialist positions. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$2,988
GENERAL FUND TOTAL	\$0	\$2,988

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$2,989
All Other	\$0	\$143
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$3,132

Sea Run Fisheries and Habitat Z295

Initiative: Provides funding for the approved range change of 9 Marine Resource Scientist I positions from range 23 to range 24, 23 Marine Resource Scientist II positions from range 25 to range 28, 15 Marine Resource Scientist III positions from range 28 to range 29 and 5 Marine Resource Scientist IV positions from range 31 to range 32. This initiative also provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$24,367
GENERAL FUND TOTAL	\$0	\$24,367

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$95,137
All Other	\$0	\$4,544
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$99,681

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$10,165
All Other	\$0	\$486
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,651

MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$567,177
FEDERAL EXPENDITURES FUND	\$0	\$1,646,008
OTHER SPECIAL REVENUE FUNDS	\$0	\$799,742
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	\$0	\$182,598

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,195,525
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Sec. A-25. Appropriations and allocations. The following appropriations and allocations are made.

MARITIME ACADEMY, MAINE

Maine Maritime Academy - Debt Service Z304

Initiative: Reduces funding for projected debt service payments.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$165,377)
GENERAL FUND TOTAL	\$0	(\$165,377)

Maine Maritime Academy Scholarship Fund - Casino Z167

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$583
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$583

Maine Maritime Academy Scholarship Fund - Casino Z167

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,264
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,264

MARITIME ACADEMY, MAINE DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	(\$165,377)
OTHER SPECIAL REVENUE FUNDS	\$0	\$1,847
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$163,530)

Sec. A-26. Appropriations and allocations. The following appropriations and allocations are made.

PERMANENT COMMISSION ON THE STATUS OF RACIAL, INDIGENOUS AND TRIBAL POPULATIONS

Racial, Indigenous and Tribal Populations Z319

Initiative: Reduces funding for commissioner per diem payments.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	(\$28,000)
GENERAL FUND TOTAL	\$0	(\$28,000)

Sec. A-27. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Engineers - State Board of Licensure for Professional 0369

Initiative: Provides funding for higher rent costs for leased office space and related STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$9,703
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$9,703

Licensure in Medicine - Board of 0376

Initiative: Continues and makes permanent one part-time Office Assistant I position previously continued by Financial Order 002855 F4 and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	\$0	\$20,689
All Other	\$0	\$146
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,835

Nursing - Board of 0372

Initiative: Provides funding for higher rent costs for leased office space and related STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$25,098
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,098

Office of Professional and Occupational Regulation 0352

Initiative: Provides funding for the approved reorganization of one Office Specialist II position to a Comprehensive Health Planner I position and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$6,633
All Other	\$0	\$89
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,722

Office of Professional and Occupational Regulation 0352

Initiative: Establishes 2 Elevator Inspector positions and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$185,310
All Other	\$0	\$29,764
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$215,074

Office of Professional and Occupational Regulation 0352

Initiative: Allocates ongoing funds to allow for the future reclassification or reorganization and evaluation of 4 Elevator Inspector positions and one Chief Elevator/Boiler Inspector position to address recruitment and retention.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$126,804
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$126,804

Osteopathic Licensure - Board of 0383

Initiative: Provides funding for higher rent costs for leased office space and related STA-CAP costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$6,834
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,834

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$411,070
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$411,070

Sec. A-28. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF Administration - Public Safety 0088

Initiative: Provides one-time funding for certain first responder overtime costs associated with the Lewiston mass casualty event on October 25, 2023 and the subsequent apprehension operation.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$3,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,000,000

Administration - Public Safety 0088

Initiative: Provides a one-time appropriation for a 2-year grant program for the purpose of providing physical and mental health services specific to public safety employees.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,000,000
GENERAL FUND TOTAL	\$0	\$2,000,000

Capitol Police - Bureau of 0101

Initiative: Establishes 2 Capitol Police Security Agent positions effective December 8, 2024 and provides funding for related All Other costs.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
Personal Services	0.000	2.000
All Other	\$0	\$87,040
All Other	\$0	\$72,272
GENERAL FUND TOTAL	\$0	\$159,312

Capitol Police - Bureau of 0101

Initiative: Establishes 3 Capitol Police Security Agent positions, one Lead Security Agent position, one Capitol Police Officer position and one Capitol Police Sergeant position, effective March 2, 2025, and provides funding for related All Other costs.

GENERAL FUND POSITIONS - LEGISLATIVE COUNT	2023-24	2024-25
Personal Services	0.000	6.000
All Other	\$0	\$175,193
All Other	\$0	\$129,304
GENERAL FUND TOTAL	\$0	\$304,497

Capitol Police - Bureau of 0101

Initiative: Establishes one intermittent Capitol Police Officer position and one intermittent Capitol Police Security Agent position and provides funding for related All Other costs.

GENERAL FUND POSITIONS - FTE COUNT	2023-24	2024-25
Personal Services	0.000	1.000
All Other	\$0	\$84,529
All Other	\$0	\$58,672
GENERAL FUND TOTAL	\$0	\$143,201

Capitol Police - Bureau of 0101

Initiative: Provides funding for the approved reclassification of one Public Service Manager II position from range 32 to range 33.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,789
GENERAL FUND TOTAL	\$0	\$5,789

Capitol Police - Bureau of 0101

Initiative: Provides funding for the approved range change of one Capitol Police Lieutenant position from range 22 to range 24, one Capitol Police Sergeant position from range 19 to range 22, 10 Capitol Police Officer positions from range 17 to range 19, 2 Watchperson positions from range 8 to range 11 and 4 Capitol Police Screener positions from range 14 to range 15. This initiative also changes the title of the Watchperson position to Security Guard and changes the title of the Capitol Police Screener position to Capitol Police Security Agent.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$92,858
GENERAL FUND TOTAL	\$0	\$92,858

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$68,849
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$68,849

Capitol Police - Bureau of 0101

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,965
GENERAL FUND TOTAL	\$0	\$5,965

Capitol Police - Bureau of 0101

Initiative: Provides one-time funding for the approved reclassification of one Public Service Manager II position from range 32 to range 33, retroactive to May 22, 2023.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$6,933

GENERAL FUND TOTAL \$0 \$6,933

Computer Crimes 0048

Initiative: Provides funding for the approved reorganization of one Office Specialist I position to a Supervisor Computer Forensic Laboratory position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$37,219

GENERAL FUND TOTAL \$0 \$37,219

Computer Crimes 0048

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$55,523

GENERAL FUND TOTAL \$0 \$55,523

Emergency Medical Services 0485

Initiative: Establishes 4 Public Service Manager I positions and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	4.000
Personal Services	\$0	\$494,256
All Other	\$0	\$17,460

GENERAL FUND TOTAL \$0 \$511,716

Emergency Medical Services 0485

Initiative: Continues one limited-period Public Service Manager II position, previously continued by Financial Order 002886 F4, through June 8, 2025.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$145,203

FEDERAL EXPENDITURES FUND TOTAL \$0 \$145,203

Emergency Medical Services 0485

Initiative: Provides funding for the approved reorganization of one Office Associate II position to an Office Specialist II position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$5,570

GENERAL FUND TOTAL \$0 \$5,570

Fire Marshal - Office of 0327

Initiative: Provides funding for the approved range change of 3 Fire Investigations Sergeant positions from range 24 to range 26.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$71,281
All Other	\$0	\$524

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$71,805

Fire Marshal - Office of 0327

Initiative: Provides one-time funding for the approved range change of 3 Fire Investigations Sergeant positions from range 24 to range 26, retroactive to February 13, 2023

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$87,364

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 \$87,364

Gambling Control Board Z002

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$98)

OTHER SPECIAL REVENUE FUNDS TOTAL \$0 (\$98)

Gambling Control Board Z002

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides

funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,284
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$4,284

Gambling Control Board Z002

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$78,931
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$78,931

Licensing and Enforcement - Public Safety 0712

Initiative: Provides funding for the approved reclassification of one Office Associate II position to a Management Analyst I position.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$6,089
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$6,089

Licensing and Enforcement - Public Safety 0712

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$16,244
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$16,244

Licensing and Enforcement - Public Safety 0712

Initiative: Provides one-time funding for the approved reclassification of one Office Associate II position to a Management Analyst I position, retroactive to January 9, 2023.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$7,494
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$7,494

Safe Homes Program Fund Z341

Initiative: Provides funding for supporting the safe storage of prescription drugs, firearms and dangerous weapons in homes or public spaces in the Safe Homes Program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$25,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000

State Police 0291

Initiative: Establishes 8 State Police Trooper positions, 2 State Police Corporal positions, one State Police Detective position, 4 State Police Sergeant-E positions and one State Police Major position and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	16.000
Personal Services	\$0	\$1,526,332
All Other	\$0	\$209,665
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$1,735,997

State Police 0291

Initiative: Provides funding for the approved reclassification of one Public Service Manager II position from range 32 to range 33.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,680
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$0	\$3,680

State Police 0291

Initiative: Provides funding to align allocations with available revenue.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$225,000
	<hr/>	<hr/>
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$225,000

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$700,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$700,000

State Police 0291

Initiative: Provides one-time funding for the retroactive payment of an approved reclassification and for related All Other costs.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$7,964
	<hr/>	<hr/>

GENERAL FUND TOTAL \$0 \$7,964

State Police 0291

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$3,618,313
GENERAL FUND TOTAL	\$0	\$3,618,313

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,430
All Other	\$0	\$105

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,535
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State Police 0291

Initiative: Provides one-time funding for the approved reclassification of one Public Service Manager II position from range 32 to range 33, retroactive to May 16, 2023.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$4,425
GENERAL FUND TOTAL	\$0	\$4,425

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: Provides funding to align allocations with available revenue.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$0	\$325,000

FEDERAL EXPENDITURES FUND TOTAL	\$0	\$325,000
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Turnpike Enforcement 0547

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police

Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$1,015,141
All Other	\$0	\$19,562
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,034,703

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	\$0	\$8,733,073
FEDERAL EXPENDITURES FUND	\$0	\$700,738
OTHER SPECIAL REVENUE FUNDS	\$0	\$5,066,554

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$14,500,365
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Sec. A-29. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC UTILITIES COMMISSION

Public Utilities - Administrative Division 0184

Initiative: Provides funding for the approved reorganization of 10 Senior Consumer Assistance Specialist positions to Senior PUC Consumer Assistance Specialist positions and transfers All Other to Personal Services to fund the reorganization.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$45,026
All Other	\$0	(\$45,026)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

Sec. A-30. Appropriations and allocations. The following appropriations and allocations are made.

SACO RIVER CORRIDOR COMMISSION

Saco River Corridor Commission 0322

Initiative: Provides funding to align allocation with projected available resources within the Saco River Corridor Commission program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$50,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$50,000

Sec. A-31. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for voter education materials.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$10,000
GENERAL FUND TOTAL	\$0	\$10,000

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for software licenses and maintenance expenses for a rule-making application and database to facilitate efficiency and accessibility of agency rulemaking across agencies statewide.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$150,000
GENERAL FUND TOTAL	\$0	\$150,000

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for software licenses and maintenance expenses for a Freedom of Access Act request application and database to facilitate public records requests.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$14,585
GENERAL FUND TOTAL	\$0	\$14,585

Bureau of Administrative Services and Corporations 0692

Initiative: Establishes one Office Specialist II position and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$95,165
All Other	\$0	\$11,207
GENERAL FUND TOTAL	\$0	\$106,372

Bureau of Administrative Services and Corporations 0692

Initiative: Provides funding for leased space to relocate the staff of the corporations, Uniform Commercial Code and commissions divisions and for leased space at 45 Commerce Drive in Augusta, Florian Hall for the elections division.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$303,929
GENERAL FUND TOTAL	\$0	\$303,929

Bureau of Administrative Services and Corporations 0692

Initiative: Provides one-time funding for software licenses and maintenance expenses for a rule-making application and database to facilitate efficiency and accessibility of agency rulemaking across agencies statewide.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$50,000
GENERAL FUND TOTAL	\$0	\$50,000

Bureau of Administrative Services and Corporations 0692

Initiative: Provides one-time funding for software licenses and maintenance expenses for a Freedom of Access Act request application and database to facilitate public records requests.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$20,585
GENERAL FUND TOTAL	\$0	\$20,585

Elections and Commissions 0693

Initiative: Establishes one limited-period Public Service Coordinator I position through August 31, 2026 to serve as an election security navigator and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$108,758
All Other	\$0	\$41,242
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$150,000

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$655,471
FEDERAL EXPENDITURES FUND	\$0	\$150,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$805,471

Sec. A-32. Appropriations and allocations. The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF
Debt Service - Treasury 0021**

Initiative: Adjusts funding on a one-time basis for debt service. These adjustments are net of transfers of earnings from the temporary investment of bond proceeds pursuant to the Maine Revised Statutes, Title 5, section 151-A.

GENERAL FUND	2023-24	2024-25
All Other	\$0	(\$11,178,000)
GENERAL FUND TOTAL	\$0	(\$11,178,000)

Disproportionate Tax Burden Fund 0472

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$558,445
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$558,445

Disproportionate Tax Burden Fund 0472

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$226,502
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$226,502

Maliseet Sales Tax Fund Z359

Initiative: Increases funding in the Maliseet Sales Tax Fund to bring allotment in line with projected revenues on sales occurring on Houlton Band Trust Land.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$31,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$31,500

State - Municipal Revenue Sharing 0020

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,233,785
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,233,785

State - Municipal Revenue Sharing 0020

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$906,005
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$906,005

**TREASURER OF STATE,
OFFICE OF
DEPARTMENT TOTALS**

	2023-24	2024-25
GENERAL FUND	\$0	(\$11,178,000)
OTHER SPECIAL REVENUE FUNDS	\$0	\$3,956,237
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$7,221,763)

Sec. A-33. Appropriations and allocations. The following appropriations and allocations are made.

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

University of Maine Scholarship Fund Z011

Initiative: Adjusts funding to align with revenue changes approved in the December 2023 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$15,556
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,556

University of Maine Scholarship Fund Z011

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$29,243
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$29,243

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$44,799
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$44,799

PART B

Sec. B-1. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: RECLASSIFICATIONS

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$25,299
All Other	\$0	(\$25,299)
GENERAL FUND TOTAL	\$0	\$0

Administration - Attorney General 0310

Initiative: RECLASSIFICATIONS, One-time funding.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$18,367
GENERAL FUND TOTAL	\$0	\$18,367

**ATTORNEY GENERAL,
DEPARTMENT OF THE
DEPARTMENT TOTALS**

	2023-24	2024-25
GENERAL FUND	\$0	\$18,367
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$18,367

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Water Quality 0248

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$19,149
All Other	\$0	\$499
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$19,648

Water Quality 0248

Initiative: RECLASSIFICATIONS, One-time funding.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$9,805
All Other	\$0	\$254
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$10,059

**ENVIRONMENTAL
PROTECTION,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$29,707

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$29,707
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MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Science 0027

Initiative: RECLASSIFICATIONS

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$5,501
All Other	\$0	\$263
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$5,764

Bureau of Marine Science 0027

Initiative: RECLASSIFICATIONS, One-time funding.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$8,421
All Other	\$0	\$399
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$8,820

Bureau of Policy and Management 0258

Initiative: RECLASSIFICATIONS

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$15,179
All Other	\$0	\$726
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,905

Bureau of Policy and Management 0258

Initiative: RECLASSIFICATIONS, One-time funding.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$27,103
All Other	\$0	\$1,285
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$28,388

**MARINE RESOURCES,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2023-24	2024-25
FEDERAL EXPENDITURES FUND	\$0	\$14,584
OTHER SPECIAL REVENUE FUNDS	\$0	\$44,293

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$58,877
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SECTION TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$18,367
FEDERAL EXPENDITURES FUND	\$0	\$14,584

OTHER SPECIAL REVENUE FUNDS	\$0	\$74,000
SECTION TOTAL - ALL FUNDS	\$0	\$106,951

PART C

Sec. C-1. Mill expectation. The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2024-25 is 6.62.

Sec. C-2. Total cost of funding public education from kindergarten to grade 12. The total cost of funding public education from kindergarten to grade 12 for fiscal year 2024-25 is as follows:

	2024-25 TOTAL
Total Operating Allocation	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,595,190,789
Total operating allocation for public charter schools pursuant to the Maine Revised Statutes, Title 20-A, section 15683-B	\$32,873,939
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$657,222,713
Total Operating Allocation and Subsidizable Costs	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$2,285,287,441
Total Debt Service Allocation	
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$112,200,409
Total Adjustments and Targeted Education Funds	
Adjustments pursuant to Title 20-A, section 15689	
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$225,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$249,607

Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A	\$0
Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$6,012,077
MaineCare seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,334,776
Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$500,000
English learner budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 16	\$500,000
Total adjustments to the state share of the total allocation pursuant to Title 20-A, section 15689	\$8,821,460
Targeted education funds pursuant to Title 20-A, section 15689-A	
Special education costs for state agency clients pursuant to Title 20-A, section 15689-A, subsection 1	\$28,398,550
Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$250,000
Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$11,000,000
Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$5,500,000
National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$0
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$9,000,000
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,881,379
Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347
Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$9,758,979

Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$521,035
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$407,999
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000
Community schools pursuant to Title 20-A, section 15689-A, subsection 25	\$250,000
Musical instruments and professional development in rural schools pursuant to Title 20-A, section 15689-A, subsection 28	\$50,000
Total targeted education funds pursuant to Title 20-A, section 15689-A	\$73,633,289
Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A	
Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$72,215,867
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000
National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000
Career and technical education middle school project program pursuant to Title 20-A, section 15688-A, subsection 8	\$500,000
Career and technical education early childhood education program expansion support pursuant to Title 20-A, section 15688-A, subsection 10	\$100,000
Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A	\$75,265,867

Total cost of funding public education from kindergarten to grade 12 for fiscal year 2024-25 pursuant to Title 20-A, chapter 606-B, including normal retirement costs	\$2,621,942,627
Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance for fiscal year 2024-25 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$274,089,573
Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance for fiscal year 2024-25 pursuant to Title 5, chapters 421 and 423	\$2,896,032,200

Sec. C-3. Local and state contributions to total cost of funding public education from kindergarten to grade 12. The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2024 and ending June 30, 2025 is calculated as follows:

	2024-25 LOCAL	2024-25 STATE
Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12		
Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law	\$1,179,874,182	\$1,442,068,445

Total Cost of Funding Public Education from Kindergarten to Grade 12

Total cost of funding public education from kindergarten to grade 12 for fiscal year 2024-25 pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,555,208,466
Total normal cost of teacher retirement	\$66,734,161

State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance for fiscal year 2024-25 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement \$274,089,573

State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance pursuant to Title 5, chapters 421 and 423 \$1,716,158,018

Sec. C-4. Authorization of payments. If the State's continued obligation for any individual component contained in those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Part may not lapse but must be carried forward for the same purpose.

Sec. C-5. Limit of State's obligation. Those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2024 and ending June 30, 2025.

PART D

Sec. D-1. PL 2023, c. 3, Pt. C, §5 is amended to read:

Sec. C-5. Continuation of limited-period positions. Notwithstanding any provision of law to the contrary, limited-period positions funded with the Federal Expenditures Fund - ARP State Fiscal Recovery

funds authorized in Public Law 2021, chapter 483, "An Act To Provide Allocations for the Distribution of State Fiscal Recovery Funds," may be extended beyond 2 years by financial order but not later than ~~June 30, 2025~~ December 31, 2026.

Sec. D-2. Adjustments to allocations. Notwithstanding the Maine Revised Statutes, Title 37-B, section 746 or any other provision of law to the contrary, Federal Expenditures Fund - ARP State Fiscal Recovery funds allocated to departments, agencies and programs may be adjusted in fiscal years 2023-24, 2024-25 and 2025-26 either within the same department or agency or between departments or agencies on recommendation of the State Budget Officer and approval of the Governor. The Commissioner of Administrative and Financial Services shall report any adjustments to allocations made pursuant to this section to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at least quarterly.

Sec. D-3. Transfer from General Fund unappropriated surplus; Executive Branch Departments and Independent Agencies - Statewide program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$10,000,000 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Executive Branch Departments and Independent Agencies - Statewide program, Other Special Revenue Funds account to provide one-time funding to support Personal Services costs necessary to complete projects initially funded with funds received through the federal American Rescue Plan Act of 2021.

Sec. D-4. Calculation and transfer. The State Budget Officer shall calculate the cost of extending positions necessary to complete authorized projects initially funded with funds received through the federal American Rescue Plan Act of 2021. The State Budget Officer shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2023-24, 2024-25 or 2025-26.

Sec. D-5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Allocates one-time funding to support positions necessary to complete projects initially funded with funds received through the federal American Rescue Plan Act of 2021.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
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Personal Services	\$0	\$10,000,000
OTHER SPECIAL REVENUE	\$0	\$10,000,000
FUNDS TOTAL		

Sec. D-6. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of 0002

Initiative: Adjusts funding by decreasing General Fund appropriations and increasing Federal Expenditures Fund - ARP State Fiscal Recovery funds in the Revenue Services, Bureau of program to allow for the expenditure of federal funds in a manner consistent with United States Department of the Treasury guidance. Federal funding is available from the allocation provided to the department in Public Law 2021, chapter 483, Part Y.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	(\$5,000,000)
All Other	\$0	(\$5,000,000)
GENERAL FUND TOTAL	\$0	(\$10,000,000)

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
Personal Services	\$0	\$5,000,000
All Other	\$0	\$5,000,000
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$10,000,000

PART E

Sec. E-1. 32 MRSA §15224, as amended by PL 2001, c. 573, Pt. B, §28 and affected by §36, is further amended to read:

§15224. Installation of new elevators and tramways; fees

Detailed plans or specifications of each new or altered elevator or tramway must be submitted to and approved by the chief inspector before the construction may be started. Fees for examination of the plans or specifications must be set by the director under section 15225-A. For the purposes of this section, fees may not exceed 1.5% of the cost of the new or altered elevator or tramway.

Sec. E-2. 32 MRSA §15225-A, as amended by PL 2013, c. 70, Pt. D, §28, is further amended to read:

§15225-A. Fees

The director may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose, other than ~~permit~~

~~and~~ inspection fees and fees set for the purposes of section 15224, may not exceed \$500. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. E-3. Director of Office of Professional and Occupational Regulation to adopt rules regarding fees for elevator installation and inspection; report.

No later than December 1, 2024, the Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation shall amend department rule Chapter 10, section 16 regarding elevators and tramways to the extent necessary to cover the ongoing costs of 2 additional Elevator Inspector positions established in Part A and to allow for a future reclassification or reorganization of all Elevator Inspector positions and for an evaluation to address recruitment and retention. The director shall, in amending the rules, consider reimbursement for necessary travel and expenses associated with elevator inspections as a part of the ongoing costs described in this section. The director shall also consider consolidating fees charged pursuant to the Maine Revised Statutes, Title 32, section 15224 and initial inspection fees pursuant to Title 32, section 15225-A. No later than January 15, 2025, the director shall report to the joint standing committee or joint select committee of the Legislature having jurisdiction over housing matters on the revenue projected to be generated annually from the increased fees and if the projected amount is sufficient to support ongoing costs of the Elevator Inspector positions established in Part A and support a change in compensation for all elevator inspectors to a level comparable to similar positions in other states.

PART F

Sec. F-1. 5 MRSA §1531, sub-§4, as repealed and replaced by PL 2023, c. 412, Pt. I, §2, is amended to read:

4. Biennial base year appropriation. "Biennial base year appropriation" means:

A. For the 2024-2025 biennium, 98% of the baseline General Fund revenue for fiscal year 2023-24 as of December 1, ~~2022~~ 2023; and

B. For fiscal years subsequent to fiscal year 2024-25, the amount of the General Fund appropriation limitation calculated for the current year pursuant to section 1534, subsection 1.

Sec. F-2. 5 MRSA §1532, sub-§5, as amended by PL 2023, c. 412, Pt. I, §4, is further amended to read:

5. Investment proceeds; exception. At the close of every month during which the stabilization fund is at the 18% limitation described in subsection 1, the State Controller shall transfer from the General Fund to the Irrevocable Trust Funds for Other Post-employment Benefits established in section 286-B, subsection 2 for

the state employee plan, as defined in section 286-B, subsection 1, paragraph D, an amount equal to the investment earnings that otherwise would have been credited to the stabilization fund.

Sec. F-3. 5 MRSA §1535, sub-§3, as enacted by PL 2023, c. 412, Pt. I, §7, is amended to read:

3. Irrevocable Trust Funds for Other Post-employment Benefits. Ten percent to the Irrevocable Trust Funds for Other Post-employment Benefits established in section 286-B, subsection 2 for the state employee plan.

Sec. F-4. Biennial base year appropriation for fiscal year 2024-25. Notwithstanding the Maine Revised Statutes, Title 5, section 1531, subsection 4, paragraph A, for fiscal year 2024-25, the biennial base year appropriation is 99% of the baseline General Fund revenue for fiscal year 2023-24 as of December 1, 2023.

PART G

Sec. G-1. 20-A MRSA §4016 is enacted to read:

§4016. Minimum hourly wage for educational technicians and other school support staff

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Educational technician" has the same meaning as in section 13001-A, subsection 8.

B. "Other school support staff" means a public school employee who is not an educational technician and who is paid on an hourly basis.

2. Minimum hourly wage. Except as provided in subsection 3, for the school year starting after June 30, 2025 and for each subsequent school year, the minimum hourly wage for educational technicians is equal to 125% of the minimum hourly wage established in Title 26, section 664, subsection 1 and the minimum hourly wage for other school support staff is equal to 115% of the minimum hourly wage established in Title 26, section 664, subsection 1.

3. Wage increases. If, pursuant to the requirements of Title 26, section 664, subsection 1, the minimum hourly wage is increased on January 1st of any year, the minimum hourly wage for educational technicians and other school support staff is increased beginning July 1st of the same year in an amount equal to 125% of the increased minimum hourly wage under Title 26, section 664, subsection 1 for educational technicians and in an amount equal to 115% of the increased minimum hourly wage under Title 26, section 664, subsection 1 for other school support staff.

Sec. G-2. 20-A MRSA §15677, sub-§2, ¶B, as enacted by PL 2003, c. 504, Pt. A, §6, is amended to read:

~~B. For fiscal year 2006-07 and each subsequent year until fiscal year 2025-26, the commissioner shall update the previous year's salary matrix to reflect appropriate trends in the Consumer Price Index or other comparable index.~~

Sec. G-3. 20-A MRSA §15677, sub-§2, ¶C is enacted to read:

C. For fiscal year 2025-26 and for each subsequent fiscal year, the commissioner shall update the previous year's salary matrix to reflect appropriate trends in the Consumer Price Index or other comparable index and to reflect any increase in the minimum hourly wage of educational technicians and other school support staff in accordance with section 4016, subsection 3.

Sec. G-4. Incorporation into essential programs and services. The Department of Education shall incorporate the minimum hourly wage under the Maine Revised Statutes, Title 20-A, section 4016 into the essential programs and services funding model under Title 20-A, chapter 606-B.

Sec. G-5. State contribution. Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 606-B, for the 2025-2026 school year only, the State shall provide 100% of the additional funding necessary to achieve the minimum hourly wage for educational technicians and other school support staff established under Title 20-A, section 4016.

PART H

Sec. H-1. 23 MRSA §4210-B, sub-§7-A, as amended by PL 2023, c. 613, Pt. B, §2, is further amended to read:

7-A. Sales tax revenue. On July 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on ~~the value of rental of a truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and~~ the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the first 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5, the transfers to the sales tax funds pursuant to Title 36, section 1815 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. On October 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on ~~the value of rental of a truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles and~~ the value of rental for a period of less than one year of an

automobile pursuant to Title 36, section 1811 for the last 6 months of the immediately prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5, the transfers to the sales tax funds pursuant to Title 36, section 1815 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law.

Sec. H-2. 36 MRSA §1752, sub-§5-D is enacted to read:

5-D. Lease or rental. "Lease or rental," "lease" or "rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase the property or extend the lease or rental. "Lease or rental" includes a sublease and subrental.

"Lease or rental" does not include:

A. Leases and contracts payable by rental or license fees for the right of possession and use when such leases and contracts are determined by the assessor to be in lieu of purchase;

B. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

C. Providing tangible personal property along with a person to operate that property, for a fixed or indeterminate period of time, when that person is necessary for the tangible personal property to perform as designed and the person does more than maintain, inspect or set up the tangible personal property; or

D. The lease or rental of property that is subject to the provisions of the service provider tax imposed pursuant to chapter 358.

The characterization of a transaction as a lease or rental under generally accepted accounting principles, the Code, the Uniform Commercial Code or other provisions of federal, state or local law does not affect a determination that a transaction is a lease or rental under chapters 211 to 225.

Sec. H-3. 36 MRSA §1752, sub-§5-E is enacted to read:

5-E. Lessor. "Lessor" means a person who leases or rents tangible personal property located in this State to another person.

Sec. H-4. 36 MRSA §1752, sub-§10, as amended by PL 2019, c. 401, Pt. B, §3, is further amended to read:

10. Retailer. "Retailer" means a person who makes retail sales or who is required to register by section 1754-B or who is registered under section 1756. "Retailer" includes a lessor.

Sec. H-5. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by repealing subparagraph (3).

Sec. H-6. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by repealing subparagraph (3-A).

Sec. H-7. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by repealing subparagraph (5).

Sec. H-8. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by amending subparagraph (9) to read:

(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract ~~sold on or after September 20, 2007~~ that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;

Sec. H-9. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by amending subparagraph (16) to read:

(16) The sale, to a person engaged in the business of renting or leasing motor homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of motor homes or camper trailers for rental as tangible personal property but not as the rental of living quarters; ~~or~~

Sec. H-10. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by amending subparagraph (17) to read:

(17) The sale of truck repair parts used in the performance of repair services on a truck pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the truck for a specific duration; ~~or~~

Sec. H-11. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by enacting a new subparagraph (18) to read:

(18) The sale or lease or rental to a lessor that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C of tangible personal property for lease or rental.

Sec. H-12. 36 MRSA §1752, sub-§13, as amended by PL 1981, c. 706, §20, is further amended to read:

13. Sale. "Sale" means any transfer, exchange or barter, in any manner or by any means whatsoever, for

a consideration and includes leases and ~~contracts payable by rental or license fees for the right of possession and use, but only when such~~ rentals, conditional sale contracts and any contract under which possession of the property is given to the purchaser but title is retained by the seller as security for the payment of the purchase price, and leases and contracts that are deemed determined by the State Tax Assessor assessor to be in lieu of purchase. Each time period for which a lease or rental payment is charged is considered a separate sale.

Sec. H-13. 36 MRSA §1752, sub-§14, ¶A, as amended by PL 2021, c. 578, §2, is further amended by amending subparagraph (4) to read:

(4) In the case of the lease or rental for a period of less than one year of an automobile ~~or of a truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles,~~ the value is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee; and

Sec. H-14. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (2) to read:

(2) Allowances in cash or by credit made upon the return of merchandise or services rejected pursuant to warranty;

Sec. H-15. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (3) to read:

(3) The price of property returned or services rejected by customers, when the full price is refunded either in cash or by credit;

Sec. H-16. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (12) to read:

(12) Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54; ~~or~~

Sec. H-17. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (13) to read:

(13) A paint stewardship assessment imposed pursuant to Title 38, section 2144-; or

Sec. H-18. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by enacting a new subparagraph (14) to read:

(14) For lease or rental payments, separately stated charges for sales of optional insurance coverage for the protection of the lessee or of the lessee's personal property, such as liability insurance, personal accident insurance or personal effects protection.

Sec. H-19. 36 MRSA §1752, sub-§17-B, as amended by PL 2021, c. 578, §3, is further amended to read:

17-B. Taxable service. "Taxable service" means the rental of living quarters in a hotel, rooming house or tourist or trailer camp; the transmission and distribution of electricity; ~~the rental or lease of an automobile, a camper trailer, or a motor home, as defined in Title 29-A, section 101, subsection 40; the rental or lease of a truck or van with a gross vehicle weight of less than 26,000 pounds from a person primarily engaged in the business of renting automobiles;~~ the sale of an extended service contract on an automobile or truck that entitles the purchaser to specific benefits in the service of the automobile or truck for a specific duration; and the sale of prepaid calling service.

Sec. H-20. 36 MRSA §1754-B, sub-§1-B, ¶A, as repealed and replaced by PL 2021, c. 181, Pt. B, §5, is amended by amending subparagraph (3) to read:

(3) Every lessor engaged in the leasing of tangible personal property located in this State that does not maintain a place of business in this State but makes retail sales ~~to purchasers from~~ in this State;

Sec. H-21. 36 MRSA §1758, as repealed and replaced by PL 1999, c. 708, §24, is repealed.

Sec. H-22. 36 MRSA §1760, sub-§115 is enacted to read:

115. Section 501(c)(3) nonprofit organizations. Beginning January 1, 2025, sales to a nonprofit organization that has been determined by the United States Internal Revenue Service to be exempt from federal income taxation under Section 501(c)(3) of the Code, if the tangible personal property or taxable services sold are to be used primarily for the purposes for which the nonprofit organization was organized.

Sec. H-23. 36 MRSA §1811, sub-§1, ¶D, as amended by PL 2021, c. 578, §4; c. 658, §286; and c. 669, §5, is further amended by amending subparagraph (4) to read:

(4) Ten percent on the value of rental for a period of less than one year of:
(a) An automobile; or

~~(b) A truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or~~

(c) A loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and

Sec. H-24. 36 MRSA §1819, sub-§2, as amended by PL 2021, c. 181, Pt. B, §6, is further amended to read:

2. Sourcing for sales of tangible personal property and taxable services; generally. The sale of tangible personal property or a taxable service is sourced in this State pursuant to this subsection. Except as provided in subsections 3 to 5, the provisions of this subsection do not apply to the lease or rental of tangible personal property.

A. When the tangible personal property or taxable service is received by the purchaser at a business location of the seller, the sale is sourced to that business location.

B. When the tangible personal property or taxable service is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee occurs, including the location indicated by instructions for delivery to the purchaser or donee known to the seller.

C. For a sale when paragraphs A and B do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

D. For a sale when paragraphs A to C do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

E. When paragraphs A to D do not apply, including the circumstance in which the seller is without sufficient information to apply paragraphs A to D, the location is determined by the address from which tangible personal property was shipped, from which the tangible personal property or taxable service transferred electronically was first available for transmission by the seller or from which the service was provided, disregarding for these purposes any location that merely provided the digital transfer of the tangible personal property or taxable service sold.

Sec. H-25. 36 MRSA §1819, sub-§3 is enacted to read:

3. Sourcing for leases or rentals of tangible personal property. The lease or rental of tangible personal property, other than property identified in subsection 4 or 5, is sourced pursuant to this subsection.

A. For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced to this State in the same manner as a sale of tangible personal property in accordance with subsection 2. Periodic payments made subsequent to the first payment are sourced to the primary property location for each time period covered by the payment. For the purposes of this paragraph, "the primary property location" is an address for the property provided by the lessee that is available to the lessor from its records and maintained in the ordinary course of business, when use of this address does not constitute bad faith. The primary property location is not altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

B. For a lease or rental that does not require recurring periodic payments, the payment is sourced to this State in the same manner as a sale of tangible personal property in accordance with subsection 2.

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals, based on a lump sum payment or on the basis of accelerated payment, or on the acquisition of property for lease.

Sec. H-26. 36 MRSA §1819, sub-§4 is enacted to read:

4. Motor vehicles, trailers, semitrailers, truck campers or aircraft. The lease or rental of motor vehicles, trailers, semitrailers, truck campers or aircraft that do not qualify as transportation equipment, as defined in subsection 5, is sourced pursuant to this subsection.

A. For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location is as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. This location is not altered by intermittent use at different locations.

B. For a lease or rental that does not require recurring periodic payments, the payment is sourced to the State in the same manner as a sale of tangible personal property in accordance with the provisions of subsection 2.

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals, based

on a lump sum payment or on the basis of accelerated payment, or on the acquisition of property for lease.

Sec. H-27. 36 MRSA §1819, sub-§5 is enacted to read:

5. Transportation equipment. The sale, including lease or rental, of transportation equipment is sourced to the State in the same manner as a sale of tangible personal property in accordance with the provisions of subsection 2. For the purposes of this subsection, "transportation equipment" means:

A. Locomotives and railcars that are used for the carriage of persons or property in interstate commerce;

B. Trucks and truck tractors with a gross vehicle weight rating greater than 10,000 pounds and trailers, semitrailers or passenger buses that are:

(1) Registered through the International Registration Plan; and

(2) Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

C. Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation, another federal authority or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; or

D. Containers designed for use on and component parts attached to or secured on the equipment described in paragraphs A to C.

Sec. H-28. 36 MRSA §2022 is enacted to read:

§2022. Refund of sales and use tax on purchases of qualifying retail lease or rental property

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Qualified lessor" means a person who:

(1) Paid Maine sales or use tax on the purchase of qualifying lease or rental property on or after January 1, 2023 and before January 1, 2025; and

(2) Collected and remitted Maine sales or use tax on the lease or rental of qualifying lease or rental property on or after January 1, 2025.

B. "Qualifying lease or rental property" means tangible personal property:

(1) Upon the purchase of which a qualified lessor paid Maine sales or use tax on or after January 1, 2023 and before January 1, 2025; and

(2) That was part of a taxable lease or rental transaction on or after January 1, 2025 for which the qualified lessor of the property collected and remitted Maine sales or use tax to the State.

2. Refund authorized. The State Tax Assessor shall refund the tax imposed pursuant to this Part and paid by a qualified lessor on the purchase of qualifying lease or rental property on or after January 1, 2023 and before January 1, 2025. The amount of the refund for qualifying lease or rental property is limited to the Maine sales or use tax collected and remitted to the State by the qualified lessor on qualifying lease or rental property on or after January 1, 2025 and before January 1, 2027.

3. Procedure and limitation. A qualified lessor may request a refund on qualifying lease or rental property by submitting a claim for refund on a form prescribed by the assessor. In order to qualify for a refund under this section, a qualified lessor must file one claim for all qualifying lease or rental property and must file the claim on or after January 1, 2027 and before March 31, 2027.

4. Audit. The assessor may audit a claim for refund filed under this section. If the assessor determines that the amount of refund is incorrect, the assessor may issue an assessment within 3 years from the date the claim was filed or at any time if a fraudulent claim was filed. The claimant may seek reconsideration of the assessment pursuant to section 151.

Sec. H-29. Application. This Part applies to sales, leases and rentals of tangible personal property and sales of taxable services on or after January 1, 2025. For the purposes of lease or rental payments, each time period for which a lease or rental payment is charged is considered a separate sale.

PART I

Sec. I-1. Carrying provision; Department of Agriculture, Conservation and Forestry, Bureau of Agriculture. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward any unexpended balance remaining of the \$750,000 appropriated in Public Law 2023, chapter 412 in the Department of Agriculture, Conservation and Forestry, Bureau of Agriculture program, General Fund account, Capital Expenditures line category to the next fiscal year to be used to upgrade the Cony Road facility in Augusta.

PART J

Sec. J-1. Transfer from General Fund unappropriated surplus; Department of Agricul-

ture, Conservation and Forestry, Bureau of Agriculture. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$750,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Bureau of Agriculture program, Other Special Revenue Funds account for the purposes of renovating the office area of the Cony Road facility in Augusta to include asbestos tile remediation, making restroom facilities compliant with the federal Americans with Disabilities Act of 1990, improving energy efficiency and improving the functionality of the office space.

PART K

Sec. K-1. Transfer of funds from unencumbered balance forward; Department of Agriculture, Conservation and Forestry, Division of Forest Protection. Notwithstanding any provision of law to the contrary, the State Controller shall carry forward \$200,000 of unencumbered balance forward remaining in the Personal Services line category and \$300,000 of unencumbered balance forward remaining in the All Other line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account at the close of fiscal year 2023-24 and shall transfer all remaining money from the unencumbered balance forward in the Personal Services line category above \$200,000 and in the All Other line category above \$300,000 on or before August 1, 2024 to the Capital Expenditures line category in the Department of Agriculture, Conservation and Forestry, Division of Forest Protection, General Fund account to carry out the mission of the forest protection unit within the Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

PART L

Sec. L-1. 7 MRSA §103, sub-§3, as enacted by PL 2021, c. 681, Pt. J, §2, is amended to read:

3. Fund created. The Treasurer of State shall establish an account as a separate unit within the Harness Racing Commission program to be known as "the Agricultural Fair Promotion Fund" and shall credit to it all money received under Title 8, section 1218, subsection 1, paragraph E. The fund is a dedicated, nonlapsing fund within the Department of Agriculture, Conservation and Forestry. All revenues deposited in the fund must be disbursed in accordance with this section.

Sec. L-2. Transfer balances. Notwithstanding any provision of law to the contrary, at the close of fiscal year 2023-24, the State Controller shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance in the Agricultural Fair Promotion Fund, Other Special Revenue Funds account to the Operating Account, Other Special Revenue Funds account within the Harness Racing

Commission program in the Department of Agriculture, Conservation and Forestry.

PART M

Sec. M-1. 5 MRSA §6203-E, sub-§3, ¶C, as enacted by PL 2023, c. 284, §9, is amended to read:

C. When land or interest in land is acquired with proceeds from the Conservation and Recreation Fund, fund minor capital investments in the stewardship and management of that land. Stewardship and management investments under this paragraph must be held in a dedicated stewardship endowment and identified for use on the funded property. Stewardship and management investments may not exceed 5% of the appraised value of the acquired property. For state agencies, these proceeds must be held in a separate interest-bearing Other Special Revenue Funds account within the Land for Maine's Future Trust Fund. Funds appropriated, allocated, transferred or deposited in the Conservation and Recreation Fund, Other Special Revenue Funds account accrue interest earnings that must be used for funding stewardship and management investments; and

Sec. M-2. Units within Land for Maine's Future Trust Fund. The following funds are established as units within the Land for Maine's Future Trust Fund established in the Maine Revised Statutes, Title 5, section 6203-D, subsection 1:

1. The Public Access to Maine Waters Fund, established in Title 5, section 6203-A, subsection 1;
2. The Maine Working Waterfront Access Protection Fund, established in Title 5, section 6203-B, subsection 1;
3. The Maine Working Farmland Access and Protection Fund, established in Title 5, section 6203-C, subsection 1;
4. The Conservation and Recreation Fund, established in Title 5, section 6203-E, subsection 1; and
5. The Conservation Land Management Fund, established in Title 5, section 6203-F, subsection 1.

PART N

Sec. N-1. 5 MRSA §3360, sub-§5-A is enacted to read:

5-A. Mass violence crime. "Mass violence crime" means an intentional violent crime that results in physical, emotional or psychological injury to a large number of individuals and significantly increases the burdens on victim support and the crime victims' compensation program.

Sec. N-2. 5 MRSA §3360-E, as amended by PL 1999, c. 360, §7 and affected by §9 and amended by c. 731, Pt. QQQ, §§1 and 2, is repealed and the following enacted in its place:

§3360-E. Payment of awards; limits

Payments from the fund and limits on those payments are governed by this section.

1. Compensation for victim of sexual assault or other specified crime. The board may award compensation to a claimant of up to \$15,000 for actual and unreimbursed losses and eligible expenses of any person who is sexually assaulted or who suffers personal injury or death as the result of a crime specified in section 3360, subsection 3.

2. Payment to victim of mass violence crime; source of payments. Notwithstanding the compensation limits in subsection 1, if the underlying crime is a mass violence crime, the board may award a total amount of compensation of more than \$15,000. Any awarded amount in excess of \$15,000 must be paid from the Maine Mass Violence Care Fund established in section 3360-W.

3. Award for family or household member. An award of compensation for the benefit of a family or household member is derivative of the claim of the victim. The total compensation paid from the fund for all claims arising from the crime against the victim may not exceed \$15,000.

4. Payment to individuals responsible for medical, funeral and other expenses of victim. Within the limits specified in this section, when a person dies as the direct result of a specified crime under section 3360, subsection 3, any individual who pays or who is legally responsible for medical, medically related, funeral or burial expenses may seek compensation for those unreimbursed expenses incurred by the individual. A provider of medical or funeral services may not seek reimbursement directly.

5. Method of payment of award. The board, in its sole discretion, may disburse funds awarded directly to the claimant or to the individuals or entities who provided the services for which compensation was awarded. In the case of more than one family or household member, the board may apportion the total compensation as the board determines.

Sec. N-3. 5 MRSA c. 316-D is enacted to read:

CHAPTER 316-D

MAINE MASS VIOLENCE CARE FUND

§3360-W. Maine Mass Violence Care Fund

1. Fund established; purpose; source of funds. The Maine Mass Violence Care Fund, referred to in this chapter as "the fund," is established within the Department of the Attorney General as an Other Special Revenue Funds account. The purpose of the fund is to provide a sustainable source of funds for expenses eligible for reimbursement by the Victims' Compensation Board established under section 3360-A arising from a mass violence crime pursuant to chapter 316-A that are not

paid for by insurance or any other source. The fund is funded through appropriations and allocations and may receive private donations and federal and state funds designated by law for the payment of claims and reasonable administrative costs of the fund. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund.

2. Administration and investment of fund. The fund is administered by the Treasurer of State in accordance with this subsection.

A. In consultation with the Attorney General, the Treasurer of State may hold, invest, reinvest and manage the fund in a manner that fulfills the purpose of the fund as long as the investment and reinvestment of funds is in compliance with section 138 and the Maine Uniform Trust Code, including the Maine Uniform Prudent Investor Act.

B. All costs of administering the fund, including the necessary and proper expenses incurred by the Treasurer of State in administering the fund, must be paid from the fund.

C. The Treasurer of State, the Attorney General and the Victims' Compensation Board established in section 3360-A may not encumber, invest, divest or disburse funds for any purpose not specifically included in this section.

3. Distributions from fund. The Victims' Compensation Board established under section 3360-A shall make distributions from the fund in accordance with chapter 316-A and rules establishing eligibility criteria adopted by the board.

A. Only gains, interest, dividends and other revenue earned on funds in the fund and any amounts gifted to the fund may be expended.

B. Payments from the fund to a victim for eligible expenses, as set forth in section 3360-E, may not be made sooner than 3 years after the applicable mass violence crime.

4. Rules. The board may adopt rules to implement the provisions of this section including establishing eligibility criteria.

5. Annual report. The Attorney General and the Treasurer of State shall report to the joint standing committee of the Legislature having jurisdiction over judiciary matters by February 1st of each year regarding implementation of the fund, including procedures developed by the Victims' Compensation Board, total revenue available for reimbursement of eligible claims and annual expenditures from the fund.

Sec. N-4. Working group on Maine Mass Violence Care Fund. The Working Group to Recommend any Changes to Eligibility Standards for Expenditures from the Maine Mass Violence Care Fund,

referred to in this section as "the working group," is established.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Board" means the Victims' Compensation Board established in the Maine Revised Statutes, Title 5, section 3360-A.

B. "Eligible expenses" means expenses that are determined by the board to be eligible for reimbursement from the fund as of May 1, 2024.

C. "Family or household member" has the same meaning as in the Maine Revised Statutes, Title 5, section 3360, subsection 5.

D. "Mass violence crime" means an intentional violent crime that results in physical, emotional or psychological injury to a large number of individuals and that significantly increases the burdens on victim support and compensation systems in the jurisdiction in which the violent crime occurred.

E. "Victim" has the same meaning as in the Maine Revised Statutes, Title 5, section 200-E, subsection 1, paragraph B.

2. Purpose of working group. The purpose of the working group is to identify and recommend to the board and the Legislature any changes regarding specific options and eligibility criteria to help ensure that those individuals adversely affected by a mass violence crime are provided some financial relief from physical and behavioral health care costs not paid for from another public or private source, including, but not limited to, the MaineCare program, Medicaid or private insurance. Specifically, the working group shall consider and make recommendations regarding:

A. Gaps in payments for physical and behavioral health care services for victims of mass violence crimes;

B. Methods of investing the funds in the fund to ensure sustainable annual financial returns;

C. Options for determining eligibility for distributions from the fund, including any changes regarding parameters for:

- (1) Who is considered a victim of a mass violence crime;
- (2) Which health care costs are considered eligible expenses; and
- (3) What constitutes a mass violence crime; and

D. Anything else the working group determines necessary to carry out the purposes of the fund.

3. Membership; chair; appointments. The working group consists of the following members:

A. A member of the Senate, appointed by the President of the Senate;

B. A member of the House of Representatives, appointed by the Speaker of the House;

C. The Attorney General or the Attorney General's designee;

D. The Commissioner of Health and Human Services or the commissioner's designee;

E. The Treasurer of State or the Treasurer of State's designee; and

F. The chair of the board or the chair's designee.

The member of the Senate and the member of the House of Representatives serve as cochairs.

All appointments must be made within 30 days following the effective date of this Part.

4. Report. The working group under subsection 2 shall provide its recommendations for eligibility requirements and rules to the board no later than December 3, 2024. The working group shall report to the Victims' Compensation Board and the joint standing committee having jurisdiction over judiciary matters with its findings and recommendations and any suggested legislation or rule changes no later than December 2, 2024. The joint standing committee of the Legislature having jurisdiction over judiciary matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. N-5. Transfer from General Fund unappropriated surplus; Department of the Attorney General, Maine Mass Violence Care Fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$5,000,000 from the unappropriated surplus of the General Fund to the Department of the Attorney General, Maine Mass Violence Care Fund, Other Special Revenue Funds account to provide financial support to victims and their families and household members of a mass violence crime.

PART O

Sec. O-1. Transfer from General Fund unappropriated surplus; Department of Corrections, Administration - Corrections. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$4,800,000 from the unappropriated surplus of the General Fund to the Department of Corrections, Administration - Corrections, Other Special Revenue Funds account for one-time implementation costs of the offender management system.

PART P

Sec. P-1. Carrying provision; Department of Corrections, Administration - Corrections. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller

shall carry forward up to \$900,000 appropriated in Part A to the Department of Corrections, Administration - Corrections program for one-time funding for the subscription costs for the offender management system to be used for the same purpose.

PART Q

Sec. Q-1. 37-B MRSA §745, sub-§4, as amended by PL 2009, c. 252, §4, is further amended to read:

4. Fund balance. The fund's balance may not exceed ~~\$3,000,000~~ \$15,000,000, except by order of the Governor. In the absence of such an order, any amount, including interest, that accrues in excess of ~~\$3,000,000~~ \$15,000,000 must be transferred by the State Controller to the Maine Budget Stabilization Fund, established in Title 5, section 1532. ~~Beginning July 1, 2010, the fund's maximum allowable balance must be adjusted annually on July 1st by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 2%.~~

Sec. Q-2. Transfer from General Fund unappropriated surplus; Disaster Recovery Fund program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$15,000,000 from the unappropriated surplus of the General Fund to the Disaster Recovery Fund, Other Special Revenue Funds account within the Department of Defense, Veterans and Emergency Management to fund the State's share of estimated disaster recovery costs.

PART R

Sec. R-1. Carrying provision; Department of Defense, Veterans and Emergency Management, Administration - Defense, Veterans and Emergency Management. Notwithstanding any provision of law to the contrary, the State Controller shall carry forward any unexpended balance of the \$400,000 provided under Public Law 2021, chapter 398, Part A in the Department of Defense, Veterans and Emergency Management, Administration - Defense, Veterans and Emergency Management program, General Fund account, All Other line category at the end of fiscal year 2023-24 to fiscal year 2024-25 to continue the environmental closure activities at the former Maine Military Authority site in Limestone.

PART S

Sec. S-1. Transfer from General Fund unappropriated surplus; Department of Administrative and Financial Services, Maine Military Reserve Fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$75,000 from the General Fund unappropriated surplus to the Maine Military Reserve Fund, established under the Maine Revised Statutes, Ti-

tle 5, section 1523, within the Department of Administrative and Financial Services for the purpose of settling outstanding obligations of the Maine Military Authority.

Sec. S-2. Transfer from General Fund unappropriated surplus; Department of Defense, Veterans and Emergency Management, Administration - Defense, Veterans and Emergency Management. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$460,000 from the General Fund unappropriated surplus to the Department of Defense, Veterans and Emergency Management, Administration - Defense, Veterans and Emergency Management program, Other Special Revenue Funds account for the purpose of funding one-time environmental closure activities at the former Maine Military Authority site in Limestone.

PART T

Sec. T-1. Department of Public Safety to establish public safety health and wellness grant pilot program. The Department of Public Safety shall establish a 2-year public safety health and wellness grant pilot program, referred to in this Part as "the pilot program," to provide grants to government entities for the purpose of providing public safety employees with wellness visits or specialized cardiac and metabolic screenings that specifically address the physical or mental health effects experienced by public safety employees. Services provided under the pilot program may not supplant existing behavioral, mental or physical health care benefit packages and must supplement existing programs. For the purposes of this Part, the following terms have the following meanings.

1. "Government entity" means the State or a municipality, plantation or county.
2. "Public safety agency" means a department or other agency of a government entity that provides or has the authority to provide fire, emergency medical, emergency communications, correctional or police services.
3. "Public safety employee" means an employee of a public safety agency.

Sec. T-2. Programs to address physical and mental health effects experienced by public safety employees. A government entity may apply for a grant under the pilot program for any group of public safety employees as long as services are provided to all public safety employees of the public safety agency within that group, wherever located. Applications by a government entity must include at least one of the 2 following screening programs:

1. Specialized cardiac and metabolic screening that provides a medical consultation and an individualized plan including nutrition, fitness and wellness recom-

mentations to the employee when appropriate. The results of the screening and any advice for the continued treatment of identified health issues must be provided to the employee and the employee's physician. Testing must include the following:

- A. An advanced lipid panel, including a cardiac inflammatory biomarker analysis;
- B. Screening for liver and kidney function;
- C. Screening for thyroid, prostate and other cancers or diseases that are prevalent among first responders at a higher rate than the civilian population, such as diabetes; and
- D. Cardiologist-guided, public safety-specific, cardio-metabolic stress testing; and

2. Annual wellness visits that provide confidential visits with qualified mental health professionals who have experience with the cumulative impact of exposure to traumatic events and specialized knowledge of public safety psychology. Options for referrals to additional counseling services, inpatient services or specialists for the participating employee or employee's immediate family must be available.

Unless otherwise provided by law, services provided under this section may not be used as a basis for employment termination.

Sec. T-3. Confidentiality. All health care information of an employee is confidential as provided in the Maine Revised Statutes, Title 22, section 1711-C. If wellness visits are mandated as a condition of employment by a public safety agency, only confirmation of attendance may be shared by a health care provider with the agency.

Sec. T-4. Administration costs. A government entity that receives a grant under the pilot program may use up to 10% of the grant funding to administer the grant.

Sec. T-5. Reporting. The Department of Public Safety shall ensure that government entities receiving grants provide to the department detailed anonymized information on the number of public safety employees who participated in the pilot program, the types of services provided to those employees and any outcome data that can be provided to show effectiveness of the pilot program. The Department of Public Safety shall submit a report no later than January 10, 2026 to the joint standing committee of the Legislature having jurisdiction over health and human services matters and the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters with the number of grants disbursed, the number of public safety employees served, the types of services provided and outcome data on the effectiveness of the program.

PART U

Sec. U-1. 5 MRSA §3003-A, as enacted by PL 2017, c. 279, §2, is amended to read:

§3003-A. Educator interchange program; period of assignment

The period of an individual assignment of an educator under an interchange program, authorized under section 3003, between the educator's school administrative unit as the sending agency and the Department of Education as the receiving agency may not exceed ~~24 months nor may any educator be assigned under such an interchange program for more than 24 months during any 36 month period~~ 36 months. For the purposes of this section, "educator" means a teacher, principal or other education professional employed by a school administrative unit.

PART V

Sec. V-1. Lapsed balances. Notwithstanding any provision of law to the contrary, \$518,714 of unencumbered balance forward from the Legislature, General Fund carrying account, Personal Services line category lapses to the unappropriated surplus of the General Fund no later than June 30, 2025.

PART W

Sec. W-1. 20-A MRSA §7001, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Agency. "Agency" means ~~an~~ a public, quasi-governmental or private agency, school, organization, facility or institution.

Sec. W-2. 20-A MRSA §7001, sub-§1-A, as amended by PL 2011, c. 655, Pt. OO, §1, is further amended to read:

1-A. Child Development Services System. "Child Development Services System" means the state intermediate educational unit under section 7209, subsection 3, ~~and any regional sites it chooses to establish and maintain~~, to ensure the provision of child find activities, early intervention services and, when designated by the commissioner, free, appropriate public education services to eligible children.

Sec. W-3. 20-A MRSA §7001, sub-§1-D is enacted to read:

1-D. Child eligible under Part B, Section 619. "Child eligible under Part B, Section 619" means a child who is at least 3 years of age and under 6 years of age who has not entered kindergarten and who requires special education and related services in order to access a free, appropriate public education in the least restrictive environment.

Sec. W-4. 20-A MRSA §7001, sub-§2-D is enacted to read:

2-D. Individualized family service plan. "Individualized family service plan" means a plan to provide early intervention services in accordance with Part C to

an infant or toddler with a disability or to the infant's or toddler's family in the natural setting.

Sec. W-5. 20-A MRSA §7001, sub-§2-E is enacted to read:

2-E. Natural setting. "Natural setting" means the home, child care or other community setting of the infant or toddler with a disability. "Natural setting" does not include a preschool setting.

Sec. W-6. 20-A MRSA §7001, sub-§3-A is enacted to read:

3-A. Part B, Section 619. "Part B, Section 619" means Part B, Section 619 of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.

Sec. W-7. 20-A MRSA §7001, sub-§3-B is enacted to read:

3-B. Part C. "Part C" means Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. under which early intervention services are provided in the natural setting for infants and toddlers with disabilities.

Sec. W-8. 20-A MRSA §7001, sub-§3-C is enacted to read:

3-C. Extended Part C option. "Extended Part C option" means the option under Part C that allows the family of a child eligible under Part B, Section 619 to continue early intervention programming on or after the child's 3rd birthday by remaining in the natural setting and continuing to receive services through an individualized family service plan.

Sec. W-9. 20-A MRSA §7001, sub-§4-C is enacted to read:

4-C. Regional support and service hub. "Regional support and service hub" means a support and service hub established by the Child Development Services System in accordance with section 7211.

Sec. W-10. 20-A MRSA §7001, sub-§6-A is enacted to read:

6-A. State intermediate educational unit. "State intermediate educational unit" means the Child Development Services System under subsection 1-A.

Sec. W-11. 20-A MRSA §7006, as enacted by PL 2005, c. 662, §A20, is amended to read:

§7006. Responsibility

The Department of Education is designated as the state education agency responsible for carrying out the State's obligations under the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended. The department and every school administrative unit, intermediate educational unit, public school or other public agency that re-

ceives federal or state funds to provide early intervention or free, appropriate public education services to children with disabilities shall comply with the federal Individuals with Disabilities Education Act, as amended, and all federal regulations adopted under the Act.

1. Responsibility for Part C. The commissioner shall designate responsibility for ensuring child find activities and early intervention services under Part C for children from birth until 3 years of age, or until the start of the school year in which the child is 4 years of age if the extended Part C option is selected by the family of the child, to the Child Development Services System.

2. Responsibility for Part B, Section 619. Until June 30, 2028, the commissioner shall designate responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 to the Child Development Services System or to school administrative units in accordance with the transition schedule and supports under section 7209-A. Beginning July 1, 2028, the commissioner shall designate responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 to school administrative units.

3. Service provision. A school administrative unit that has been designated to have responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 pursuant to subsection 2 may directly provide special education and related services to children eligible under Part B, Section 619 and may contract with public and private providers to provide special education and related services. A school administrative unit may also access the school administrative unit's regional support and service hub to provide certain services as delineated in a memorandum of understanding between the department and the school administrative unit.

4. Exception. Notwithstanding subsection 2, if the commissioner determines that a school administrative unit is unable to assume responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 pursuant to subsection 2, the commissioner may establish a modified plan for that school administrative unit in managing those children.

5. Annual report. The department shall report annually by March 1st to the joint standing committee of the Legislature having jurisdiction over education matters. The report must include, for school administrative units, each of the components required of the Child Development Services System pursuant to section 7209, subsection 4, paragraph E. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the session of the Legislature in which the report is received.

Sec. W-12. 20-A MRSA §7209, sub-§3, as amended by PL 2011, c. 655, Pt. OO, §4, is further amended to read:

3. State intermediate educational unit establishment; administrative functions. The commissioner shall establish and supervise the state intermediate educational unit. The state intermediate educational unit is established as a body corporate and politic and as a public instrumentality of the State for the purpose of conducting child find activities as provided in 20 United States Code, Section 1412 (a) (3) for children from birth to under 6 years of age, and ensuring the provision of early intervention services for eligible children from birth to under 3 years of age and ensuring for eligible children until the start of the school year when they are 4 years of age if the extended Part C option is selected by the child's family. The state intermediate educational unit shall also ensure a free, appropriate public education for eligible children at least 3 years of age and under 6 years of age, where designated as the responsible agency by the commissioner. The state intermediate educational unit shall perform the following statewide coordination and administration functions:

- A. Establish standard policies and procedures for a statewide salary and benefits administration system, including personnel classifications, position descriptions and salary ranges, and a standard package of health, retirement and other fringe benefits for Child Development Services System personnel, beginning in fiscal year 2006-07;
- B. Develop a statewide salary and benefits administration system and perform the payroll functions for Child Development Services System personnel;
- B-1. Bargain collectively under Title 26, chapter 9-A if the employees of the regional sites choose to be represented by an agent for purposes of collective bargaining. In such circumstances, the state intermediate educational unit must be considered the public employer for purposes of collective bargaining;
- C. Establish a centralized system for statewide fiscal administration to be implemented by September 1, 2006. The state intermediate educational unit shall establish internal controls and implement accounting policies and procedures in accordance with standards set forth by the State Controller;
- D. Develop and implement a centralized data management system to be fully operational beginning July 1, 2007;
- E. Establish a standard, statewide template for regional site contracts with therapeutic service providers, including policies and procedures for the review of contracts, beginning in fiscal year 2006-07;
- F. Refine program accountability standards for compliance with federal mandates, including the

development of a performance review system to monitor and improve regional site performance through the use of efficiency ratings aligned with the accountability standards and through a compliance plan that requires the regional site to address the unmet needs of eligible children in accordance with specific targets and time frames;

G. Design and implement a statewide plan to provide professional development and training to Child Development Services System personnel;

H. Employ professional and other personnel at the state level and at the regional sites, including those necessary to ensure the implementation of the centralized fiscal and data management systems. All state intermediate educational unit employees are employees for the purposes of the Maine Tort Claims Act; and

I. Enter into contracts, leases and agreements and any other instruments and arrangements that are necessary, incidental or convenient to the performance of its duties and the execution of its powers under this chapter.

Sec. W-13. 20-A MRSA §7209, sub-§3-A, as amended by PL 2017, c. 284, Pt. AAAAAA, §§1 and 2, is further amended to read:

3-A. State intermediate educational unit; program functions. The state intermediate educational unit established pursuant to subsection 3, through a network of regional sites ~~as appropriate,~~ where designated by the commissioner, shall:

- A. Engage in child find activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- B. Engage in child count activities as required by the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;
- C. Engage in appropriate data collection, training, staff development and direct service provision to eligible children with disabilities, from birth to under 3 years of age or until the start of the school year when a child is 4 years of age if the extended Part C option is selected by the child's family, in accordance with Part C ~~of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq.;~~
- D. Ensure that eligible children with disabilities, from birth to under 3 years of age, receive early intervention services, in accordance with the payment provisions established by the State;
- E. Ensure that eligible children with disabilities, from 3 years of age to under 6 years of age, receive free, appropriate public education services and when a local school administrative unit has assumed responsibility for child find activities and

for ensuring a free, appropriate public education, provide services to support school administrative units in carrying out that responsibility in accordance with a memorandum of understanding between the department and the school administrative unit;

F. Coordinate with eligible families the development of individualized family service plans for children with disabilities from birth to 2 years of age or until the start of the school year when the child is 4 years of age if the extended Part C option is selected or, when designated by the commissioner, coordinate an individualized education program for a child 3 years of age to under 6 years of age;

G. Ensure that children from birth until 6 years of age who are referred to the Child Development Services System also receive appropriate referrals for support outside of the system, including appropriate public and private programmatic resources, regardless of a child's eligibility for early intervention or free, appropriate public education; and

H. Engage in appropriate training and staff development for identification of and to provide intervention services for children with autism.

Sec. W-14. 20-A MRSA §7209, sub-§4, ¶E, as enacted by PL 2013, c. 338, §1, is amended by amending subparagraph (6) to read:

(6) A description of current and emerging trends and challenges that are having an effect on or are expected to have an effect on costs, services or service delivery methods of the Child Development Services System; ~~and~~

Sec. W-15. 20-A MRSA §7209, sub-§4, ¶F, as enacted by PL 2013, c. 338, §1, is amended by amending subparagraph (2) to read:

(2) Monthly actual and budgeted expenditures by funding source and by expenditure category for the prior month- ~~and~~

Sec. W-16. 20-A MRSA §7209, sub-§4, ¶G is enacted to read:

G. To aid in the transition of responsibility for child find activities and for ensuring a free, appropriate public education in the least restrictive environment from the Child Development Services System to school administrative units pursuant to section 7209-A and to coordinate services to be provided through memoranda of understanding between the department and school administrative units in carrying out responsibilities under Part B, Section 619.

Sec. W-17. 20-A MRSA §7209-A is enacted to read:

§7209-A. Transition of responsibility for ensuring a free, appropriate public education for children eligible under Part B, Section 619

In order to meet the requirement that, beginning July 1, 2028, all school administrative units are designated as responsible for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 pursuant to section 7006, the following transition schedule and supports apply.

1. Transition year one. Beginning July 1, 2024, school administrative units may be approved by the commissioner to assume the responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619. The department shall approve readiness plans in accordance with subsection 8 and shall provide professional learning in working with young children and their families and technical support throughout the planning and implementation of the first year to assist school administrative units to prepare to meet the standards of the readiness plans. Funding must be provided to school administrative units on a quarterly basis in accordance with section 7303. Prior to a school administrative unit assuming responsibilities for child find activities and for ensuring a free, appropriate public education, the department shall establish a memorandum of understanding with the school administrative unit to determine the services to be provided by the department and the regional support and service hub. The memorandum of understanding must be reviewed and updated in response to unanticipated needs each month. The department shall contract with a national expert to regularly monitor funding and programming and recommend changes to be considered as part of the transition year one activities.

2. Additional transition years. During the 2025-2026, 2026-2027 and 2027-2028 school years, the commissioner shall approve school administrative units in addition to those approved under subsection 1 to assume responsibility for child find activities and for ensuring a free, appropriate public education. The department shall provide professional learning, funding and technical assistance in the same manner as provided to school administrative units in subsection 1.

3. Additional time for certain school administrative units. If the commissioner determines that a school administrative unit is not able to assume responsibility for child find activities and for ensuring a free, appropriate public education by July 1, 2028 because the school administrative unit requires additional time and support in regions where related services and staffing are not available to support the transition, the commissioner shall provide that school administrative unit with necessary resources and an additional year to assume responsibility for child find activities and for ensuring a

free, appropriate public education. If the school administrative unit cannot assume responsibility for child find activities and for ensuring a free, appropriate public education, as determined by the commissioner, the school administrative unit may qualify for a modified plan for managing children eligible under Part B, Section 619 in accordance with section 7006, subsection 4.

4. Service provision. A school administrative unit that has assumed responsibility for child find activities and for ensuring a free, appropriate public education may directly provide special education and related services to children eligible under Part B, Section 619, may contract with public and private providers to provide special education and related services and may access the school administrative unit's regional site or regional support and service hub to provide certain services as delineated in the memorandum of understanding between the school administrative unit and the department.

5. Transition of Child Development Services System regional sites to regional support and service hubs. When a school administrative unit is responsible for child find activities and for ensuring a free, appropriate public education, the Child Development Services System site in that region shall transition to serve as a regional support and service hub to meet the requirements of section 7212 and to make necessary services and supports available in accordance with a memorandum of understanding developed between the department and the school administrative unit before the transition of responsibility occurs. The regional support and service hubs must be aligned with the 9 superintendent regions established by the statewide association of superintendents.

6. Annual report. Beginning March 1, 2025 and in each subsequent year of the transition phase in subsections 1 to 3, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters. The report must include data and information regarding the number of school administrative units that have assumed responsibility for child find activities and for ensuring a free, appropriate public education and progress on the implementation of the transition under this section. During the transition, this report must include the annual report requirements under section 7006, subsection 5. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the session of the Legislature in which the report is received.

7. Due process and compensatory services; review. The Child Development Services System is responsible for ensuring due process and shall pay 100% of costs for compensatory services for children eligible under Part B, Section 619 who have been underserved through the Child Development Services System. The

Child Development Services System shall conduct a review of the files of children eligible under Part B, Section 619 to determine whether legally required special education and related services have been provided. The review must be conducted for children eligible under Part B, Section 619:

- A. Who are entering kindergarten; and
- B. For whom responsibility for a free, appropriate public education is being transferred to a school administrative unit. For children eligible under this subsection, the review must be conducted prior to the school administrative unit assuming responsibility for child find activities and for ensuring a free, appropriate public education.

If legally required special education and related services have not been provided or have only partially been provided, the Child Development Services System shall schedule an individualized education program meeting to determine the compensatory services that are warranted and to develop a plan to provide necessary compensatory services.

8. Readiness plans; assessment. Before a school administrative unit may be approved by the commissioner to assume the responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619, the department shall assess the school administrative unit's readiness plan. The school administrative unit's readiness plan must include, but is not limited to:

- A. The requirements for basic approval standards for public preschool programs established by applicable department rule;
- B. Whether the school administrative unit has an existing public preschool program and, if so, whether the school administrative unit has plans to expand that program;
- C. Prior, ongoing and future professional development on early learning and development and best practices for district administrators, leadership, staff and educators;
- D. Assurance of providing special education and related services in the least restrictive environment; and
- E. A preschool enrollment policy, if any.

9. Parental advisory committees. The Child Development Services System may establish parental advisory committees at each of the 9 regional support and service hubs.

- A. The majority of each of the parental advisory committee's membership must be parents. The rest of the membership of the parental advisory committees must reflect representatives from the regional support and service hubs, school administrative units and statewide associations dedicated to

assisting parents and families of persons with disabilities. Members of the parental advisory committees are not entitled to compensation.

B. The parental advisory committees shall seek input and feedback, to the greatest extent possible and from a broad array of parents from diverse geographic regions of the State, on the implementation of child find activities and the provision of special education and related services to children eligible under Part B, Section 619. The Child Development Services System shall assist the parental advisory committees in establishing a method for parents to communicate directly with the parental advisory committees to provide feedback.

Beginning March 1, 2025 and annually thereafter, the Child Development Services System shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters, which must include, but is not limited to, the number of parental advisory committees that have been formed, how often they met during the prior year and the number of individuals who have participated. The report may also include findings and recommendations from the parental advisory committees regarding the implementation of child find activities and the provision of free, appropriate public education for children eligible under Part B, Section 619. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the session of the Legislature in which the report was received.

10. Coordination. The department shall designate an individual to coordinate the concurrent transition of responsibility for ensuring a free, appropriate public education for children eligible under Part B, Section 619 and for children participating in universal public-preschool consistent with the goals outlined in section 4501. This individual shall facilitate coordination and outreach to increase public-preschool partnerships and shall assist in the coordination of the regional support and service hubs that support the transition of the responsibility for ensuring a free, appropriate public education to school administrative units. This individual shall support school administrative units in contracting with public or private providers and with Child Development Services System regional sites to ensure the provision of a free, appropriate public education for any preschool-aged child.

Sec. W-18. 20-A MRSA §7211 is enacted to read:

§7211. Regional support and service hubs

The Child Development Services System shall establish 9 regional support and service hubs that are aligned with each of the 9 superintendent regions established by the statewide association of superintendents. The regional support and service hubs shall provide supports and resources to school administrative units

that have assumed the responsibility for child find activities and for providing a free, appropriate public education to children eligible under Part B, Section 619 pursuant to section 7006, subsection 2 and other high-quality early childhood programs partnering with or otherwise contracted by a school administrative unit to fulfill the school administrative unit's responsibilities under Part B, Section 619 pursuant to section 7006, subsection 2 as determined through memoranda of understanding between the department and the school administrative unit.

1. Minimum requirements. Each regional support and service hub shall, at a minimum, offer the following supports, assistance and resources to the school administrative units within the superintendent region to which the regional support and service hub is aligned:

- A. Assistance with child find activities;
- B. Training and other professional development opportunities and technical assistance with the implementation of developmentally appropriate practices for young children, including, but not limited to, curriculum, screening and assessment selections aligned with the State's early learning developmental standards, understanding of and requirements to meet free, appropriate public education and least restrictive environment standards and best practices for inclusive learning;
- C. Assistance with establishing and strengthening community partnerships with existing inclusive, high-quality early childhood programs to help school administrative units meet federal obligations under Part B, Section 619. High-quality early childhood programs include, but are not limited to, Head Start programs, private prekindergarten and child care programs and other community-based programs;
- D. Assistance with locating transportation services;
- E. Assistance with administrative tasks associated with the assumption of responsibility for a free, appropriate public education under Part B, Section 619; and
- F. Maintenance and coordination of access to credentialed educators and service providers who are available to school administrative units on a contractual basis, including, but not limited to, supportive educational technicians; speech, occupational and physical therapists; assistive technology experts; and board-certified behavioral experts.

2. Guiding principles. In providing supports and resources to school administrative units that have assumed the responsibility for child find activities and for ensuring a free, appropriate public education to children eligible under Part B, Section 619 in the least restrictive environment, the regional support and service hubs shall:

A. Ensure that parents of children eligible under Part B, Section 619 are recognized as collaborative partners, experts and decision makers;

B. Provide written information to parents of children eligible under Part B, Section 619 that includes, but is not limited to, information regarding regional and local services and service providers; other early childhood resources, such as child care providers; Head Start programs; community-based approaches to improving access to quality early care and education; resources available through the department and the Department of Health and Human Services; and other community partners and resources. Such information must also be made available on any publicly accessible website associated with the Child Development Services System or the regional support and service hubs;

C. Emphasize federal and state requirements regarding inclusion and least restrictive environments;

D. Encourage coordination with community partnerships to maximize resources and provide comprehensive services to meet the needs of children;

E. Support and encourage the use of evidence-based supports, including, but not limited to, behavior analysts and assistive technology;

F. Support and encourage the use of a strength-based approach in the support and provision of services to children eligible under Part B, Section 619;

G. Facilitate parental support groups and provide resources for parents dealing with bullying, difficult family dynamics and behavioral challenges; and

H. Convene and assist the parental advisory committees under section 7209-A, subsection 9.

Sec. W-19. 20-A MRSA §7303 is enacted to read:

§7303. Per-pupil rate for children eligible under Part B, Section 619

Funding for school administrative units that assume responsibility for child find activities and for ensuring a free, appropriate public education for children eligible under Part B, Section 619 pursuant to section 7006, subsection 2 may not be appropriated to or allocated through general purpose aid for local schools and must be provided at 100% state share. This funding must be calculated by the commissioner as follows.

1. Per-pupil operating allocation. The per-pupil operating allocation for children eligible under Part B, Section 619 must be calculated on a per-pupil basis in the same manner by which operating allocations are generated in sections 15674, 15675 and 15681.

2. Preschool special education and related services allocation. The preschool special education and related services per-pupil allocation must be calculated annually for children eligible under Part B, Section 619 at the EPS per-pupil rate for each school administrative unit under section 15676, multiplied by 1.5, for each eligible resident student. This allocation must be paid at the start of each quarter, based on the estimated student count on July 1st and adjusted to reflect actual counts on October 1st, with additional adjustments in subsequent quarters.

3. High-cost placements. A separate allocation must be determined for high-cost special education placements for children eligible under Part B, Section 619 in accordance with this subsection.

A. For high-cost, in-district placements, additional funds must be allocated for each student estimated to cost more than 2 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 2 times the statewide special education preschool per-pupil rate.

B. For private school placements, additional funds must be allocated for each student estimated to cost 4 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 4 times the statewide special education preschool per-pupil rate.

C. For public school, out-of-district placements, additional funds must be allocated for each student estimated to cost 3 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 3 times the statewide special education preschool per-pupil rate.

D. For public regional special education program placements, additional funds must be allocated for each student estimated to cost 2 times the statewide special education preschool per-pupil rate. The additional funds for each student must equal the amount by which that student's estimated costs exceed 2 times the statewide special education preschool per-pupil rate.

Sec. W-20. 20-A MRSA §7304 is enacted to read:

§7304. Preschool Special Education Program Fund

1. Fund established. The Preschool Special Education Program Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the department to provide funding for general education and

special education and related services for children eligible under Part B, Section 619. The department shall distribute funds through a quarterly allocation.

2. Eligibility requirements. Beginning in fiscal year 2024-25, school administrative units that have assumed responsibility for child find activities and for ensuring free, appropriate public education for children eligible under Part B, Section 619 pursuant to section 7006, subsection 2 are eligible to receive allocations from the fund.

3. Purposes. Allocations from the fund may be made to school administrative units that have assumed the responsibility for child find activities and for ensuring a free, appropriate public education for special education and related services pursuant to section 7006, subsection 2 as outlined in each child's individualized education program and for general education costs for children eligible under Part B, Section 619.

Sec. W-21. 20-A MRSA §7305 is enacted to read:

§7305. MaineCare billing system

The department shall establish a centralized MaineCare billing system to bill for eligible services for children eligible under Part B, Section 619. School administrative units may opt out of participation in the centralized MaineCare billing system.

Sec. W-22. Expanded Part C eligibility criteria. The Department of Education shall convene a work group to review and recommend expansion of the State's eligibility criteria under Part C of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. and submit a report including findings, recommendations and suggested legislation to the joint standing committee of the Legislature having jurisdiction over education matters no later than March 1, 2025. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. W-23. Department of Health and Human Services to adopt rules regarding school-related services. No later than December 31, 2024, the Department of Health and Human Services shall, within existing resources, amend its rules in Chapter 101: MaineCare Benefits Manual to establish a new section containing the requirements for the provision of school-related services.

Sec. W-24. Department of Education to disseminate information on Maine Public Employees Retirement System retirement. The Department of Education shall collaborate with the Maine Public Employees Retirement System to develop and disseminate guidance for school administrative units, child development services and child development ser-

vices employees regarding the capacity of school administrative units to participate in the Participating Local District Consolidated Retirement Plan and the potential impacts on social security benefits of teacher plan participation or participating local district plan participation for potential school administrative unit employees. School administrative units and the Child Development Services System regional sites and support and service hubs shall, to the maximum extent possible, include this information on their publicly accessible websites.

Sec. W-25. Department of Education to review Child Development Services System reporting requirements. The Department of Education shall review the legislative reporting requirements related to the Child Development Services System and submit a report, no later than March 1, 2025, including findings, recommendations and suggested legislation, to the joint standing committee having jurisdiction over education matters on reporting requirements that must continue for child development services and revised reporting requirements for the department as school administrative units assume responsibility for child find activities and free, appropriate public education for children eligible under Part B, Section 619 of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq. pursuant to the Maine Revised Statutes, Title 20-A, section 7006, subsection 2. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. W-26. Early childhood special education pathways pilot project. The Department of Education shall establish the early childhood special education pathways pilot project as a one-time accelerated graduate program developed around early childhood education to support teachers in obtaining in a master's degree and to provide reimbursement for coursework and support in obtaining an endorsement on a professional teacher certificate for teachers of children from birth to 5 years of age with disabilities. The program must be designed to accommodate 50 participants.

PART X

Sec. X-1. Rename Facilities, Safety and Transportation program. Notwithstanding any provision of law to the contrary, the Facilities, Safety and Transportation program within the Department of Education is renamed the School Facilities program.

PART Y

Sec. Y-1. 20-A MRSA c. 312-A, as amended, is repealed.

PART Z

Sec. Z-1. 20-A MRSA §7207-B, sub-§5 is enacted to read:

5. Individualized education program due process facilitators; immunity. The State may contract with individualized education program due process facilitators. For the purposes of the Maine Tort Claims Act, while carrying out their official duties pursuant to this section, persons contracted with as individualized education program due process facilitators are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

Sec. Z-2. 20-A MRSA §13025, sub-§7 is enacted to read:

7. Certification hearing officers; immunity. The commissioner shall appoint a certification hearing officer for covered investigations. For the purposes of this section, while carrying out their official duties, certification hearing officers appointed pursuant to this subsection are considered state employees and are entitled to the immunity provided state employees under the Maine Tort Claims Act.

PART AA

Sec. AA-1. Regional and other school construction projects. Notwithstanding any provision of law to the contrary, for fiscal year 2024-25 only, if the Department of Education, General Purpose Aid for Local Schools program, General Fund account has an unexpended fund balance, the Commissioner of Education may provide a grant opportunity of up to \$400,000 for a regional high school construction project involving School Administrative District 4 in Guilford, School Administrative District 41 in Milo and School Administrative District 46 in Dexter. The Commissioner of Education may provide a grant opportunity of up to \$480,000 for construction projects involving an elementary school in School Administrative Unit 17 in West Paris and other schools that have experienced sudden closures for health and safety reasons. A grant opportunity provided pursuant to this section must require matching funds and may cover certain preconstruction and preregionalization expenses, including site selection, engineering and architectural design and any required environmental tests, when these costs would threaten the viability of a construction or regionalization project involving more than one school administrative unit.

PART BB

Sec. BB-1. 20-A MRSA §10017 is enacted to read:

§10017. Higher Education Administrative Fund

The Higher Education Administrative Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to receive participation fees from institutions of higher education for applications for membership or membership renewal in the interstate reciprocity agreement authorized

under section 405, subsection 3, paragraph W. Funds deposited in the fund must be used to support the department's facilitation of the interstate reciprocity agreement and for other department costs associated with the administration of higher education in the State.

PART CC

Sec. CC-1. Intermediate payments. Notwithstanding any provision of law to the contrary and prior to the implementation of the funding formula to provide appropriate daily tuition rates in accordance with the Maine Revised Statutes, Title 20-A, section 7302, subsection 2, paragraph G, the Department of Education and the Child Development Services System shall assist in maintaining education programming at special purpose private preschools by providing intermediate payments for specially designed instruction provided by each special purpose private preschool at a rate of \$125 per day, per child receiving medically necessary therapeutic services through the MaineCare program for scheduled school days in accordance with a child's individualized education program. The Department of Education and the Child Development Services System shall make the payments for specially designed instruction provided by special purpose private preschools from July 1, 2024 to June 30, 2025.

Sec. CC-2. Transfer from General Fund unappropriated surplus; Department of Education, Child Development Services program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$11,000,000 from the unappropriated surplus of the General Fund to the Department of Education, Child Development Services program, Other Special Revenue Funds account to fund the payments of the daily tuition rate for special purpose private preschools or, if the funding formula to provide appropriate daily tuition rates pursuant to the Maine Revised Statutes, Title 20-A, section 7302, subsection 2, paragraph G has not been implemented, to fund the intermediate payments pursuant to section 1 from July 1, 2024 to June 30, 2025.

Sec. CC-3. Report. No later than September 30, 2024, the Department of Education shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs on the development of the funding formula for daily tuition rates under the Maine Revised Statutes, Title 20-A, section 7302, subsection 2, paragraph G.

PART DD

Sec. DD-1. 2 MRSA §6, sub-§3, as amended by PL 2023, c. 412, Pt. D, §1, is further amended to read:

3. Range 89. The salaries of the following state officials and employees are within salary range 89:

- Director, Bureau of General Services;
- Director, Bureau of Alcoholic Beverages and Lottery Operations;
- State Budget Officer;
- State Controller;
- Director, Bureau of Forestry;
- Director, Office of Policy Innovation and the Future;
- Director, Energy Resources Office;
- State Human Resources Officer;
- Director, Bureau of Parks and Lands;
- Director of the Governor's Office of Communications;
- Director, Bureau of Agriculture, Food and Rural Resources;
- Director, Bureau of Resource Information and Land Use Planning;
- Director, Office of Cannabis Policy; ~~and~~
- Executive Director, Office of Affordable Health Care; ~~and~~
- Director, Maine Office of Community Affairs.

Sec. DD-2. 5 MRSA c. 310-B is enacted to read:

CHAPTER 310-B

MAINE OFFICE OF COMMUNITY AFFAIRS

§3201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Director. "Director" means the Director of the Maine Office of Community Affairs appointed pursuant to section 3203.

2. Office. "Office" means the Maine Office of Community Affairs established by section 3202.

§3202. Office established; purpose

The Maine Office of Community Affairs is established as an agency in the executive branch to foster communications and partnerships between the State and communities in this State. The office shall engage with municipalities, tribal governments and regional councils to provide coordinated and efficient planning, technical assistance and financial support to better plan for challenges, pursue solutions and create stronger, more resilient communities.

The office is established to partner with communities in this State and regional councils by:

1. Assistance and funding. Providing technical assistance and funding related to planning to municipalities, tribal governments and regional councils that supports a sustainable future for the State's people, communities, natural resources, physical infrastructure, industries, businesses and institutions; and

2. Coordination and communication. Facilitating general coordination and communication between municipalities, tribal governments, regional councils and State Government.

§3203. Director

The Director of the Maine Office of Community Affairs is appointed by the Governor and serves at the pleasure of the Governor. The director must have demonstrated experience and leadership in municipal or regional government and must bring expertise in planning, technical assistance and grant programs for communities.

§3204. Powers and duties

The director shall exercise the powers of the office and is responsible for the execution of the duties of the office.

1. Duties of director. The director shall:

A. Appoint and remove office staff and prescribe staff duties as necessary to implement the duties of the office, including:

(1) Hiring professional staff that have education, training and experience in the fields of planning and development, local and regional government, climate science and resilience, housing, building codes and general policy making; and

(2) Employing additional staff as necessary to support the work of the office;

B. Supervise and administer the affairs of the office and advise the Governor and other officials of State Government on matters of communication and partnerships between the State, municipalities, tribal governments and regional councils in this State;

C. At the request of the Governor, act for the State in the initiation of or participation in any multigovernmental agency program related to the purposes of the office;

D. At the request of the Governor, prepare and submit a budget for the office; and

E. At the request of the Governor, report on the activities of the office and, after consultation with and approval by the Governor, submit recommendations for legislative action as are determined necessary to further the purposes of this chapter.

2. Duties of office. Under the supervision of the director, the office shall:

A. Provide technical assistance and resources to municipalities, tribal governments and regional councils on issues related to planning, climate resilience and development;

B. Collect and collate data and statistics relating to the issues described in paragraph A and provide them to municipalities, tribal governments and regional councils;

C. Assist municipalities, tribal governments and regional councils, as well as the State, in applying for, using and leveraging federal funding resources on issues of importance to communities and the State;

D. Make grants from money appropriated to the office by the Legislature and any funds received by the office for the purposes of the office, including federal funding or private funds; solicit applications for grants; and make grant awards to eligible communities and to service provider organizations as determined by the office, including establishing eligibility requirements and other criteria to consider in awarding grants;

E. Administer contracts with regional councils and regional planning and development districts to provide technical assistance and resources to municipalities and tribal governments on issues related to planning, climate resilience and development, including but not limited to land use planning, planning for housing and other residential development, climate resilience planning and related infrastructure planning, building codes and other forms of local development assistance to support state, regional and local goals; and

F. Consult with and provide ongoing coordination with state agencies on programs and issues related to planning technical assistance and funding to communities in this State, including but not limited to the Department of Transportation; Department of Environmental Protection; Department of Marine Resources; Department of Inland Fisheries and Wildlife; Department of Agriculture, Conservation and Forestry; Department of Economic and Community Development; Department of Health and Human Services; Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency; Department of Public Safety; Maine State Housing Authority; Governor's Energy Office; Efficiency Maine Trust; the Maine Historic Preservation Commission; and the Maine Redevelopment Land Bank Authority.

§3205. Acceptance and administration of funds

The office may accept, administer and expend funds, including but not limited to funds from the Federal Government or from private sources, for purposes consistent with this chapter. The director shall provide a report of the amount of any outside funding received from private sources and its designated purpose to the Governor and the joint standing committee of the Legislature having jurisdiction over municipal matters on an annual basis.

§3206. Contracts; agreements

The office may employ expert and professional consultants, contract for services as the director determines necessary within the limits of the funds provided and consistent with the powers and duties of the office and enter into agreements with the Federal Government and other agencies and organizations that promote the objectives of this chapter.

PART EE

Sec. EE-1. Transfer from General Fund unappropriated surplus; Executive Department, GOPIF - Community Resilience Partnership.

Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$5,000,000 from the unappropriated surplus of the General Fund to the Executive Department, GOPIF - Community Resilience Partnership program, Other Special Revenue Funds account for the purpose of supporting grants and technical assistance to municipalities and federally recognized Indian tribes in the State for climate planning and actions, including adaptation and resilience projects and emissions reduction initiatives, including clean energy and energy efficiency projects. These funds may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

PART FF

Sec. FF-1. 5 MRSA §3110 is enacted to read:

§3110. Office of New Americans

1. Establishment; purpose; administration. The Office of New Americans is established within the Office of Policy Innovation and the Future for the purpose of improving the economic and civic integration of immigrants into the State's workforce and communities to strengthen the economy over the long term. The Office of Policy Innovation and the Future shall administer the Office of New Americans.

2. Director; duties. The director of the Office of New Americans shall fulfill the duties and activities listed in this section:

A. Hiring professional personnel competent by education, training and experience to carry out the work of the Office of New Americans;

B. Supervising and administering the affairs of the Office of New Americans;

C. Determining the necessary budget for the Office of New Americans; and

D. Reporting on the activities of the Office of New Americans.

3. Duties of the Office of New Americans. Under the supervision of the director of the Office of Policy Innovation and the Future and the director of the Office of New Americans, and with guidance from the Office of New Americans Advisory Council established in section 3111, the Office of New Americans shall identify and address needs, barriers and opportunities in order to support the long-term economic and civic integration of immigrants in the State by:

A. Collecting and analyzing relevant data;

B. Coordinating with all relevant local, state and federal government agencies;

C. Serving as the State's primary liaison with all relevant external stakeholders; and

D. Undertaking and promoting activities that improve the economic and civic integration of immigrants into the State's workforce and communities.

4. Activities. The Office of New Americans shall undertake and promote activities that improve the economic and civic integration of immigrants into the State's workforce and communities. Activities may include, but are not limited to:

A. Strengthening workforce opportunities by providing guidance and promoting improved pathways for professional accreditation and licensure, supporting enhanced career pathways and engaging with businesses to increase employment, retention and advancement of immigrant employees;

B. Expanding, improving and increasing access to English language learning programs;

C. Strengthening financial literacy programs, financial education and entrepreneurship supports to assist individuals, immigrant entrepreneurs and small business owners;

D. Supporting the expansion of access to legal services and protections;

E. Partnering with and supporting municipalities, school administrative units, educational institutions, community-based organizations and businesses providing assistance or opportunities to immigrants;

F. Participating in the nationwide Office of New Americans State Network, or its successor network, to access information and best practices from other states;

G. Collaborating with and providing guidance to agencies of State Government and the entity designated by the Federal Government to administer the

State's refugee resettlement services in developing and executing policies that support the purpose of the Office of New Americans;

H. Coordinating with and advising federal agencies and the State's congressional delegation on federal policies that support the purpose of the Office of New Americans;

I. Advising the Governor and Legislature regarding any statutory, regulatory or other policies or practices that may be addressed to better support the purpose of the Office of New Americans; and

J. Promoting greater understanding of the history of immigration in the State, the contributions and influence of immigrants in the State and how communities may support immigrants' integration into local civic and economic life.

5. Rulemaking. The Office of New Americans may adopt rules as necessary for the proper administration of this section and section 3111 pursuant to the Maine Administrative Procedure Act. Unless otherwise specified, rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

6. Report. Beginning February 1, 2026, the Office of New Americans shall report biennially to the Governor and to the joint standing committee of the Legislature having jurisdiction over relevant matters with information and recommendations relating to the work and needs of the Office of New Americans.

Sec. FF-2. 5 MRSA §3111 is enacted to read:

§3111. Office of New Americans Advisory Council

The Office of New Americans Advisory Council, as established in section 12004-I, subsection 6-K, is created as an advisory council to the Office of New Americans established in section 3110 on matters affecting the long-term economic and civic integration of immigrants in the State.

1. Duties of advisory council. The advisory council shall advise the Office of New Americans on matters affecting the long-term economic and civic integration of immigrants in the State.

2. Membership. The advisory council consists of 24 members as follows:

A. Two members of the Senate, appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

B. Two members of the House of Representatives, appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

C. Three members appointed by the President of the Senate representing the following:

- (1) A school administrative unit;
- (2) An adult education program; and
- (3) A small business;

D. Three members appointed by the Speaker of the House representing the following:

- (1) An organization providing refugee resettlement services;
- (2) A provider of legal assistance to immigrants; and
- (3) A municipality;

E. At least 10 members who are immigrants, 8 appointed by the Governor, one appointed by the President of the Senate and one appointed by the Speaker of the House; and

F. Four members appointed by the Governor representing the following:

- (1) A large business;
- (2) A business or organization with demonstrated expertise in housing assistance or housing production;
- (3) An organization with demonstrated expertise in workforce development; and
- (4) An employer with demonstrated experience providing immigrant apprenticeship opportunities, support and training programs.

In making appointments of members to the advisory council, the appointing authorities shall make a good faith effort to ensure that the members of the advisory council reflect geographic, gender, ethnic and racial diversity.

3. Terms of office; removal. Legislative members of the advisory council serve a term not to exceed their term in office, except that a legislative member may be appointed for successive terms. Nonlegislative members serve 3-year terms and may be reappointed. A vacancy for an unexpired term must be filled in accordance with subsection 2. A member may serve until a replacement is appointed. The Governor may terminate the membership of any appointee for good cause. The reason for the termination must be communicated in writing to a member whose membership is terminated. The membership of any member must be terminated if the member is absent from 3 consecutive meetings without communicating good cause to a chair of the advisory council.

4. Cochairs. The Governor shall appoint 2 cochairs from among the members appointed and serving pursuant to subsection 2.

5. Meetings; staffing. The advisory council shall meet at the discretion of the cochairs. Meetings may be cancelled or postponed at the discretion of the cochairs.

All meetings of the advisory council are public proceedings within the meaning of Title 1, chapter 13, subchapter 1. The Office of New Americans shall provide staffing services as necessary to the advisory council.

6. Compensation; expenses. Members of the advisory council not otherwise compensated by their employer or the entity they represent for their time serving on the council may be compensated for their time and reimbursed for expenses, to the extent resources are available. The Office of New Americans shall determine the amount and manner of compensation and reimbursement for expenses.

Sec. FF-3. 5 MRSA §12004-I, sub-§6-K is enacted to read:

6-K.

Economic Development	<u>Office of New Americans Advisory Council</u>	<u>Compensation and Expenses as set by the Office of New Americans</u>	5 MRSA §3111
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PART GG

Sec. GG-1. Transfer from General Fund unappropriated surplus; Housing Authority - State. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$10,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Housing Authority - State, Other Special Revenue Funds account for new housing units through the affordable homeownership program to expand affordable, energy-efficient housing options that are affordable to workers and support state workforce needs.

PART HH

Sec. HH-1. Transfer from General Fund unappropriated surplus; Maine State Housing Authority, Emergency Housing Relief Fund Program. Notwithstanding any provision of law to the contrary, before June 30, 2025, the State Controller shall transfer \$13,500,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Emergency Housing Relief Fund Program, Other Special Revenue Funds account to supplement or establish programs addressing the needs of persons experiencing homelessness or facing other immediate housing needs and support other uses that address housing emergencies in the State, such as through winter warming shelters, legal services and other wraparound settlement supports intended to help individuals integrate into the State's workforce and communities. Before June 30, 2025, unobligated amounts remaining from this transfer must be transferred to the unappropriated surplus of the General Fund.

Sec. HH-2. Transfer from General Fund unappropriated surplus; Maine State Housing Authority, Emergency Housing Relief Fund

Program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$7,500,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Emergency Housing Relief Fund Program, Other Special Revenue Funds account to support privately operated low-barrier shelters. Before June 30, 2027, unobligated amounts remaining from this transfer must be transferred to the unappropriated surplus of the General Fund.

PART II

Sec. II-1. 22 MRSA §4308, sub-§2, as amended by PL 2019, c. 515, §2, is further amended by enacting at the end a new last blocked paragraph to read:

A municipality may not exceed maximum levels of assistance established pursuant to section 4305 for an applicant household for more than 30 days in a 12-month period when assistance is granted for housing in a hotel, motel, inn or other lodging place as defined in section 2491, subsection 7-F.

Sec. II-2. 22 MRSA §4310, sub-§4, as enacted by PL 1983, c. 577, §1, is repealed and the following enacted in its place:

4. Limitations. Benefits are limited as follows.

A. The authorization of benefits under this section may not exceed 30 days.

B. Until there has been full verification confirming the applicant's eligibility, further benefits may not be authorized.

C. The authorization of benefits under this section may not exceed levels of assistance established in section 4308.

PART JJ

Sec. JJ-1. 36 MRSA §2891, sub-§1, as amended by PL 2007, c. 545, §4, is further amended to read:

1. Hospital. "Hospital" means an acute care health care facility with permanent inpatient beds planned, organized, operated and maintained to offer for a continuing period of time facilities and services for the diagnosis and treatment of illness, injury and deformity; with a governing board and an organized medical staff offering continuous 24-hour professional nursing care; with a plan to provide emergency treatment 24 hours a day and including other services as defined in rules of the Department of Health and Human Services relating to licensure of general and specialty hospitals; and that is licensed under Title 22, chapter 405 as a general hospital, specialty hospital or critical access hospital. For purposes of this chapter, "hospital" does not include a nursing home or a publicly owned specialty hospital ~~or~~; for state fiscal years beginning on or after July 1, 2008, municipally funded hospitals; or, beginning January 1, 2025, critical access hospitals.

Sec. JJ-2. 36 MRSA §2892, 2nd ¶, as amended by PL 2007, c. 545, §6, is further amended to read:

For state fiscal years beginning on or after July 1, 2004, a tax is imposed annually against each hospital in the State. The tax is equal to 2.23% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's taxable year. Beginning January 1, 2025, the tax for hospitals and specialty hospitals is equal to 3.25% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's fiscal year that ended during calendar year 2022. Beginning January 1, 2025, the tax does not apply to critical access hospitals. For the state fiscal year beginning July 1, 2004, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2002. For the state fiscal year beginning July 1, 2005, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2003. For state fiscal years beginning on or after July 1, 2006 but before July 1, 2008, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2004.

Sec. JJ-3. 36 MRSA §2892, 9th ¶, as enacted by PL 2023, c. 412, Pt. YY, §2, is amended to read:

For the state fiscal years year beginning on ~~or after~~ July 1, 2024, the hospital's taxable year is ~~the hospital's fiscal year that ended during calendar year 2020~~ as required in section 2893, subsection 2-A.

Sec. JJ-4. 36 MRSA §2892, as amended by PL 2023, c. 412, Pt. YY, §§1 and 2, is further amended by enacting at the end a new paragraph to read:

For state fiscal years beginning on or after July 1, 2025, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2022.

Sec. JJ-5. 36 MRSA §2893, sub-§2-A is enacted to read:

2-A. Return required in state fiscal year beginning July 1, 2024. For tax due for the state fiscal year beginning July 1, 2024, a person subject to the tax imposed by section 2892 shall submit to the assessor a return on a form prescribed by the assessor and pay:

A. An amount equal to 2.23% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's fiscal year that ended during calendar year 2020 multiplied by one-half on or before November 15, 2024;

B. For a hospital or a specialty hospital, an amount equal to 3.25% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's fiscal year that ended during calendar year 2022 multiplied by one-half on or before May 15, 2025; and

C. For a facility licensed as a psychiatric hospital by the Department of Health and Human Services pursuant to Title 22, section 1817, an amount equal to 2.23% of the hospital's net operating revenue as identified in the hospital's audited financial statement for the hospital's fiscal year that ended during calendar year 2022 multiplied by one-half on or before May 15, 2025.

Sec. JJ-6. 36 MRSA §2893, sub-§3, as amended by PL 2009, c. 571, Pt. VV, §2, is repealed and the following enacted in its place:

3. Application of revenues. All revenues received in each fiscal year that result from the tax pursuant to this chapter from hospitals net of refunds must be credited to the Medical Care - Payments to Providers Other Special Revenue Funds account in the Department of Health and Human Services to be used for MaineCare hospital payments.

PART KK

Sec. KK-1. 22 MRSA §1812-I, as enacted by PL 2003, c. 673, Pt. HH, §1, is repealed and the following enacted in its place:

§1812-I. State approval for critical access hospitals; annual report required

For purposes of this section, "critical access hospital" has the same meaning as in section 7932, subsection 10.

1. Application for conversion to critical access hospital. In addition to the criteria provided in section 7932, subsection 10, in order to qualify as a critical access hospital, an applicant seeking approval for conversion to a critical access hospital must provide to the department a plan for review that includes the following:

- A. A copy of the applicant's most recent community health needs assessment;
- B. An estimate of the financial impact of converting to a critical access hospital; and
- C. A utilization plan that includes the amount of total anticipated revenues that will be used and how they will be used to address the community health needs identified in the applicant's most recent assessment submitted pursuant to paragraph A that are not currently being met.

2. Annual report by approved critical access hospitals. A critical access hospital approved under this section shall provide an annual report to the department for a period of 5 years demonstrating its use of revenues to support the health care needs of the community.

Sec. KK-2. 22 MRSA §7932, sub-§10, ¶D, as amended by PL 2003, c. 673, Pt. HH, §2, is further amended by amending subparagraph (2) to read:

(2) In addition to the 25-bed limit for acute inpatient care, a hospital may have distinct parts with 10 or fewer psychiatric inpatient beds or 10 or fewer inpatient rehabilitation beds, or both; ~~and~~

Sec. KK-3. 22 MRSA §7932, sub-§10, ¶E, as amended by PL 2003, c. 673, Pt. HH, §2, is further amended to read:

E. Agree to provide inpatient care for a period that does not exceed, as determined on an annual average basis, 96 hours per patient; ~~and~~

Sec. KK-4. 22 MRSA §7932, sub-§10, ¶G is enacted to read:

G. Satisfy the application and reporting requirements in section 1812-I.

PART LL

Sec. LL-1. 22 MRSA §1714-C, as amended by PL 2011, c. 548, §8, is further amended to read:

§1714-C. Critical access hospital staff enhancement reimbursement

Beginning From April 1, 2011 to December 31, 2024, the department shall reimburse critical access hospitals from the total allocated from hospital tax revenues under Title 36, chapter 377 at least \$1,000,000 in state and federal funds to be distributed annually among critical access hospitals for staff enhancement payments.

Sec. LL-2. 22 MRSA §1714-D, as enacted by PL 2011, c. 657, Pt. H, §1 and affected by §5, is amended to read:

§1714-D. Critical access hospital reimbursement

Beginning From April 1, 2012 to December 31, 2024, the department shall reimburse licensed critical access hospitals at 109% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program. ~~Of the total allocated from hospital tax revenues under Title 36, chapter 375, \$1,000,000 in state and federal funds must be distributed annually among critical access hospitals for staff enhancement payments.~~ Beginning January 1, 2025, the department shall reimburse licensed critical access hospitals at 104.5% of MaineCare allowable costs for both inpatient and outpatient services provided to patients covered by the MaineCare program.

Sec. LL-3. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 22, section 1714-D takes effect January 1, 2025.

PART MM

Sec. MM-1. 22 MRSA §1730 is enacted to read:

§1730. Upper payment limits for aggregate MaineCare payments to hospitals

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Group of hospitals" means a group of hospitals in which each hospital meets the requirements for the same category of facility as described in 42 Code of Federal Regulations, Section 447.272 or 447.321.

B. "Hospital" means any facility in the State licensed as a hospital under chapter 405.

2. Department to ensure compliance with upper payment limits. Beginning July 1, 2024, if aggregate MaineCare payments made to a group of hospitals exceed the upper payment limit applicable to that group of hospitals under 42 Code of Federal Regulations, Section 447.272 or 447.321, the department shall limit payments to that group of hospitals to the level that ensures compliance with the applicable upper payment limit. At least 60 days prior to taking an action pursuant to this subsection, the department shall share its upper payment calculations, including all data inputs, with the hospitals affected by the action.

3. Adjustments when aggregate payments fall below upper payment limits. If the department limits MaineCare payments to a group of hospitals pursuant to subsection 2 and the Federal Government subsequently determines that the payments made to the group of hospitals are below the upper payment limit applicable to that group of hospitals under 42 Code of Federal Regulations, Section 447.272 or 447.321, the department shall increase the payments to an amount determined by the department, as permitted under federal regulations, and not higher than the applicable upper payment limit. The department shall notify the affected hospitals of any payments made under this subsection.

PART NN

Sec. NN-1. 22 MRSA §3174-LLL, sub-§2, as enacted by PL 2023, c. 412, Pt. EEEEE, §4, is amended to read:

2. Income eligibility. No later than ~~March~~ July 1, 2024, the department shall establish income disregards to determine eligibility so that a person with income that is no more than 185% of the federal poverty level is qualified as a qualified Medicare beneficiary and a person with income that is more than 185% and no more than 250% of the federal poverty level is qualified as a qualified individual.

PART OO

Sec. OO-1. Transfer from General Fund unappropriated surplus; Department of Health and Human Services, General Assistance - Reimbursement to Cities and Towns. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$10,000,000 from the unappropriated surplus of the General Fund to the Department of Health and Human

Services, General Assistance - Reimbursement to Cities and Towns program, Other Special Revenue Funds account.

PART PP

Sec. PP-1. Transfer from General Fund unappropriated surplus; Department of Health and Human Services, Purchased Social Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$6,000,000 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Purchased Social Services, Other Special Revenue Funds account to provide one-time funding to replace reductions in grants to the department under the federal victim assistance formula grant program administered by the United States Department of Justice, Office of Justice Programs, Office for Victims of Crime pursuant to the federal Victims of Crime Act of 1984.

PART QQ

Sec. QQ-1. 22 MRSA §259, sub-§1, ¶B, as amended by PL 2015, c. 267, Pt. JJJ, §1, is further amended to read:

B. Six hundred ninety-nine thousand, one hundred fifty dollars in fiscal year 2001-02 to federally qualified health centers to support the infrastructure of these programs in providing primary care services to underserved populations. Forty-four thousand, two hundred fifty dollars must be provided to each federally qualified health center with an additional \$8,850 for the 2nd and each additional site operated by a federally qualified health center. For the purposes of this paragraph, "site" means a site or sites operated by the federally qualified health center within its scope of service that meet all health center requirements, including providing primary care services, regardless of patients' ability to pay, 5 days a week with extended hours. If there is not sufficient funding to meet the formula in this paragraph, the \$699,150 must be allocated in proportion to the formula outlined in this paragraph; ~~and~~

Sec. QQ-2. 22 MRSA §259, sub-§1, ¶C, as enacted by PL 2015, c. 267, Pt. JJJ, §1, is amended to read:

C. Five hundred thousand dollars, beginning with fiscal year 2015-16 and continuing each fiscal year thereafter, to support access to primary medical, behavioral health and dental services to residents of the State in rural and underserved communities and to assist with provider recruitment and retention. Twenty-five thousand dollars must be provided to each federally qualified health center; ~~and~~

Sec. QQ-3. 22 MRSA §259, sub-§1, ¶D is enacted to read:

D. Four million dollars in fiscal year 2024-25 to support access to pharmacy services and affordably priced prescription drugs to residents of the State in rural and underserved communities by providing funds to support federally qualified health centers in developing or improving pharmacy services, including without limitation:

(1) Planning, designing, constructing and operating one or more licensed retail pharmacies as part of a federally qualified health center's services;

(2) Entering into arrangements, including with one or more federally qualified health centers, to expand the availability of prescription drugs purchased and delivered to patients under the federal drug pricing program under Section 340B of the federal Public Health Service Act, 42 United States Code, Section 256b; and

(3) Expanding access to prescription drugs supplied by one or more federally qualified health centers, including without limitation by increasing the number of locations from which patients may obtain prescription drugs, improving access to prescription drugs through mobile outreach, improving existing pharmacy facilities, expanding the availability of automated pharmacy systems as defined in Title 32, section 13702-A, subsection 1 or addressing workforce issues related to pharmacy program planning and operation.

Sec. QQ-4. 22 MRSA §259, sub-§3 is enacted to read:

3. Allocation of pharmacy services support funding. Each federally qualified health center may apply for funds made available pursuant to subsection 1, paragraph D by providing the department with a budget and plan for developing or improving pharmacy services and access to affordably priced prescription drugs for its patients. The department shall allocate available funds equitably among all applicants based on the cost-effectiveness and feasibility of the proposed development or improvement of patient access to affordably priced prescription drugs and the availability of other pharmacy services in the areas served by a federally qualified health center applying for funds. In developing criteria for awarding available funds, the department shall consult with and consider the recommendations of a statewide association of federally qualified health centers. Any available funds not awarded in fiscal year 2024-25 must be deposited in a nonlapsing account from which awards may be made in subsequent fiscal periods for the purposes set forth in subsection 1, paragraph D.

Sec. QQ-5. Implementation. The Department of Health and Human Services shall publish a schedule

and instructions for the content of applications and criteria for determining awards for the pharmacy services support program described in this Part. The department's schedule must ensure that applicants have no less than 60 days to prepare and submit applications after instructions for the content of applications and criteria for selection have been published. The department shall make initial awards no later than 120 days after the application deadline. The department shall ensure that some of the persons selected to evaluate the applications have substantial training or experience in the operation and management of a federally qualified health center.

PART RR

Sec. RR-1. Carrying balances; Department of Health and Human Services, Child Care Services program. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward, to be used for the same purposes, in fiscal year 2024-25, any unexpended balance of the \$1,500,000 appropriated in Part A in the All Other line category in the Department of Health and Human Services, Child Care Services program, General Fund account for the purpose of technology enhancements necessary to implement the increase in the eligibility for child care subsidies from 85% to 125% of the State's median income.

PART SS

Sec. SS-1. PL 2023, c. 412, Pt. VVV, §11, sub-§1 is amended to read:

1. Beginning ~~January~~ July 1, 2024, increase eligibility for child care subsidies from 85% of the State's median income to 125% of the State's median income; and

Sec. SS-2. Retroactivity. This Part applies retroactively to January 1, 2024.

PART TT

Sec. TT-1. Department of Health and Human Services, child care staff scholarship pilot program. The Department of Health and Human Services shall establish a 2-year child care staff scholarship pilot program beginning in fiscal year 2024-25. Expenditures for the pilot program are capped at \$2,500,000 per year. Staff who work in a licensed child care program in the State are eligible to apply for a child care staff scholarship under the pilot program to help pay for their own child to attend a licensed child care program. The scholarship must be paid out to the licensed child care program where the child attends. The department shall ensure that an evaluation is conducted to inform recommendations on how to design an effective and efficient permanent program.

PART UU

Sec. UU-1. Nursing facility payments in fiscal year 2024-25. Fifteen million dollars of the funds appropriated or allocated in Public Law 2023, chapter 412 to support nursing facility investment and rate reform for fiscal year 2024-25 must be distributed as a one-time payment to nursing facilities upon the effective date of this Part. The remaining funds must be applied to reformed rates for nursing facilities that take effect on January 1, 2025. The full amount of funds appropriated or allocated in Public Law 2023, chapter 412 to support nursing facility investment and rate reform for fiscal year 2024-25 must be incorporated into the reformed rates for nursing facilities in subsequent years.

PART VV

Sec. VV-1. Emergency rule-making authority; health and human services matters. The Department of Health and Human Services is authorized to adopt emergency rules under the Maine Revised Statutes, Title 5, section 8054 and emergency major substantive rules under Title 5, section 8073, as applicable, determined necessary by the department to implement those provisions of this Act over which the department has subject matter jurisdiction for which specific authority has not been provided in any other Part of this Act, notwithstanding the requirement that the department demonstrate that immediate adoption is necessary to avoid a threat to public health, safety or general welfare.

PART WW

Sec. WW-1. Transfer of Personal Services balances to All Other; Maine Commission on Indigent Legal Services, Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, for fiscal year 2024-25 only, the Maine Commission on Indigent Legal Services is authorized to transfer up to \$2,500,000 of available balances of appropriations in the Personal Services line category in the Maine Commission on Indigent Legal Services program, after all financial commitments for salary, benefit and other obligations have been met, to the All Other line category in order to fund costs associated with assigned legal counsel. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

Sec. WW-2. Rename Maine Commission on Indigent Legal Services. Notwithstanding any provision of law to the contrary, the Maine Commission on Indigent Legal Services program within the Maine Commission on Public Defense Services is renamed Maine Commission on Public Defense Services.

Sec. WW-3. Retroactivity. That section of this Part that renames the Maine Commission on Indigent Legal Services applies retroactively to March 21, 2024.

PART XX

Sec. XX-1. Transfer of Personal Services balances to All Other; Judicial Department, Courts - Supreme, Superior and District; fiscal year 2023-24. Notwithstanding any provision of law to the contrary, for fiscal year 2023-24 only, the Judicial Department is authorized to transfer up to \$493,603 of available balances of appropriations in the Personal Services line category in the Courts - Supreme, Superior and District program, after all financial commitments for salary, benefit and other obligations have been made, to the All Other line category in order to fund temporary clerk services and marshal services contracts. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

Sec. XX-2. Transfer of Personal Services balances to All Other; Judicial Department, Courts - Supreme, Superior and District; fiscal year 2024-25. Notwithstanding any provision of law to the contrary, for fiscal year 2024-25 only, the Judicial Department is authorized to transfer up to \$575,000 of available balances of appropriations in the Personal Services line category in the Courts - Supreme, Superior and District program, after all financial commitments for salary, benefit and other obligations have been made, to the All Other line category in order to fund temporary clerk services and marshal services contracts. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

PART YY

Sec. YY-1. Transfer of funds; Department of Labor, Paid Family and Medical Leave Insurance Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer any unobligated balances remaining in the Department of Labor, Paid Family and Medical Leave Insurance Fund program, Other Special Revenue Funds account to the Department of Labor, Paid Family and Medical Leave Insurance Fund program, Paid Family and Medical Leave Insurance Fund account at the end of fiscal year 2023-24.

PART ZZ

Sec. ZZ-1. 26 MRSA §632-A is enacted to read:

§632-A. Fund for recovered wages

1. Fund established. The Wage Recovery Fund is established as a nonlapsing fund within the bureau. The purpose of the fund is to facilitate payments related to unpaid wages, unpaid health benefits, liquidated damages or interest owed to employees or former employees of an employer when the Department of Labor receives payments from an employer in accordance with

a settlement agreement or a judgment on behalf of affected employees or former employees.

2. Administration. The fund is administered by the director. Payment of unpaid wages, unpaid health benefits, liquidated damages or interest to affected individuals may be made only to the extent that the Department of Labor receives payment from the employer in accordance with a settlement agreement or a judgment. The department is not liable for payments to affected individuals if the department does not receive the funds from the employer.

3. Education. As part of its settlement agreements, the Department of Labor may include a provision for payment of funds toward education and public messaging regarding the State's labor laws. Funds deposited in the Wage Recovery Fund that are not required for the payment of unpaid wages, unpaid health benefits, liquidated damages or interest may also be used for such education and public messaging.

4. Fund balances. Amounts in the Wage Recovery Fund do not lapse and must be carried forward to be used for the same purposes. Interest earned on the balance in the fund must be credited to the Wage Recovery Fund.

PART AAA

Sec. AAA-1. Carrying provision; Maine State Library, Maine State Library. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward up to \$300,000 appropriated for the public space of the Maine State Library for space planning purposes as authorized in Public Law 2023, chapter 3, Part A, section 20 to fiscal year 2024-25 in the Maine State Library program, General Fund account, All Other line category.

Sec. AAA-2. Carrying provision; Maine State Library, Maine State Library. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward up to \$1,500,000 appropriated for the Maine State Library for high-density shelving at the Cultural Building as authorized in Public Law 2023, chapter 3, Part A, section 20 to fiscal year 2024-25 in the Maine State Library program, General Fund account, Capital Expenditures line category.

PART BBB

Sec. BBB-1. Transfer from General Fund unappropriated surplus; Maine State Library, Imagination Library of Maine Program, Other Special Revenue Funds. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$168,030 from the unappropriated surplus of the General Fund to the Maine State Library, Imagination Library of Maine Program, Other Special Revenue Funds account on or before June 30, 2025 to provide

funding for the support of the Imagination Library of Maine Program.

PART CCC

Sec. CCC-1. Transfer to School Revolving Renovation Fund; Maine Municipal Bond Bank. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$4,000,000 from the unappropriated surplus of the General Fund to the School Revolving Renovation Fund, established within the Maine Municipal Bond Bank by the Maine Revised Statutes, Title 30-A, section 6006-F, to support the renovation needs of school administrative units that have voluntarily assumed the free, appropriate public education for children 3 years of age to 5 years of age.

PART DDD

Sec. DDD-1. PL 2023, c. 329, §3 is amended to read:

Sec. 3. Effective date. This Act takes effect January 1, 2026 except that section of this Act that makes allocations takes effect January 1, 2025.

PART EEE

Sec. EEE-1. Transfer from General Fund unappropriated surplus; Department of Public Safety, Safe Homes Program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$100,000 from the unappropriated surplus of the General Fund to the Department of Public Safety, Safe Homes Program Fund, Other Special Revenue Funds account to provide one-time funding to support the safe storage of prescription drugs, firearms and dangerous weapons in homes or public spaces.

PART FFF

Sec. FFF-1. Promotion adjustments in Department of Public Safety, Office of the State Fire Marshal. A person employed by the Department of Public Safety, Office of the State Fire Marshal in a Fire Investigator position may be promoted to a Senior Fire Investigator position if that person becomes certified as a Certified Fire Investigator by the International Association of Arson Investigators or equivalent certification body. The effective date of the promotion is the date the employee officially becomes certified.

When a Senior Fire Investigator position is vacated, that position reverts to a Fire Investigator position.

Sec. FFF-2. Costs to General Fund for promotion adjustments. Costs to the General Fund due to section 1 of this Part must be provided from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in an amount up to \$10,000 for the fiscal year ending June 30,

2024 and in an amount up to \$13,000 for the fiscal year ending June 30, 2025.

PART GGG

Sec. GGG-1. Carrying provision; Department of Secretary of State, Administration - Archives. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward up to \$1,500,000 appropriated and encumbered for high-density shelving at the former Eastside Wellness Center and in the Cultural Building in the Maine State Archives as authorized in Public Law 2023, chapter 3 to fiscal year 2024-25 in the Department of Secretary of State, Administration - Archives program, General Fund account, Capital Expenditures line category. The funds to be carried forward were encumbered prior to the close of fiscal year 2022-23 and were carried into fiscal year 2023-24 in accordance with the Maine Revised Statutes, Title 5, section 1589.

PART HHH

Sec. HHH-1. Transfer from General Fund unappropriated surplus; Department of Agriculture, Conservation and Forestry, Milk Commission. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$3,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Milk Commission program, Other Special Revenue Funds account to provide one-time payments to address escalating production costs to Maine milk producers who produced milk and reported production information to the Maine Milk Commission in calendar year 2023 and are currently participating in the dairy stabilization program under the Maine Revised Statutes, Title 7, section 3153-B, also known as the Tier Program. In calculating the payment, the administrator of the Maine Milk Pool shall attempt to achieve, insofar as practicable, a proportional distribution of the entire transferred amount to farmers by basing the payments on a per hundredweight production basis and limiting payments to a production limit of 5,000,000 pounds per farm. The administrator of the Maine Milk Pool may use existing distribution methods within the Maine Milk Pool program to expedite the distribution of payments.

PART III

Sec. III-1. Transfer from General Fund unappropriated surplus; Department of Agriculture, Conservation and Forestry, Parks - General Operations. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$3,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Parks - General Operations program, Other Special Revenue Funds account to provide one-time funding to address damage

incurred to state parks, historic sites and public lands during the December 2023 and January 2024 storms. The Department of Agriculture, Conservation and Forestry shall seek reimbursement of costs through risk management administered by the Department of Administrative and Financial Services pursuant to the Maine Revised Statutes, Title 5, section 1725-A, the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and the United States Department of Homeland Security, Federal Emergency Management Agency. Any reimbursement received prior to June 30, 2026 must be transferred to the reserve account established by the State Controller to reserve General Fund resources for future funding needs. Any reimbursement received on or after July 1, 2026 must be transferred to the unappropriated surplus of the General Fund.

PART JJJ

Sec. JJJ-1. Carrying provision; Department of Agriculture, Conservation and Forestry, Bureau of Agriculture program. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward any unexpended balance remaining of the \$550,000 appropriated in Public Law 2021, chapter 635 in the Department of Agriculture, Conservation and Forestry, Bureau of Agriculture program, General Fund account, All Other line category to the next fiscal year to be used for replacement of the feed, seed and fertilizer database.

Sec. JJJ-2. Carrying provision; Department of Agriculture, Conservation and Forestry, Bureau of Agriculture program. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward any unexpended balance remaining of the \$1,500,000 appropriated in Public Law 2023, chapter 412 in the Department of Agriculture, Conservation and Forestry, Bureau of Agriculture program, General Fund account, Capital Expenditures line category to the next fiscal year to be used for replacement of the licensing and inspection database.

PART KKK

Sec. KKK-1. 34-B MRSA §3613 is enacted to read:

§3613. Crisis receiving centers

1. Definition. As used in this section, unless the context otherwise indicates, "crisis receiving center" means a center that provides immediate and short-term walk-in access to an array of both clinical and nonclinical mental health and substance use disorder crisis stabilization services to all individuals seeking care regardless of acuity or insurance coverage and within bounds of licensing.

2. Authority. The department shall develop a plan for a network of community-based crisis receiving centers across the State to support both clinical and non-clinical mental health and substance use disorder crisis stabilization services. The department shall also coordinate meetings, technical assistance and training and provide other assistance to help create, maintain and, as necessary, expand the network.

3. Guidelines. The department shall:

A. Consult with law enforcement agencies, municipalities, public health experts, behavioral health care providers, other states and others as appropriate;

B. Assess geographical locations for maximization of community impact;

C. Provide technical assistance to persons and entities across the State and providers interested in joining the network;

D. Coordinate regular meetings with crisis receiving centers and provide technical assistance to crisis receiving centers; and

E. Engage in continual process improvement and planning updates.

PART LLL

Sec. LLL-1. State Controller; post-closing.

The State Controller is authorized to keep open the official system of general accounts of State Government for fiscal year 2023-24 in order to make post-closing entries and adjustments to carry out the provisions of this Act.

Sec. LLL-2. Retroactivity. This Part applies retroactively to June 30, 2024.

PART MMM

Sec. MMM-1. Carrying provision; Department of Administrative and Financial Services, Information Services program. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward any unexpended balance in the All Other line category in the Department of Administrative and Financial Services, Information Services program, General Fund account to fiscal year 2024-25.

PART NNN

Sec. NNN-1. Transfer from General Fund unappropriated surplus; Department of Agriculture, Conservation and Forestry, Parks - General Operations. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$6,000,000 from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Parks - General Operations program, Other Special Revenue Funds account to provide one-time funding to address

damage incurred to the state parks and historic sites and public lands during the December 2023 and January 2024 storms.

Sec. NNN-2. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Parks - General Operations Z221

Initiative: Adjusts funding by decreasing General Fund appropriations and increasing Federal Expenditures Fund - ARP State Fiscal Recovery funds allocation and Other Special Revenue Funds allocation in the Department of Agriculture, Conservation and Forestry, Parks - General Operations program to allow for the expenditure of federal funds in a manner consistent with United States Department of the Treasury guidance. Federal funding is available from the allocation provided to the Department of Agriculture, Conservation and Forestry in Public Law 2021, chapter 483, Part T.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	(\$6,000,000)
GENERAL FUND TOTAL	\$0	(\$6,000,000)

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,000,000
Capital Expenditures	\$0	\$5,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,000,000

FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY	2023-24	2024-25
Personal Services	\$0	\$6,000,000
FEDERAL EXPENDITURES FUND - ARP STATE FISCAL RECOVERY TOTAL	\$0	\$6,000,000

PART OOO

Sec. OOO-1. Transfer from General Fund unappropriated surplus; Department of Defense, Veterans and Emergency Management, Military Training and Operations program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$180,000 from the unappropriated surplus of the General Fund to the Military Training and Operations program, Other Special Revenue Funds account within the Department of Defense, Veterans and Emergency Management to fund costs associated with the Maine Revised Statutes, Title 37-B, section 390-D.

PART PPP

Sec. PPP-1. PL 2023, c. 406, §1 is amended to read:

Sec. 1. Adjustment of salary schedules for fiscal years 2023-24 and 2024-25. The salary schedules for the executive branch employees in bargaining units represented by the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association, the Maine Service Employees Association, the Fraternal Order of Police and any other certified bargaining representative for an executive branch bargaining unit must be adjusted consistent with the terms of any agreements ~~ratified by December 31, 2023~~ made between January 31, 2024 and June 30, 2025, including any collective bargaining agreement achieved through the process outlined in Public Law 2023, chapter 412, Part UUU or the memorandum of agreement executed by the State of Maine and the Maine Service Employees Association on December 13, 2023 regarding the comprehensive review of the classification and compensation system. This section does not apply to any successor collective bargaining agreement with a term beginning on or after July 1, 2025.

Sec. PPP-2. PL 2023, c. 406, §5 is amended to read:

Sec. 5. Costs to General Fund and Highway Fund. Costs to the General Fund and Highway Fund must be provided wholly or in part through a transfer of Personal Services appropriations within and between departments and agencies from the Salary Plan program, General Fund account in the Department of Administrative and Financial Services in an amount ~~not to exceed \$99,000,000 in total for the fiscal years ending June 30, 2024 and June 30, 2025 up to the full amount the salary plan has accrued as of the date an agreement is reached with the respective bargaining agents~~ to implement the economic terms of the most recent collective bargaining agreements made from July 2023 to December 2023, as specified in section 1 of this Act, entered into by the State and the American Federation of State, County and Municipal Employees, the Maine State Troopers Association, the Maine State Law Enforcement Association, the Maine Service Employees Association, the Fraternal Order of Police and any other certified bargaining representative for an executive branch bargaining unit, to provide equitable treatment of employees excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 979-A, subsection 6, paragraph F and, notwithstanding Title 26, section 979-D, subsection 1, paragraph E, subparagraph (3), to implement equitable adjustments for confidential employees.

Sec. PPP-3. PL 2023, c. 406, §6 is amended to read:

Sec. 6. Transfer of Personal Services appropriations between programs and departments; General Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the General Fund for Personal Services in fiscal year 2023-24 and fiscal year 2024-25 may be transferred by financial order between programs and departments within the General Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees, as specified in section 1 of this Act.

Sec. PPP-4. PL 2023, c. 406, §7 is amended to read:

Sec. 7. Transfer from Salary Plan program and special account funding. The Salary Plan program, General Fund account in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the implementation of the collective bargaining agreements for state employees, as specified in section 1 of this Act, and for other economic items contained in this Act in fiscal year 2023-24 and fiscal year 2024-25. Positions supported from sources of funding other than the General Fund and the Highway Fund must be funded from those other sources.

Sec. PPP-5. PL 2023, c. 406, §8 is amended to read:

Sec. 8. Transfer of Personal Services allocations between programs and departments; Highway Fund. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law to the contrary, available balances in the Highway Fund for Personal Services in fiscal year 2023-24 and fiscal year 2024-25 may be transferred by financial order between programs and departments within the Highway Fund upon recommendation of the State Budget Officer and approval of the Governor to be used for costs associated with collective bargaining agreements for state employees, as specified in section 1 of this Act.

Sec. PPP-6. Recruitment and retention adjustment task force. The Department of Administrative and Financial Services, Bureau of Human Resources shall convene a task force mediated by a neutral 3rd party to review and make recommendations regarding the criteria required under the Maine Revised Statutes, Title 5, section 7065, subsection 2-D for a recruitment and retention adjustment to be authorized. The task force must consist of one member from each of the 8 bargaining units of the executive branch, appointed by each unit's respective bargaining agent, and up to 8 additional members, appointed by the Governor. The task force must be cochaired by one member representing

the State and one bargaining unit representative. The cochairs must be selected by the membership of the task force. A state employee appointed to serve on the task force may participate in the work of the task force during the employee's regular working hours without loss of pay or benefits. By November 30, 2024, the task force shall complete the review and submit recommendations to the Department of Administrative and Financial Services, including draft legislation necessary to implement any proposed changes to the criteria for a recruitment and retention adjustment that are supported by a majority of the task force membership, and the department shall submit that proposed legislation to the First Regular Session of the 132nd Legislature. The task force shall meet once per month or as necessary to complete its work.

PART QQQ

Sec. QQQ-1. 5 MRSA §20005, sub-§23, as enacted by PL 2023, c. 412, Pt. WWW, §3, is amended to read:

23. Treatment center. Establish one treatment center for substance use disorder treatment that, at a minimum, offers mental health and crisis stabilization services offered by the crisis receiving center in Portland and aligned with United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration standards for crisis care and the standards for crisis care of a national association of state mental health program directors. The treatment center must be located in ~~either~~ Kennebec County ~~or~~ Washington County. The treatment center ~~must~~ may have at least 10 beds and offer medically managed withdrawal services. At least 40% of the occupancy in the treatment center must be made available to individuals who have coverage under the MaineCare program Services offered by the treatment center ~~must be available to all individuals regardless of insurance.~~ The treatment center established pursuant to this subsection shall provide:

- A. A receiving center that is open 24 hours per day, 7 days per week to provide low-barrier walk-in access to behavioral health services, including substance use disorder treatment, while a patient waits for access to a higher level of care;
- ~~B. Medically managed withdrawal services;~~
- C. Access to medication to treat substance use disorder, including ~~any~~ medication approved by the United States Food and Drug Administration; and
- D. ~~Coordination~~ Referral to and coordination with services ~~after treatment,~~ including but not limited to local recovery centers, hypodermic apparatus exchange programs and recovery residences.

No later than February 1, 2025 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over health

and human services matters on the number of people served, the types of services provided, the attempts made at community outreach and any recommendations relating to the services provided by the treatment center.

Sec. QQQ-2. PL 2023, c. 412, Pt. WWW, §4 is repealed.

Sec. QQQ-3. Request for proposals. No later than 90 days after the effective date of this Part, the Department of Health and Human Services shall award the contract pursuant to a request for proposals to establish and operate the treatment center required pursuant to the Maine Revised Statutes, Title 5, section 20005, subsection 23.

Sec. QQQ-4. Retroactivity. That section of this Part that repeals Public Law 2023, chapter 412, Part WWW, section 4 applies retroactively to December 1, 2023.

PART RRR

Sec. RRR-1. 22 MRSA §3731-A, sub-§1 is enacted to read:

1. State funding to support eligible families. Other Special Revenue Funds allocated for the purposes of supporting the Maine Child Care Affordability Program may be used to support any eligible family.

Sec. RRR-2. 22 MRSA §3731-A, sub-§2 is enacted to read:

2. Federal funding. The department shall maximize federal funding available for child care and may not supplant federal funding with general funds.

Sec. RRR-3. Child Care Stability Grant program established. There is established in the Department of Health and Human Services a one-time Child Care Stability Grant program, referred to in this section as "the grant program." The grant program must provide additional financial support to licensed child care providers in the State and bridge the time until the expanded Maine Child Care Affordability Program and new market rates for subsidy reimbursement to child care providers are implemented. Expenses eligible for funding under the grant program include:

- 1. Stipends to support staff recruitment and retention; and
- 2. Funding to allow child care providers to offer financial assistance to families, which may include the following:
 - A. Clearing a family's tuition debt;
 - B. Providing a scholarship for a family's parent fee; and
 - C. Avoiding raising tuition rates.

Within 30 days of the effective date of this Part, the department shall provide guidance to child care providers about the timing and allowable uses of funding available.

Sec. RRR-4. Use of funds appropriated to Department of Health and Human Services; Maine Child Care Affordability Program. Of the funds available for the Maine Child Care Affordability Program within the Department of Health and Human Services, Child Care Services program, Other Special Revenue Funds account and the Head Start program, Other Special Revenue Funds account, the Department of Health and Human Services shall:

1. Use up to \$5,400,000 for the one-time Child Care Stability Grant program established in section 3 of this Part.
2. Use up to \$3,500,000 for one-time technology improvements in the Maine Child Care Affordability Program, including efficiently implementing new federal requirements; and
3. Use the remaining funding to efficiently and expeditiously support child care access for families, with priority placed on support for low-income families, consistent with the Maine Child Care Affordability Program.

Sec. RRR-5. Fiscal year 2023-24 year-end General Fund unappropriated surplus; 5th priority transfer. Notwithstanding any provision of law to the contrary, at the close of the fiscal year ending June 30, 2024, as the next priority after the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511, the transfer of \$2,500,000 for the Reserve for General Fund Operating Capital pursuant to Title 5, section 1536 and the transfers to the Retiree Health Insurance Internal Service Fund pursuant to Title 5, section 1519 and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, the State Controller shall transfer from the available balance of the unappropriated surplus of the General Fund up to \$11,772,649 to the Department of Health and Human Services, Child Care Services program, Other Special Revenue Funds account to support the Maine Child Care Affordability Program.

Sec. RRR-6. Fiscal year 2023-24 year-end General Fund unappropriated surplus; 6th priority transfer. Notwithstanding any provision of law to the contrary, at the close of the fiscal year ending June 30, 2024, as the next priority after the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511, the transfer of \$2,500,000 for the Reserve for General Fund Operating Capital pursuant to Title 5, section 1536, the transfers to the Retiree Health Insurance Internal Service Fund pursuant to Title 5, section 1519 and the transfer made in section 5 of

this Part and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, the State Controller shall transfer from the available balance of the unappropriated surplus of the General Fund up to \$1,134,000 to the Department of Health and Human Services, Head Start program, Other Special Revenue Funds account for the Maine Child Care Affordability Program.

PART SSS

Sec. SSS-1. Nursing Facility Reform Transition Fund. The Nursing Facility Reform Transition Fund is established as a Department of Health and Human Services, Nursing Facilities program, Other Special Revenue Funds account for the sole purpose of funding components of nursing facility rates starting on January 1, 2025 that assist in transitioning toward the fully implemented rates under the MaineCare program's comprehensive rate system reform pursuant to Public Law 2021, chapter 639 by calendar year 2028. This may include, but is not limited to, time-limited payment policies to all eligible facilities to reward quality or achieve permanent staffing targets or to adjust the risk mitigation parameters. This funding is intended to support retention and recruitment of facility staff, particularly direct care staff, and facilitate the reduction of the use of contract or "travel" staff and may be used for special workforce initiatives designed to meet this goal. The use of the fund must be determined as part of the MaineCare rate system reform process, as outlined in the Maine Revised Statutes, Title 22, section 3173-J, that includes public engagement. The fund lapses when funding is fully expended.

Sec. SSS-2. Immediate relief for nursing homes. As soon as practicable, the State Controller shall distribute \$15,000,000 from the Nursing Facility Reform Transition Fund under section 1 as a one-time payment to nursing facilities.

Sec. SSS-3. Transfer from General Fund unappropriated surplus; Department of Health and Human Services, Nursing Facilities. Notwithstanding any provision of law to the contrary, as soon as practicable, the State Controller shall transfer \$23,247,780 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Nursing Facilities program, Other Special Revenue Funds account for the purpose of funding components of nursing facility rates.

PART TTT

Sec. TTT-1. Carrying provision; Department of Inland Fisheries and Wildlife, Administrative Services - Inland Fisheries and Wildlife program. Notwithstanding any provision of law to the contrary, at the end of fiscal year 2023-24, the State Controller shall carry forward any unexpended balance remaining of the \$1,000,000 appropriated in

Public Law 2023, chapter 412, Part A, section 25 in the Department of Inland Fisheries and Wildlife, Administrative Services - Inland Fisheries and Wildlife program, General Fund account, Capital Expenditures line category to fiscal year 2024-25 for the repair of 3 department-owned dams.

PART UUU

This Part left blank intentionally.

PART VVV

Sec. VVV-1. Transfer from General Fund unappropriated surplus; Administration - Public Safety. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$3,000,000 from the unappropriated surplus of the General Fund to the Administration - Public Safety program, Other Special Revenue Funds account within the Department of Public Safety to fund certain first responder overtime costs associated with the Lewiston mass casualty event on October 25, 2023 and the subsequent apprehension operation.

PART WWW

Sec. WWW-1. 35-A MRSA §3474, sub-§4, as enacted by PL 2023, c. 307, §6, is amended to read:

4. Interconnection ombudsman; fund. The interconnection ombudsman appointed pursuant to section 107, subsection 1 shall assist persons seeking interconnections governed by rules adopted under subsection 3. The commission shall appoint an interconnection ombudsman who possesses technical expertise related to interconnection and interconnection procedures.

A. The duties of the interconnection ombudsman include but are not limited to:

- (1) Tracking interconnection disputes;
- (2) Facilitating the efficient and fair resolution of disputes between customers seeking to interconnect and investor-owned transmission and distribution utilities;
- (3) Reviewing investor-owned transmission and distribution utility interconnection policies to assess opportunities for reducing interconnection disputes;
- (4) Convening stakeholder groups as necessary to facilitate effective communication between interconnection stakeholders; ~~and~~
- (5) Preparing reports that detail the number, type, resolution timeline and outcome of interconnection disputes; ~~and~~
- (6) Any other technical or regulatory work involving public utilities.

B. The commission by rule shall establish a fee to be paid by persons seeking interconnections to

fund the interconnection ombudsman. Notwithstanding Title 5, section 8071, rules adopted under this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

C. The interconnection ombudsman fund is established within the commission as a nonlapsing fund for the purposes of ~~funding~~ offsetting costs for interconnection-related activities undertaken by the interconnection ombudsman. The commission shall deposit all fees collected under this subsection into the fund and all money in the fund must be used to ~~fully~~ fund the interconnection ombudsman. In addition to the fees established in accordance with this subsection, the fund may accept federal money and contributions from private and public sources.

Any activities undertaken by the interconnection ombudsman pursuant to paragraph A, subparagraph (6) must be funded in accordance with section 116.

PART XXX

Sec. XXX-1. Prospective payment system hospital transition plans. The Department of Health and Human Services shall work with any hospital that is reimbursed by the federal Medicare program as a prospective payment system hospital and that was reimbursed by the MaineCare program as a critical access hospital for outpatient services on or before January 1, 2024 to determine a plan for transitioning to reimbursement by the MaineCare program as a prospective payment system hospital while maintaining financial solvency. This transition plan may include but is not limited to ways in which the hospital can expand services or reduce expenses. Any hospital that is reimbursed by the federal Medicare program as a prospective payment system hospital and is reimbursed by the MaineCare program as a critical access hospital for outpatient services shall pursue federal and state provisions and programs that would improve its financial position, including but not limited to wage reclassification by the Medicare Geographic Classification Review Board. As part of the transition plan, the department shall work with any hospital eligible under this section to determine the amount of a transitional supplemental payment based on calendar year 2022 cost reports. By March 31, 2029, the department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters a report on any transition plans developed under this section.

PART YYY

Sec. YYY-1. 38 MRSA §480-KK is enacted to read:

§480-KK. Coastal Sand Dune Restoration and Protection Fund

1. Fund established; purposes and administration. The Coastal Sand Dune Restoration and Protection Fund, referred to in this section as "the fund," is established as a nonlapsing fund within the department from which the department may pay up to 50% of the eligible costs incurred in a project to restore, protect, conserve, nourish or revegetate a coastal sand dune system, except that eligible costs for projects relating to coastal sand dune systems and addressing technical assistance and public education may be paid up to 100%. The department may prioritize funding of projects that use nature-based or ecologically enhanced techniques for restoring, protecting, conserving, nourishing or revegetating a coastal sand dune system. Any balance remaining in the fund must continue without lapse from year to year and remain available only for the purposes for which the fund is established.

2. Prohibited expenditures. The department may not use money in the fund to fund projects in a coastal sand dune system where public access is not provided to the beach or waterfront area adjacent to the coastal sand dune system.

3. Staffing support. The department may use money in the fund for staffing to support administration and implementation of activities authorized under this section.

4. Public education program. The department may use money in the fund to develop a coordinated public education program related to coastal sand dune systems.

5. Funding sources. The fund may receive money from any source, public or private.

Sec. YYY-2. Permitting of offshore wind terminal on Sears Island. Notwithstanding any provision of law or Department of Environmental Protection rule prohibiting the construction of new structures in a coastal sand dune system, the Department of Environmental Protection is authorized to grant a permit under the Maine Revised Statutes, Title 38, section 480-D for construction of an offshore wind terminal on Sears Island in the Town of Searsport to be located on or that will otherwise impact the Sears Island jetty dune, as long as the project satisfies all other applicable permitting and licensing criteria under Title 35-A, chapter 34 and Title 38, chapter 3. The department is not authorized to grant more than one permit under Title 38, section 480-D for construction of an offshore wind terminal on Sears Island in accordance with this section.

For the purposes of this section, the following terms have the following meanings.

1. "Coastal sand dune system" has the same meaning as in Title 38, section 480-B, subsection 1.
2. "Offshore wind terminal" has the same meaning as in Title 35-A, section 3410, subsection 1, paragraph D.

3. "Sears Island jetty dune" means a coastal sand dune system on Sears Island in the Town of Searsport that is approximately 4/10 of an acre in size and located south of and abutting the jetty on the western side of the island on the parcel of land reserved for port development, also known as "the Transportation Parcel," with the dune's southerly corner located at or near Longitude -68.8916 and Latitude 44.4438 and the dune's westerly corner located at or near Longitude -68.8923 and Latitude 44.4444.

Sec. YYY-3. Sears Island dune conservation. The Department of Transportation, in collaboration with the Maine Coast Heritage Trust, shall take all reasonable steps to ensure the conservation and protection of a parcel of land in the northwest portion of Sears Island in the Town of Searsport that is approximately 10 acres in size and that includes the Sears Island northwest dune, consistent with the Buffer Conservation Easement, and to provide pedestrian access to that parcel and the Sears Island northwest dune from the causeway to Sears Island through the intertidal zone.

For the purposes of this section, the following terms have the following meanings.

1. "Buffer Conservation Easement" means the easement between the State of Maine and the Maine Coast Heritage Trust dated January 22, 2009 and recorded in the Waldo County Registry of Deeds, Book 3289, Page 300.
2. "Coastal sand dune system" has the same meaning as in the Maine Revised Statutes, Title 38, section 480-B, subsection 1.
3. "Sears Island northwest dune" means a coastal sand dune system on the northwestern side of Sears Island in the Town of Searsport that is approximately one and one-half acres in size, approximately 1,200 feet long and 30 to 65 feet wide and located north of the jetty and southwest of the causeway to Sears Island, on the parcel of land reserved for port development, also known as "the Transportation Parcel," with the dune's southerly end located at or near Longitude -68.8877 and Latitude 44.4517 and the dune's northerly end located at or near Longitude -68.885 and Latitude 44.4545.

Sec. YYY-4. Transfer from General Fund unappropriated surplus; Coastal Sand Dune Restoration and Protection Fund. Notwithstanding any provision of law to the contrary, on or before September 30, 2024, the State Controller shall transfer \$1,000,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Coastal Sand Dune Restoration and Protection Fund, Other Special Revenue Funds account to provide payments to help fund costs related to eligible projects in the State to restore, protect, conserve, nourish or revegetate coastal sand dune systems in the State and for

other authorized purposes in accordance with the provisions of the Maine Revised Statutes, Title 38, section 480-KK.

PART ZZZ

Sec. ZZZ-1. 26 MRSA §850-A, sub-§4, as enacted by PL 2023, c. 412, Pt. AAA, §7, is amended to read:

4. Base period. "Base period" means the first 4 of the last 5 completed calendar quarters immediately preceding the first day of an individual's benefit year.

Sec. ZZZ-2. 26 MRSA §850-A, sub-§5, as enacted by PL 2023, c. 412, Pt. AAA, §7, is amended to read:

5. Benefit year. "Benefit year" means the 12-month period beginning on the first day of the calendar week immediately preceding the ~~date on which family leave benefits or medical leave benefits commence~~ first date of approved family or medical leave.

Sec. ZZZ-3. 26 MRSA §850-B, sub-§1, ¶A, as enacted by PL 2023, c. 412, Pt. AAA, §7, is repealed.

Sec. ZZZ-4. 26 MRSA §850-B, sub-§5, as enacted by PL 2023, c. 412, Pt. AAA, §7, is amended to read:

5. Intermittent leave requirements. Leave permitted by this section may be taken by an employee intermittently in increments ~~of equaling~~ not less than 8 hours one day, or on a reduced leave schedule otherwise agreed to by the employee and the employer, except that the employee and employer may not agree for leave to be taken in increments of less than one hour. The taking of leave intermittently or on a reduced leave schedule pursuant to this subsection may not result in a reduction in the total amount of leave to which the covered individual is entitled under this subchapter.

Sec. ZZZ-5. 26 MRSA §850-E, sub-§4, as enacted by PL 2023, c. 412, Pt. AAA, §7, is amended to read:

4. Administrative costs. The costs of administering the program by the administrator may not exceed ~~5%~~ 10% of the amount deposited under subsection 2 for each fiscal year following the initial year family leave benefits and medical leave benefits are paid. Money may not be commingled with other state funds and must be maintained in a separate account.

PART AAAA

Sec. AAAA-1. Transfer from General Fund unappropriated surplus; Maine State Housing Authority, Housing Authority - State program. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$20,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Housing Authority - State program, Other Special

Revenue Funds account for the Rural Affordable Rental Housing Program and the federal Low-income Housing Tax Credit Program to expand affordable rental and ownership housing options. Before June 30, 2026, unobligated amounts remaining from this transfer must be transferred to the unappropriated surplus of the General Fund.

Sec. AAAA-2. Maine State Housing Authority, Housing Authority - State program; distribution of transferred funds. Of the funds transferred pursuant to section 1 of this Part, up to \$10,000,000 must be used to fund the Rural Affordable Rental Housing Program and the remainder must be used to fund the federal Low-income Housing Tax Credit Program.

PART BBBB

Sec. BBBB-1. Transfer from General Fund unappropriated surplus; Housing Authority - State. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$5,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, Housing Authority - State, Other Special Revenue Funds account to establish a manufactured home and mobile home park preservation and assistance program. Program funds must be prioritized for the purpose of maintaining housing affordability in manufactured home and mobile home parks, including by supporting ownership by mobile home owners' associations, resident-owned housing cooperatives or other nonprofit organizations. Funds may also be used to prevent homelessness among those negatively impacted by the sale or change of use of such parks. Before June 30, 2026, unobligated amounts remaining from this transfer must be transferred to the unappropriated surplus of the General Fund.

PART CCCC

Sec. CCCC-1. Transfer from General Fund unappropriated surplus; County Jails Operation Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$4,000,000 from the unappropriated surplus of the General Fund to the Department of Corrections, County Jails Operation Fund program, Other Special Revenue Funds account on or before June 30, 2025.

PART DDDD

Sec. DDDD-1. Strengthen and expand mental health crisis intervention mobile response services. The Department of Health and Human Services shall strengthen and expand mental health crisis intervention mobile response services in order to provide services 24 hours a day, 7 days a week. The department shall provide for the incorporation of mobile outreach peer support specialists, certified intentional peer support specialists and recovery coaches, mental health law enforcement liaisons through behavioral

health agencies and community debriefing and critical incident response services into the existing crisis services response system. The department shall also provide for ancillary services that are required components of mental health crisis intervention mobile response services. The funding for these ancillary services must include travel costs to and from mobile face-to-face assessments not to exceed the federal per mile rate, reimbursement for travel time to and from mobile face-to-face assessments and reimbursement for time spent on telephone conferences with clients. The department shall provide reimbursement for peer support services provided as mental health crisis intervention mobile response services under the MaineCare program.

Sec. DDDD-2. E-9-1-1 and 9-8-8 coordination. By January 30, 2025, the Department of Health and Human Services, in coordination with the Public Utilities Commission, Emergency Services Communication Bureau and the Department of Public Safety, shall ensure the coordination of services under the State's E-9-1-1 system and the State's 9-8-8 mobile crisis services system. By January 30, 2026, the Department of Health and Human Services shall submit a status report related to the coordination of services, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over utilities matters. The joint standing committees may each submit a bill relating to the report to the Second Regular Session of the 132nd Legislature.

Sec. DDDD-3. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Mental Health Services - Community Z198

Initiative: Provides funding to strengthen mental health crisis intervention mobile response services in order to provide services 24 hours a day, 7 days a week beginning January 1, 2025. This funding must provide funding for mobile outreach peer support specialists.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,168,299
GENERAL FUND TOTAL	\$0	\$1,168,299

Mental Health Services - Community Z198

Initiative: Provides funding to strengthen mental health crisis intervention mobile response services in order to provide services 24 hours a day, 7 days a week beginning January 1, 2025. This funding must provide funding for 24 mental health law enforcement liaisons, 3 in each public health district, which are being provided by the local behavioral health agencies.

GENERAL FUND	2023-24	2024-25
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All Other	\$0	\$953,300
GENERAL FUND TOTAL	\$0	\$953,300

Mental Health Services - Community Z198

Initiative: Provides funding to strengthen mental health crisis intervention mobile response services in order to provide services 24 hours a day, 7 days a week beginning January 1, 2025. This funding must provide funding for community debriefing and critical incident response services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$69,450
GENERAL FUND TOTAL	\$0	\$69,450

Mental Health Services - Community Z198

Initiative: Provides a one-time appropriation for contracted consulting services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$100,000
GENERAL FUND TOTAL	\$0	\$100,000

Office of Substance Abuse and Mental Health Services Z199

Initiative: Provides funding to strengthen mental health crisis intervention mobile response services in order to provide services 24 hours a day, 7 days a week beginning January 1, 2025. This funding must provide funding for ancillary services that are required components of mental health crisis intervention mobile response services. These ancillary services include travel costs to and from mobile face-to-face assessments, not to exceed the federal per mile rate, and reimbursement for time spent on telephone conferences with clients.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$159,144
GENERAL FUND TOTAL	\$0	\$159,144

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$2,450,193
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$2,450,193

Sec. DDDD-4. Effective date. This Part takes effect January 1, 2025.

PART EEEE

Sec. EEEE-1. 34-B MRSA §3613 is enacted to read:

§3613. Crisis receiving centers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Crisis receiving center" means a center providing walk-in access to crisis services to individuals experiencing behavioral health, mental health and substance use challenges.

B. "Culturally sensitive trauma-informed care" means care that acknowledges, respects and integrates the cultural values, beliefs and practices of individuals and families.

2. Crisis receiving centers. The department shall establish 2 crisis receiving centers to support individuals dealing with behavioral health, mental health or substance use issues. The receiving centers must be established in Aroostook County and Penobscot County. The department shall ensure that the crisis receiving centers provide culturally sensitive trauma-informed care. The department shall develop a plan to expand crisis receiving centers statewide, with at least one crisis receiving center located in each county of the State.

3. Rules. The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. EEEE-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Mental Health Services - Community Z198

Initiative: Provides ongoing funding to establish 2 crisis receiving centers, one each in Aroostook and Penobscot counties, beginning April 1, 2025.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$900,000
GENERAL FUND TOTAL	\$0	\$900,000

Mental Health Services - Community Z198

Initiative: Provides one-time funding for additional start-up costs to establish 2 crisis receiving centers, one each in Aroostook and Penobscot counties.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,900,000
GENERAL FUND TOTAL	\$0	\$1,900,000

Mental Health Services - Community Z198

Initiative: Establishes one Social Services Program Manager I position and one Social Services Manager I position to handle the new crisis receiving centers.

GENERAL FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	2.000

Personal Services	\$0	\$234,914
All Other	\$0	\$13,576
GENERAL FUND TOTAL	\$0	\$248,490
HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$3,048,490
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,048,490

Sec. EEEE-3. Effective date. That section of this Part that enacts the Maine Revised Statutes, Title 34-B, section 3613 takes effect April 1, 2025.

PART FFFF

Sec. FFFF-1. 22 MRSA c. 256-B is enacted to read:

CHAPTER 256-B

OFFICE OF VIOLENCE PREVENTION

§1427. Office of Violence Prevention

1. Office established. The Office of Violence Prevention, referred to in this section as "the office," is established within the Maine Center for Disease Control and Prevention to coordinate and promote effective efforts to reduce violence in the State, including, but not limited to, gun violence, and related trauma and promote research regarding causes of and evidence-based responses to violence, including gun violence.

2. Director. The commissioner shall appoint the director of the office.

3. Collaboration. To carry out its duties, the office may collaborate with other state agencies and programs, including, but not limited to, the Address Confidentiality Program established under Title 5, section 90-B; the Victims' Compensation Board established under Title 5, section 3360-A; the Department of Education; the Office of Behavioral Health established under Title 5, section 20011; the Office of the Attorney General; the Department of Public Safety; the Maine Bureau of Veterans' Services established under Title 37-B, section 501; and the violence prevention program within the department.

4. Awareness and education. The office shall increase the awareness of and educate the general public about laws and resources relating to violence prevention and conduct awareness and education campaigns in accordance with this subsection.

A. The office shall increase the awareness of and educate the general public about state and federal laws and existing resources relating to violence prevention, including:

(1) The availability of and the process for requesting protection orders, including, but not limited to, protection from abuse orders under Title 19-A, chapter 103 and protection from harassment orders under Title 5, chapter 337-A;

(2) The process for accessing available mental health and substance use disorder resources and how to refer individuals to needed mental health and substance use disorder treatment services, including suicide prevention services;

(3) The process for accessing available resources and services for domestic violence prevention;

(4) The process for reporting a lost or stolen firearm, including reporting requirements in state law;

(5) The best practices for safe storage of firearms; and

(6) Safe and responsible gun ownership, including increased awareness of the law and methods of compliance with state and federal law.

B. The office shall conduct awareness and education campaigns and develop and provide educational materials and training resources, including:

(1) Developing and providing educational materials and training resources to local law enforcement agencies, health care providers and educators to assist those agencies, providers and educators with educating the public about the laws, available resources and effective violence prevention strategies;

(2) Conducting awareness and education campaigns in a culturally competent way, including by providing materials and resources in multiple languages;

(3) Conducting awareness and education campaigns directed toward gun owners, parents and legal guardians of children and organizations that provide services to individuals and communities disproportionately affected by gun violence; and

(4) At the request of the Director of the Maine Center for Disease Control and Prevention, supporting and providing assistance for education campaigns and programs conducted by the department that are related to gun violence, including education campaigns and programs relating to the safe storage of firearms and suicide prevention.

The office may focus the awareness and education campaigns required under this paragraph in communities identified by the office as disproportionately affected by gun violence and use television messaging, radio broadcasts, print media, digital strategies or any other form of messaging considered effective and appropriate by the office to achieve the goals of this section.

5. Grant program. Subject to available funding, the office may establish and administer a grant program to award grants to organizations to conduct community-based violence intervention initiatives that are primarily focused on interrupting cycles of violence, including gun violence, trauma and retaliation by providing culturally competent intervention services.

A. To be eligible for a grant award, an organization must demonstrate the ability to conduct effective community-based violence intervention initiatives that meet the criteria described in this subsection and in rules adopted by the Maine Center for Disease Control and Prevention. The office shall prioritize awarding grants to organizations that conduct violence intervention initiatives with individuals and in communities identified as having the highest imminent risk of perpetrating or being victimized by violence.

B. An initiative conducted with a grant award must use strategies that are evidence-informed and have demonstrated potential for reducing violence without contributing to mass incarceration, such as group violence interventions, evidence-based street and community outreach programs, violence interruption and crisis management programs and individualized wraparound services. To improve the effectiveness of a violence intervention initiative, a grant recipient shall conduct regular evaluations of the initiative, including community input and engagement.

C. The Maine Center for Disease Control and Prevention shall adopt rules necessary for the administration of the grant program, including grant application procedures, criteria for determining the amount and duration of the grants and reporting requirements for organizations that receive grants.

D. In administering the grant program, the office shall collaborate with stakeholders as needed to ensure equity in the distribution of grants. The office shall consult with stakeholders to develop grant priorities. Stakeholders must include individuals and families affected by violence, organizations with expertise in violence prevention and gun safety and representatives of communities of color.

E. By February 1, 2027, the department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters a report that includes the following:

(1) Information regarding the number of grants awarded and the amount of funding provided to each grant recipient;

(2) A description of violence intervention initiatives funded, including the number of individuals served and the communities served by each funded initiative; and

(3) Recommendations regarding the continuation of the grant program and recommendations for any changes to the program.

F. This subsection is repealed June 30, 2027.

6. Data hub. The office shall create and maintain a data hub of regularly updated and accurate materials and resources as a repository for data, research and statistical information regarding violence in the State, including gun violence. As part of maintaining the data hub, the office shall:

A. Assist researchers who are seeking information regarding violence in the State;

B. Collaborate with researchers, including organizations that conduct gun violence research, to:

(1) Identify gaps in available data needed to conduct violence prevention research and develop strategies to improve relevant data collection in the State;

(2) Use existing available research to enhance evidence-based violence prevention tools and resources available to communities in the State; and

(3) Improve the understanding of the disproportionate barriers to safety from violence by encouraging disaggregation of data by race and ethnicity when research is conducted; and

C. Promote new and relevant research regarding violence prevention and, if possible, make the research accessible to researchers and the public.

7. Reporting requirements. The office and the department shall provide the following reports relating to the office's work.

A. Annually, by November 30th, the office shall report to the department on the activities it has conducted in the preceding 12 months. The report must include:

(1) Information regarding awareness and education campaigns conducted by the office;

(2) Effective violence intervention programs identified by the office;

(3) Any federal grants or other funding the office applied for and whether the office received those grants or other funds;

(4) A general summary of new and relevant research included in the office's data hub under subsection 6 and the nature of research assistance provided by the office; and

(5) Recommendations to enhance the administration and operation of the office and improve the availability of services to reduce violence in the State.

The office shall make the report available on its publicly accessible website or on the Maine Center for Disease Control and Prevention's publicly accessible website.

B. In its annual report to the joint standing committee of the Legislature having jurisdiction over health and human services matters pursuant to section 1425, the Maine Center for Disease Control and Prevention shall include a summary of the office's annual report submitted under paragraph A, including recommendations under paragraph A, subparagraph (5) and instructions for accessing any new and relevant violence prevention research identified by the office in paragraph A, subparagraph (4). The Maine Center for Disease Control and Prevention shall make the summary available on its publicly accessible website.

8. Rules. The Maine Center for Disease Control and Prevention shall adopt rules to implement this chapter. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. FFFF-2. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Office of Violence Prevention N490

Initiative: Establishes one Director position, one Comprehensive Health Planner II position and one Planning and Research Associate I position in the Office of Violence Prevention, General Fund and provides funding for related All Other costs.

GENERAL FUND	2023-24	2024-25
POSITIONS -	0.000	3.000
LEGISLATIVE COUNT		
Personal Services	\$0	\$356,931
All Other	\$0	\$20,364
GENERAL FUND TOTAL	\$0	\$377,295

Office of Violence Prevention N490

Initiative: Establishes one limited-period Health Program Manager position and one limited-period Public Health Educator III position in the Office of Violence Prevention program, Federal Expenditures Fund and

one limited-period Epidemiologist position in the Office of Violence Prevention program, Federal Block Grant Fund through June 12, 2027 and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$210,390
All Other	\$0	\$13,461
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$223,851

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
Personal Services	\$0	\$107,404
All Other	\$0	\$6,903
	<hr/>	<hr/>
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$114,307

Office of Violence Prevention N490

Initiative: Provides ongoing funding for annual outreach and educational materials.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$500,000
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GENERAL FUND TOTAL	\$0	\$500,000

Office of Violence Prevention N490

Initiative: Provides ongoing funding for annual grants to communities.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
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GENERAL FUND TOTAL	\$0	\$1,000,000

Office of Violence Prevention N490

Initiative: Provides one-time funding for required technology changes.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,000,000
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GENERAL FUND TOTAL	\$0	\$1,000,000

HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
GENERAL FUND	\$0	\$2,877,295
FEDERAL EXPENDITURES FUND	\$0	\$223,851
FEDERAL BLOCK GRANT FUND	\$0	\$114,307
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$3,215,453

PART GGGG

Sec. GGGG-1. Appropriations and allocations. The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Mental Health Services - Community Z198

Initiative: Provides ongoing funding for employee recruitment and retention incentives to the staff that provide medication management services provided by the Office of Behavioral Health that are similar to the services provided under the department's rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 65, Behavioral Health Services.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$2,500,000
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GENERAL FUND TOTAL	\$0	\$2,500,000

PART HHHH

Sec. HHHH-1. 25 MRSA §2015 is enacted to read:

§2015. Gun shop project

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Dangerous or deadly weapon" has the same meaning as "dangerous weapon" in Title 17-A, section 2, subsection 9, paragraph C.

B. "Department" means the Department of Public Safety.

C. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

D. "Gun shop" means a business located in the State that sells firearms, dangerous or deadly weapons or related components such as ammunition.

E. "Gun shop project" means a project to develop, create and distribute suicide prevention educational materials.

2. Administration of gun shop project. The department shall administer a gun shop project.

3. Development and creation of educational materials; online training. In administering a gun shop project under this section, the department shall contract with a statewide organization with expertise in mental health for the development and creation of suicide prevention educational materials, including an online training course.

A. Educational materials under this subsection must include but are not limited to information on:

- (1) Understanding and recognizing the various clinical signs, symptoms and indicators of suicide risk; and

(2) Available suicide prevention resources.

B. In developing and creating educational materials under this subsection, the contracted statewide organization must refer to the following:

- (1) Gun shop projects in other states;
- (2) Programs created or offered by organizations in the dangerous or deadly weapon industry; and
- (3) Other projects or organizations that the department determines appropriate.

C. Educational materials under this subsection must be created as written materials, such as pamphlets, signs, posters, tip sheets or other media, and as an online training course for firearm dealers licensed as dealers under 18 United States Code, Section 923(a)(3) and gun shop customers.

4. Distribution of gun shop project educational materials. The department shall ensure that the written educational materials and online training course created under subsection 3 are available on the department's publicly accessible website.

Sec. HHHH-2. Reporting requirement. By December 1, 2026, the Department of Public Safety shall submit a written report regarding the activities during the prior calendar year related to the development and administration of the gun shop project under the Maine Revised Statutes, Title 25, section 2015, including, but not limited to, the categories of educational materials developed, the different types of written educational materials created and the number of participants in the online training course, to the joint standing committee of the Legislature having jurisdiction over public safety matters.

Sec. HHHH-3. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
Licensing and Enforcement - Public Safety 0712**

Initiative: Provides funding for a one-time appropriation to contract with a statewide organization with expertise in mental health for the development and creation of suicide prevention educational materials.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$100,000
GENERAL FUND TOTAL	\$0	\$100,000

PART III

Sec. III-1. Law enforcement alerts to public. The Commissioner of Public Safety shall develop and implement procedures to notify the public of active shooter situations. The procedures must include procedures for notifying the deaf and hard-of-hearing community.

Sec. III-2. Appropriations and allocations. The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF
Licensing and Enforcement - Public Safety 0712**

Initiative: Provides one-time funding for programming costs to create and implement a system to notify the public of active shooter situations.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$100,000
GENERAL FUND TOTAL	\$0	\$100,000

PART JJJJ

Sec. JJJJ-1. Transfer from General Fund unappropriated surplus; Education Stabilization Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$30,000,000 from the unappropriated surplus of the General Fund to the Education Stabilization Fund, established in the Maine Revised Statutes, Title 20-A, section 15698, on or before June 30, 2025.

PART KKKK

Sec. KKKK-1. 30-A MRSA c. 201, sub-c. 14 is enacted to read:

SUBCHAPTER 14

SUBSIDY PROGRAM FOR HOMELESS STUDENTS

§4994-A. Subsidy program for homeless students

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

- A. "Elementary school" has the same meaning as in Title 20-A, section 1, subsection 10.
- B. "Homeless student" has the same meaning as in Title 20-A, section 1, subsection 13-A.
- C. "Secondary school" has the same meaning as in Title 20-A, section 1, subsection 32.

2. Program established. The Maine State Housing Authority shall establish a housing subsidy program for homeless students in elementary school and secondary school. The authority shall adopt rules to implement this program. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. KKKK-2. Subsidy program development. The Maine State Housing Authority, referred to in this section as "the authority," shall develop a rental subsidy program for homeless students in coordination with the Department of Education and the Department of Health and Human Services and other agencies or

service providers as the authority determines appropriate. The authority shall consider ways in which the services provided by school-based housing navigators established by the federal McKinney-Vento Homeless Assistance Act could benefit the administration of a rental subsidy program. The program must provide housing subsidies directly to homeless students or to an adult family member or guardian of the homeless student. In developing the program, the authority shall incorporate elements to provide housing subsidies to homeless students who have not attained 18 years of age who do not have adult family members or guardians to secure housing on their behalf. The authority shall report to the joint standing or joint select committee of the Legislature having jurisdiction over housing matters on the progress of the program's development no later than January 15, 2025.

Sec. KKKK-3. Maine State Housing Authority to develop pilot program. The Maine State Housing Authority shall establish a pilot program designed to provide support for eviction prevention. The pilot program must be designed to provide eligible persons with up to \$800 per month in rental assistance paid directly to the person's landlord for a period of up to 24 months. Assistance received under this program is not income or an asset for the purposes of determining eligibility for or the benefit amount to be paid from any public assistance program administered by the State or by a municipality pursuant to the Maine Revised Statutes, Title 22, chapter 1161. Persons eligible for rental assistance:

1. Must earn less than 60% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended;
2. May not, at the time of application to the pilot program, be using a federal housing voucher to pay rent or live in a subsidized housing unit;
3. Must provide proof of a current landlord-tenant relationship such as a lease or other documentation sufficient to demonstrate a landlord-tenant relationship to the administrative entity of the pilot program; and
4. Must have a rental payment within 125% of the fair market rental payment amount of the housing authority of jurisdiction.

The Maine State Housing Authority shall delegate administration of the pilot program and provide appropriate funding to one or more of any of the following: a designated community action agency as described by the Maine Revised Statutes, Title 22, section 5324; a municipal housing authority; or other qualified entity as determined by the Maine State Housing Authority. An administrative entity of the pilot program shall develop a method of verifying a person's eligibility for the rental

assistance every 6 months after initial approval. An administrative entity delegated to administer the pilot program shall limit administrative costs paid by the fund established in section 4 of this Part to 12% or less of distributions received from the fund.

Sec. KKKK-4. Fund established within Maine State Housing Authority. A fund must be established within the Maine State Housing Authority for the purposes of administering the pilot program described in section 3 of this Part. The fund may receive money from any available state, federal or private source. The fund may not lapse for the duration of the pilot program.

Sec. KKKK-5. Maine State Housing Authority to submit report. No later than February 2, 2025, the Maine State Housing Authority or an entity delegated to administer the pilot program described in section 3 of this Part shall submit a report on the pilot program, including but not limited to the number of persons who received rental assistance, the duration of the assistance and the regions of the State where rental assistance was provided, to the joint standing committee or joint select committee of the Legislature having jurisdiction over housing matters.

Sec. KKKK-6. Transfer from General Fund unappropriated surplus; housing subsidy program for homeless students. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$2,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, housing subsidy program for homeless students, Other Special Revenue Funds account for housing subsidies for homeless students in elementary school and secondary school.

Sec. KKKK-7. Transfer from General Fund unappropriated surplus; stable home fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$18,000,000 from the unappropriated surplus of the General Fund to the Maine State Housing Authority, stable home fund, Other Special Revenue Funds account for a pilot program to provide support for eviction prevention.

PART LLLL

This Part left blank intentionally.

PART MMMM

Sec. MMMM-1. Transfer from General Fund unappropriated surplus; MaineCare Stabilization Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$23,535,428 from the unappropriated surplus of the General Fund to the MaineCare Stabilization Fund, established in the Maine Revised Statutes, Title 22, section 3174-KK, on or before June 30, 2025.

Sec. MMMM-2. Fiscal year 2024-25 year-end unappropriated surplus; 7th priority transfer. Notwithstanding any provision of law to the contrary, at the close of the fiscal year ending June 30, 2025, as the next priority after the transfers authorized pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511; the transfer of \$2,500,000 for the Reserve for General Fund Operating Capital pursuant to Title 5, section 1536; the transfers to the Retiree Health Insurance Internal Service Fund pursuant to Title 5, section 1519; and the transfer authorized pursuant to Part RRR, section 6 of this Act and after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made, the State Controller shall transfer from the available balance of the unappropriated surplus of the General Fund up to \$6,464,572 to the Department of Health and Human Services, MaineCare Stabilization Fund program, Other Special Revenue Funds account.

PART NNNN

Sec. NNNN-1. Psychiatric residential treatment facilities. No later than 180 days after adjournment of the Second Regular Session of the 131st Legislature, the Department of Health and Human Services shall issue a request for proposals to develop one or more psychiatric residential treatment facilities in the State to meet the needs of adolescents who have high levels of behavioral health needs that cannot be met by existing behavioral health services in the State. Capital costs related to making such a facility or facilities operational must be included in the request for proposals, with a goal of using existing facilities in this State. If a provider or vendor does not respond to the request for proposals by February 1, 2025, the department is authorized to issue a sole-source contract. If the department fails to enter into an agreement with a provider or vendor to develop one or more facilities by April 1, 2025, the department shall, by May 1, 2025, present a plan to the joint standing committee of the Legislature having jurisdiction over health and human services matters describing how the department will meet the residential care needs of adolescents with high levels of behavioral health needs.

PART OOOO

Sec. OOOO-1. Transfer from Highway Fund unallocated balance; General Fund unappropriated surplus. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$11,000,000 from the unallocated balance of the Highway Fund to the unappropriated surplus of the General Fund on or before June 30, 2025.

PART PPPP

Sec. PPPP-1. Transfer from General Fund unappropriated surplus; Office of Substance

Abuse and Mental Health Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$247,622 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services program, Other Special Revenue Funds account for the purpose of providing emergency one-time assistance for post-traumatic wellness time for first responders, peer support counseling and other incidental costs associated with the Lewiston mass casualty event on October 25, 2023.

Sec. PPPP-2. Transfer from General Fund unappropriated surplus; Office of Substance Abuse and Mental Health Services. Notwithstanding any provision of law to the contrary, on or before June 30, 2025, the State Controller shall transfer \$8,500,000 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Office of Substance Abuse and Mental Health Services program, Other Special Revenue Funds account for the purpose of providing emergency one-time assistance to St. Mary's Regional Medical Center to cover projected operating losses in the fiscal period beginning January 1, 2023 and ending June 30, 2024 and to sustain and improve acute behavioral health care services.

PART QQQQ

Sec. QQQQ-1. Continuation of limited-period positions. Notwithstanding any provision of law to the contrary, all limited-period positions throughout State Government that are scheduled to expire during June 2024, are already funded through the end of fiscal year 2023-24 and are proposed to continue in fiscal year 2024-25 are authorized to continue until August 1, 2024.

PART RRRR

Sec. RRRR-1. Department of Health and Human Services to increase availability of behavioral health services in rural areas. The Department of Health and Human Services, referred to in this section as "the department," shall increase the availability of behavioral health services to children and adults for families involved in the child welfare system. The department shall:

1. Offer grants or other incentives to behavioral health providers to expand programs into rural areas and serve children and adults in families involved in the child welfare system; and
2. Establish a method of reimbursing providers of services to families involved in the child welfare system to meet together and coordinate services for each family.

PART SSSS

Sec. SSSS-1. Department of Health and Human Services to provide training to clinicians for adolescent mental health. The Department of Health and Human Services, Office of Behavioral Health shall provide training to clinicians in the so-called assertive continuing care protocol to facilitate the delivery of the evidence-based practice for potential expansion of services for the acute mental health needs of adolescents with co-occurring disorders.

PART TTTT

Sec. TTTT-1. Supplemental payments to Maine Veterans' Homes in fiscal year 2024-25 to residential care facilities. The Department of Health and Human Services, from the amounts appropriated and allocated in Resolve 2023, chapter 117, shall make a one-time payment to the Maine Veterans' Homes residential care facilities in addition to a one-time payment to a Maine Veterans' Homes nursing facility for the difference between MaineCare payments and actual allowed MaineCare costs, as reported on the most recently filed cost reports. The department may make these residential care facility payments in fiscal year 2024-25 to enable the department to seek and receive approval for a state plan amendment from the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services with federal matching payments to the extent possible.

Sec. TTTT-2. One-time supplemental payment to Maine Veterans' Homes in fiscal year 2024-25. The Department of Health and Human Services shall make one-time payments in fiscal year 2024-25 to Maine Veterans' Homes nursing facilities and residential care facilities. For nursing facilities, this payment amount may not exceed the lower of: the difference between the MaineCare payments and actual allowed MaineCare costs, as reported on the most recently filed cost reports, and the amount over which any payment would cause the department to exceed the upper payment limit for nursing facilities as determined by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. For residential care facilities, this payment amount may not exceed the difference between the MaineCare payments and actual allowed MaineCare costs, as reported on the most recently filed cost reports.

PART UUUU

Sec. UUUU-1. Transfer from Maine Budget Stabilization Fund; Infrastructure Adaptation Fund. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$50,000,000 by the close of the fiscal year ending June 30, 2025 from the Maine Budget Stabilization Fund within the Department of Administrative and Financial Services to the Department of Transportation, Infrastructure Adaptation Fund, Other Special Revenue Funds account for municipal, state or regionally significant infrastructure adaptation, repair and improvements that support public

safety, protection of essential community assets, regional economic needs and long-term infrastructure resiliency.

Sec. UUUU-2. Administration of funds. Funds provided under section 1 of this Part must be administered by the Department of Transportation and must be awarded by interagency boards using competitive processes. The interagency boards shall identify and document an equitable basis for allocating funds between inland and coastal projects. Project rating criteria may include the potential extent of public safety; emergency management and infrastructure resiliency benefits; future climate conditions; ability to leverage federal and other funding; and community, economic and environmental benefits. Funds must be used for public infrastructure projects and may be used for some types of private infrastructure upgrades with significant community benefits, such as working waterfront infrastructure. For the purposes of this Part, "working waterfront infrastructure" means wharves and piers that support commercial fisheries and aquaculture businesses in this State. Projects must demonstrate increased resiliency to future storm and flooding impacts. The award criteria must prioritize proposals that demonstrate a significant and compelling community benefit; recipients that are not covered by Federal Emergency Management Agency disaster funds; and recipients that demonstrate that the damage is not covered by insurance and that all emergency relief currently available has been exhausted. The administration of the funds must include sufficient documentation and record-keeping requirements to provide assurance that funds have been awarded consistent with the program guidelines and used for the intended purpose.

Sec. UUUU-3. Transfers from Infrastructure Adaptation Fund authorized. Funds provided under section 1 of this Part may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor for purposes described in section 1 of this Part and to facilitate the administration of the funds as described in section 2 of this Part.

Sec. UUUU-4. Business Recovery and Resilience Fund program established. The Business Recovery and Resilience Fund program is established in the Department of Economic and Community Development to provide grant opportunities for businesses and organizations, including nonprofit organizations, affected by severe weather-related events.

Sec. UUUU-5. Transfer from Maine Budget Stabilization Fund; Business Recovery and Resilience Fund program, Other Special Revenue Funds account. Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$10,000,000 by the close of the fiscal year ending June 30, 2025 from the Maine Budget Stabilization Fund within the Department of Administrative and Financial

Services to the Department of Economic and Community Development, Business Recovery and Resilience Fund program, Other Special Revenue Funds account for economic recovery and resilience grants to businesses and nonprofit organizations within areas that were impacted in the December 18, 2023 storm, the January 10, 2024 storm or the January 13, 2024 storm. Projects may include a recovery component for damage sustained and must include efforts to increase business resilience to future storms and other climate conditions.

Sec. UUUU-6. Administration of funds. Funds provided under section 5 of this Part must be administered by the Department of Economic and Community Development and must be awarded using competitive processes. Project rating criteria may include the viability of the business or nonprofit organization, the ability to match grant funds and the efficacy of the recovery and resilience plan offered in the application. The award criteria must require that recipients demonstrate that the damage or project costs are not covered by Federal Emergency Management Agency disaster funds, or other insurance, and that the recipient has exhausted all emergency relief funding programs currently available. The administration of the funds must include sufficient documentation and record-keeping requirements to provide assurance that funds have been awarded consistent with the program guidelines and used for the intended purpose.

Sec. UUUU-7. Appropriations and allocations. The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF
Infrastructure Adaptation Fund Z318**

Initiative: Provides one-time funding for municipal, state or regionally significant infrastructure adaptation, repair and improvements that support public safety, protection of essential community assets, regional economic needs and long-term infrastructure resiliency. Project types may include working waterfront infrastructure, culverts, storm water systems, water system upgrades and other interventions that support infrastructure repair and reducing or eliminating climate impacts, especially coastal and inland flooding. Funds may be used to support project planning and federal matching funds. Funds will be used for public infrastructure projects with project exemptions available for some types of private infrastructure upgrades with significant community benefits, such as working waterfronts. For the purposes of this fund, working waterfront infrastructure is defined as wharves and piers that support the State's commercial fisheries and aquaculture businesses.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$50,000,000

OTHER SPECIAL REVENUE	\$0	\$50,000,000
FUNDS TOTAL		

Sec. UUUU-8. Appropriations and allocations. The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF
Business Recovery and Resilience Fund N491**

Initiative: Allocates funds for grants to businesses and nonprofit organizations impacted by the December 18, 2023 storm, the January 10, 2024 storm or the January 13, 2024 storm for recovery, rebuilding and investments in more resilient infrastructure. Infrastructure project types may include infrastructure upgrades, improvements or installation of drainage systems, moving electrical or business equipment, relocating the business to a more protected location and investing in additional insurance.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$10,000,000
OTHER SPECIAL REVENUE	\$0	\$10,000,000
FUNDS TOTAL		

See title page for effective date, unless otherwise indicated.

**CHAPTER 644
S.P. 880 - L.D. 2087**

**An Act to Protect Property
Owners by Making Certain
Changes to the Laws
Governing the Use of Eminent
Domain by Transmission and
Distribution Utilities**

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to provide appropriate protections to landowners in the State and to direct the Public Utilities Commission to establish notice requirements and develop educational materials related to proposed high-impact electric transmission lines; 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:

Sec. 1. 12 MRSA §598-C, as enacted by PL 2021, c. 654, §1, is amended to read:

§598-C. Process for determination of reduction or substantially altered use of designated land

The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands shall adopt rules to establish an objective evaluation process for determining if a proposed activity on land designated under this chapter and under the jurisdiction of the bureau would cause the land to be reduced or the uses of the land to be substantially altered. In the case of a high-impact electric transmission line crossing or utilizing such land or a portion of such land that is a rail trail or recreational corridor or land of similar configuration, as determined by the bureau, the rules must include criteria for determining that the high-impact electric transmission line would not cause the land to be reduced or the uses of the land to be substantially altered. In adopting the rules, the bureau shall observe the requirements relating to designated lands in the Constitution of Maine, Article IX, Section 23 and ensure proper exercise of the bureau's public trust responsibility. These rules must also include provisions for public notice and comment before authorizing any such activity and for determining the appropriate instrument to be used to authorize that activity, including but not limited to whether an easement, lease, license or other instrument should be used. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 35-A MRSA §3132, sub-§6-C, as enacted by IB 2021, c. 1, §4, is amended to read:

6-C. High-impact electric transmission line; legislative approval. In addition to obtaining a certificate of public convenience and necessity, a high-impact electric transmission line may not be constructed anywhere in the State without first obtaining the approval of the Legislature, except that any high-impact electric transmission line crossing or utilizing public lands designated by the Legislature pursuant to Title 12, section 598-A, other than service land, is deemed to substantially alter the land and must be approved by the vote of 2/3 of all the members elected to each House of the Legislature.

For the purposes of this subsection, "service land" means public lands designated by the Legislature pursuant to Title 12, section 598-A that are:

A. A former railroad right-of-way that is no longer used for rail service and is owned by the State and used as a recreational trail; and

B. Any other public land for which the crossing or utilization by a proposed high-impact electric transmission line satisfies the criteria established

by rule adopted pursuant to Title 12, section 598-C for a determination by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands that the high-impact electric transmission line's crossing or utilization does not constitute a reduction or substantial alteration of those lands.

Sec. 3. 35-A MRSA §3136, sub-§1, as amended by PL 2007, c. 148, §12, is further amended to read:

1. Land necessary for location of transmission lines carrying 5,000 volts. Subject to approval by the commission under subsection 4 and the requirements of subsection 6, if applicable, a transmission and distribution utility may take and hold by right of eminent domain lands and easements necessary for the proper location of its transmission lines that are designed to carry voltages of 5,000 volts or more and of necessary appurtenances, located within the territory in which the utility is authorized to do public utility business, in the same manner and under the same conditions as set forth in chapter 65. Notwithstanding section 6501, subsection 1 and section 6507, subsection 4, owners are entitled to damages for all property taken by eminent domain in accordance with subsection 5.

Sec. 4. 35-A MRSA §3136, sub-§4, as amended by PL 2007, c. 148, §14, is further amended to read:

4. Commission approval required; certificate of public convenience and necessity; offer requirements for high-impact electric transmission line; environmental factors. A location to be taken by eminent domain for such transmission or distribution lines must be approved by the commission before a transmission and distribution utility can exercise the right of eminent domain granted in subsection 1 or subsection 3. The commission may not approve a location to be taken by eminent domain for the construction, rebuilding or relocation of a transmission line that requires a certificate of public convenience and necessity under section 3132, unless the commission has issued a certificate of public convenience and necessity for that transmission line and, for a high-impact electric transmission line, the transmission and distribution utility has met the offer requirements described in paragraph A. Environmental factors to be considered for proper location of a transmission line are not subject to review by the commission under this section when the location of the transmission line has received site location of development approval under Title 38, section 484.

A. If the transmission and distribution utility is seeking commission approval for the taking of a location by eminent domain for the construction, rebuilding or relocation of a high-impact electric transmission line on a lot or parcel of real property that is 200 contiguous acres or less and the transmission and distribution utility seeks to take less

than the entire property, the transmission and distribution utility must demonstrate to the commission that, in its negotiations with the owner of the property for a voluntary acquisition of the location, it made both an offer for the taking of title to the entire property in fee simple absolute and an offer for the taking of only that portion of the property sought by the utility and that the owner did not accept either offer.

Sec. 5. 35-A MRSA §3136, sub-§5 is enacted to read:

5. Owner entitled to damages. The owner of a property taken by eminent domain by a transmission and distribution utility for the construction, rebuilding or relocation of a transmission line is entitled to damages for all property taken, which must be determined using the methods set forth in Title 23, sections 154 to 154-F.

Sec. 6. 35-A MRSA §3136, sub-§6 is enacted to read:

6. Taking by transmission and distribution utility of location on property that is 200 acres or less for high-impact electric transmission line; owner option. If the commission, in accordance with subsection 4, approves a taking by eminent domain by a transmission and distribution utility for the construction, rebuilding or relocation of a high-impact electric transmission line when the location subject to the taking is a lot or parcel of real property that is 200 contiguous acres or less and the transmission and distribution utility seeks and the commission has approved a taking of less than the entire property, the following requirements apply:

A. The damages estimated by the county commissioners in accordance with section 6503, subsection 2 must include 2 estimates, one for the taking of title to the entire property in fee simple absolute and one for the taking of only that portion of the property approved for a taking by the commission; and

B. The owner of the property has the option to require the transmission and distribution utility to take the entire property in fee simple absolute and, if the owner elects to require the transmission and distribution utility to take the entire property, the commission shall approve the taking of the entire property.

Sec. 7. 35-A MRSA §3136, sub-§7 is enacted to read:

7. Property taken for high-impact electric transmission line; notice and educational materials. The commission shall adopt routine technical rules regarding the provision of notice to an owner of real property whose property may be taken by eminent domain for the construction, rebuilding or relocation of a

high-impact electric transmission line by an entity selected to construct a high-impact electric transmission line pursuant to section 3210-I, subsection 2, or a transmission and distribution utility as well as to an owner of real property whose property abuts the proposed high-impact electric transmission line. The notice must include educational materials that include, but are not limited to, materials describing the high-impact electric transmission line development process and must be sent by certified mail. The rules must establish requirements for the notice and educational materials including:

A. The appearance and contents of the notice and materials;

B. The appearance of the envelope that includes the notice and materials;

C. The information to be included relating to the high-impact electric transmission line development process;

D. The information that describes the scope of the proposed high-impact electric transmission line;

E. The rights and opportunities of an owner of real property to participate in the development process;

F. Resources that may be available to assist an owner of real property, which may include resources for legal assistance; and

G. The time frame for when the notice and educational materials must be sent to an owner of real property.

The commission shall review and approve the notice and educational materials the transmission and distribution utility or entity is required to send before the notice and educational materials are provided to an owner of real property. The commission may request that a state agency or other commission review any educational materials that address activities relating to the high-impact electric transmission line development process that are undertaken by that other state agency or other commission.

Sec. 8. 35-A MRSA §3136, sub-§8 is enacted to read:

8. High-impact electric transmission line; fees and expenses incurred by property owner. A transmission and distribution utility that takes a location by eminent domain for the construction, rebuilding or relocation of a high-impact electric transmission line is responsible for a property owner's fees and expenses associated with seeking an award of damages in accordance with this subsection.

A. If the award for damages, as determined by the county commissioners in accordance with section 6503, subsection 2 or the Superior Court in accordance with section 6507, is more than 40% and at least \$25,000 greater than the last written offer of compensation prior to the property owner's or

transmission and distribution utility's filing of a request for the determination of damages or an appeal of such determination to the Superior Court, the county commissioners or the court shall award the owner reasonable attorney's fees, litigation expenses, appraisal fees, other experts' fees and other related costs in addition to other compensation authorized by this section.

B. If the award for damages is at least 20%, but not more than 40%, and at least \$10,000 greater than the last written offer of compensation, the county commissioners or the court may award reasonable fees and expenses described in paragraph A.

C. No attorney's fees may be awarded under this subsection if the award of damages is \$25,000 or less.

D. If the award of damages is less than 20% greater than the last written offer of compensation, the owner of the property is responsible for the owner's own costs.

For the purposes of this subsection, "last written offer of compensation" means the last offer of compensation made by the transmission and distribution utility and, in the case of a taking of only a portion of a lot or parcel of real property, the last offer made for the portion of the property sought by the transmission and distribution utility. "Last written offer of compensation" does not include the offer for the taking of title to the entire property in fee simple absolute as required by subsection 4.

Sec. 9. 35-A MRSA §3136, sub-§9 is enacted to read:

9. Definition. For the purposes of this section, "high-impact electric transmission line" means a transmission line of any length that is:

A. Constructed to transmit direct current electricity; or

B. Capable of operating at 345 kilovolts or more; and

(1) Is not a generator interconnection transmission facility as defined in section 3132, subsection 1-B; and

(2) Is not constructed primarily to provide electric reliability, as determined by the commission.

Sec. 10. 38 MRSA §485-A, sub-§1-D is enacted to read:

1-D. Hearing required; transmission line. If an application for the development and construction of a transmission line or lines requiring approval under this article is received by the department, the department or the board, as applicable, shall hold a hearing in accordance with section 486-A and may not issue an order without a hearing.

Sec. 11. 38 MRSA §486-A, sub-§2-A is enacted to read:

2-A. Developer; route analysis public participation. The department shall require an applicant who has submitted an application pursuant to section 485-A related to the development and construction of a transmission line or lines requiring approval under this article to demonstrate to the department that the applicant conducted one or more public meetings regarding the transmission line or lines prior to the submission of its application. Such public meetings must include the presentation of information regarding the proposed transmission line or lines, including, but not limited to, proposed route information, and provide an opportunity for public participation and comment. Information presented and public comments received at the public meetings must be made publicly available and be part of the record of any department or board proceeding.

Sec. 12. Rulemaking. The Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands shall adopt major substantive rules pursuant to the Maine Revised Statutes, Title 12, section 598-C to provide, in the case of a high-impact electric transmission line crossing or utilizing land designated under Title 12, chapter 202-A, or a portion of such designated land, that is a rail trail or recreational corridor or land of similar configuration, criteria for determining that the high-impact electric transmission line would not cause the land to be reduced or the uses of the land to be substantially altered. The bureau shall submit the provisionally adopted rules to the 132nd Legislature for review.

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

Effective April 22, 2024.

**CHAPTER 645
H.P. 1431 - L.D. 2229**

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2024 and June 30, 2025

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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. Appropriations and allocations. The following appropriations and allocations are made.

PUBLIC SAFETY, DEPARTMENT OF

Motor Vehicle Inspection 0329

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$15,694
All Other	\$0	\$302
HIGHWAY FUND TOTAL	\$0	\$15,996

State Police 0291

Initiative: Provides one-time funding for the retroactive payment for an approved reclassification and provides funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$4,262	\$0
All Other	\$82	\$0
HIGHWAY FUND TOTAL	\$4,344	\$0

State Police 0291

Initiative: Provides funding for the approved reclassification of one Public Service Manager II position from

range 32 to range 33, retroactive to May 16, 2023, and provides funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$2,366	\$1,982
All Other	\$7	\$38
HIGHWAY FUND TOTAL	\$2,373	\$2,020

State Police 0291

Initiative: Establishes 16 State Police Trooper positions, 4 State Police Corporal positions, 3 State Police Detective positions, 8 State Police Sergeant-E positions and one State Police Major position and provides funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$1,931,251
All Other	\$0	\$242,741
HIGHWAY FUND TOTAL	\$0	\$2,173,992

State Police 0291

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$1,948,153
All Other	\$0	\$37,541
HIGHWAY FUND TOTAL	\$0	\$1,985,694

Traffic Safety 0546

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions

from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$66,839
All Other	\$0	\$1,288
HIGHWAY FUND TOTAL	\$0	\$68,127

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: Provides funding for the approved range change of the following positions: State Police Trooper positions from range 21 to range 23; State Police Sergeant positions from range 24 to range 27; State Police Corporal positions from range 22 to range 25; State Police Detective positions from range 22 to range 24; State Police Detective Corporal positions from range 23 to range 26; State Police Specialist positions from range 22 to range 24; State Police Polygraph Examiner positions from range 23 to range 25; State Police Polygraph Examiner Supervisor positions from range 25 to range 27; State Police Pilot positions from range 24 to range 26; State Police Pilot Supervisor positions from range 26 to range 28; and State Police Lieutenant positions from range 27 to range 29. This initiative also provides funding for related All Other costs. Position detail is on file with the Bureau of the Budget.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$747,736
All Other	\$0	\$14,409
HIGHWAY FUND TOTAL	\$0	\$762,145

PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS

	2023-24	2024-25
HIGHWAY FUND	\$6,717	\$5,007,974
DEPARTMENT TOTAL - ALL FUNDS	\$6,717	\$5,007,974

Sec. A-2. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Eliminates one vacant Customer Representative Associate I position and associated All Other costs. This position is being eliminated as part of a realignment of responsibilities in the Bureau of Motor Vehicles supporting the strategic plan.

HIGHWAY FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$74,817)
All Other	\$0	(\$3,568)

HIGHWAY FUND TOTAL	\$0	(\$78,385)
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Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Motor Vehicle Detective position to a Senior Motor Vehicle Detective position and also adjusts funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$16,646
All Other	\$0	\$794
HIGHWAY FUND TOTAL	\$0	\$17,440

Administration - Motor Vehicles 0077

Initiative: Establishes one Public Service Executive II position and provides funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$153,936
All Other	\$0	\$19,083
HIGHWAY FUND TOTAL	\$0	\$173,019

Administration - Motor Vehicles 0077

Initiative: Provides funding for the ongoing contract expenses for the branch office scheduling software for customer appointments.

HIGHWAY FUND	2023-24	2024-25
All Other	\$6,810	\$16,344
HIGHWAY FUND TOTAL	\$6,810	\$16,344

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Office Specialist I Supervisor position to a Public Service Coordinator I position and also adjusts funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$17,224
All Other	\$0	\$821
HIGHWAY FUND TOTAL	\$0	\$18,045

Administration - Motor Vehicles 0077

Initiative: Provides funding for increased leasing costs of new vehicles for the motor vehicle driver license examiners.

HIGHWAY FUND	2023-24	2024-25
All Other	\$0	\$99,435
Capital Expenditures	\$0	\$49,203
HIGHWAY FUND TOTAL	\$0	\$148,638

Administration - Motor Vehicles 0077

Initiative: Provides funding for the planned increase in International Registration Plan membership dues.

HIGHWAY FUND	2023-24	2024-25
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All Other	\$0	\$8,591
HIGHWAY FUND TOTAL	\$0	\$8,591

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of one Customer Representative Associate II - Motor Vehicle position to a Motor Vehicle Registration Enforcement Compliance Inspector position and also adjusts funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$4,940
All Other	\$0	\$236
HIGHWAY FUND TOTAL	\$0	\$5,176

Administration - Motor Vehicles 0077

Initiative: Provides funding for the planned increase in software licenses and maintenance expenses for the American Association of Motor Vehicle Administrators, Unified Network Interface system to act as a clear-inhouse for license information.

HIGHWAY FUND	2023-24	2024-25
All Other	\$10,114	\$20,229
HIGHWAY FUND TOTAL	\$10,114	\$20,229

Administration - Motor Vehicles 0077

Initiative: Provides funding for the approved reorganization of 7 Inventory & Property Associate I positions to 7 Inventory & Property Associate II positions and also adjusts funding for related All Other costs.

HIGHWAY FUND	2023-24	2024-25
Personal Services	\$0	\$34,174
All Other	\$0	\$1,630
HIGHWAY FUND TOTAL	\$0	\$35,804

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
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HIGHWAY FUND	\$16,924	\$364,901
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DEPARTMENT TOTAL - ALL FUNDS	\$16,924	\$364,901
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Sec. A-3. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Capital 0406

Initiative: Increases funding to align allocations with projected available resources.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
All Other	\$10,000,000	\$10,000,000

FEDERAL EXPENDITURES	\$10,000,000	\$10,000,000
FUND TOTAL	\$10,000,000	\$10,000,000

Multimodal Transportation Fund Z017

Initiative: Adjusts funding to align with revenue projections from the March 1, 2024 revenue forecast.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$165,611
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$165,611

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
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FEDERAL EXPENDITURES FUND	\$10,000,000	\$10,000,000
OTHER SPECIAL REVENUE FUNDS	\$0	\$165,611

DEPARTMENT TOTAL - ALL FUNDS	\$10,000,000	\$10,165,611
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PART B

Sec. B-1. Continuation of limited-period positions. Notwithstanding any provision of law to the contrary, all limited-period positions throughout State Government that are scheduled to expire during June 2024, are already funded through the end of fiscal year 2023-24 and are proposed to continue in fiscal year 2024-25 are authorized to continue until August 1, 2024.

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

Effective April 22, 2024.

**CHAPTER 646
H.P. 1478 - L.D. 2290**

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

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, Public Law 2023, chapter 193, An Act to Establish an Exception to the Hearsay Rule for Forensic Interviews of a Protected Person, established an exception to the hearsay rule for the recordings of forensic interviews of minors and of certain adults with disabilities conducted at child advocacy centers, as long as specific due process protections are diligently followed; and

Whereas, trial courts across the State have reached disparate decisions regarding whether the Maine Revised Statutes, Title 1, section 302 affects whether Public Law 2023, chapter 193 applied to pending proceedings; and

Whereas, citizens of the State rely on the Legislature to enact statutes that will be interpreted consistently; 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. 2 MRSA §9, sub-§3, ¶I, as enacted by PL 2007, c. 656, Pt. C, §1, is amended to read:

I. Monitor energy transmission capacity planning and policy affecting this State ~~and the regulatory approval process for the development of energy infrastructure pursuant to Title 35-A, section 122~~ and make recommendations to the Governor and the Legislature as necessary for changes to the relevant laws and rules to facilitate energy infrastructure planning and development; and

Sec. A-2. 2 MRSA §9, sub-§4, as enacted by PL 2009, c. 655, Pt. C, §2, is amended to read:

4. Advice to state agencies. The director shall advise state agencies regarding energy-related principles for agencies to consider, along with the laws and policies governing those agencies, in conjunction with the sale, lease or other allowance for use of state-owned land or assets for the purpose of development of energy infrastructure. For the purposes of this subsection, "state-owned" ~~and "energy infrastructure corridor" have the same meanings as in Title 35-A, section 122, subsection 1~~ means owned by the State or by a state agency or state authority. At a minimum, the director shall consider the following principles in advising state agencies under this subsection:

A. The principles for the determination of the long-term public interest of the State as specified in Title 35-A, former section 122, subsection 1-D, paragraph B;

B. Avoiding wherever possible the use of lands subject to the provisions of the Constitution of Maine, Article IX, Section 23;

C. Maximizing the benefit realized from the State's strategic location within New England and the northeastern region; and

D. Complying with the provisions of the memorandum of agreement between the Maine Turnpike Authority and the Department of Transportation under Title 35-A, former section 122, subsection 1-C, when applicable.

Nothing in this subsection alters any of the responsibilities or limits any of the authority of the Department of Administrative and Financial Services, Bureau of General Services pursuant to Title 5. Nothing in this subsection alters or limits the ability of departments or agencies of the State, along with the Bureau of General Services pursuant to Title 5, to generate or cogenerate energy at state facilities for use on site and elsewhere.

Sec. A-3. 5 MRSA §282, sub-§9, as amended by PL 2017, c. 284, Pt. GG, §2, is further amended to read:

9. Energy infrastructure benefits fund. To establish an energy infrastructure benefits fund. Except as otherwise provided by ~~Title 35-A, section 122, subsections 1-C and 6-B or any other law~~, including the Constitution of Maine, the fund consists of any revenues derived from the use of state-owned land and assets for energy infrastructure development ~~pursuant to Title 35-A, section 122~~. Each fiscal year, the Treasurer of State shall transfer revenues collected in the fund to the Efficiency Maine Trust for deposit by the Efficiency Maine Trust Board in program funds pursuant to Title 35-A, section 10103, subsection 4 and use by the trust in accordance with Title 35-A, section 10103, subsection 4-A. For the purposes of this subsection, "energy infrastructure" and "state-owned" have the same meanings as in Title 35-A, former section 122, subsection 1;

Sec. A-4. 5 MRSA §943, sub-§1, ¶K, as amended by PL 2023, c. 412, Pt. AAAAA, §1 and affected by §3, is further amended to read:

K. Director, Bureau of Rehabilitation Services; ~~and~~

Sec. A-5. 5 MRSA §6203-B, sub-§1, as amended by PL 2023, c. 284, §6, is further amended to read:

1. Fund established. The Maine Working Waterfront Access Protection Fund, referred to in this section as "the fund," is established and is administered by the board in cooperation with the Commissioner of Marine

Resources under the provisions of this chapter and Title 12, section ~~6031-A~~ 6042. The fund consists of the proceeds from the sale of bonds authorized for the purposes set forth in subsection 3 and funds received as contributions from private and public sources for those purposes. The fund must be held separate and apart from all other money, funds and accounts, except that eligible investment earnings credited to the assets of the fund become part of the assets of the Land for Maine's Future Trust Fund. Any balance remaining in the fund at the end of a fiscal year must be carried forward for the next fiscal year.

Sec. A-6. 5 MRSA §7054-A, as corrected by RR 2023, c. 1, Pt. B, §24 and affected by §50, is amended to read:

§7054-A. Access to register for ~~ASPIRE JOBS~~ ASPIRE-TANF participants

In making referrals to a position on an open competitive basis in the classified service, preference must be given to ~~ASPIRE JOBS~~ ASPIRE-TANF participants as set forth in this section.

1. Eligibility. Candidates must be active participants of the ~~ASPIRE JOBS Program~~ ASPIRE-TANF program, as defined in Title 22, chapter 1054-A, or current recipients of Temporary Assistance for Needy Families who have completed the ~~ASPIRE JOBS Program~~ ASPIRE-TANF program within the past year at the time an application for employment is filed with the Bureau of Human Resources in order to be eligible for preference under this section. Candidates shall make their status in the ~~ASPIRE JOBS Program~~ ASPIRE-TANF program known to the State Human Resources Officer in a manner prescribed by the officer. Eligibility for preference continues for a period of one year after the date of application for employment and may be renewed at the end of one year at the request of the candidate if the candidate continues to meet the other eligibility criteria specified in this subsection. A candidate receives preference only if the candidate has earned a qualifying rating on all relevant examinations.

2. Certification preference. Preference is limited to referral of the highest scoring ~~ASPIRE JOBS Program~~ ASPIRE-TANF program participant as an additional candidate to be interviewed. If the normal certification procedure includes an eligible ~~ASPIRE JOBS Program~~ ASPIRE-TANF program participant, further preferential certification may not be made. Preference under this section may not exclude a person who would be referred normally.

Sec. A-7. 5 MRSA §7068, sub-§1, ¶A, as corrected by RR 2023, c. 1, Pt. B, §40 and affected by §50, is amended to read:

A. In carrying out these programs, the officer shall invite and include, to the extent they wish to participate, representatives of the Bureau of ~~Employee~~

~~Health~~ Human Resources, the Maine Public Employees Retirement System and employee representatives who are bargaining agents for any or all of the state employees attending the conference. Such employee representatives participate as the officer provides in the program, but must at least be given the chance to address employees in represented bargaining units on the rights and obligations of employees under the contract for their bargaining unit and as to insurance programs and other benefits that are available from the employee representative.

Sec. A-8. 5 MRSA §12004-G, sub-§30-D, as enacted by PL 2009, c. 655, Pt. A, §1, is repealed.

Sec. A-9. 5 MRSA §23001, sub-§2-A, as enacted by PL 2007, c. 551, §2, is amended to read:

2-A. Report to committees. Submit a biennial report beginning March 1, 2009, compiled by the ~~Director of the Bureau of Human Resources~~ State Human Resources Officer within the Department of Administrative and Financial Services, on the plans developed pursuant to subsection 2 to the joint standing committees of the Legislature having jurisdiction over state and local government matters and over labor matters and to the Governor's office. The report must include any changes made to the plans, an assessment made by the ~~director~~ officer of the effectiveness of the plans and any recommendations for legislative action pertaining to the report. The joint standing committee of the Legislature having jurisdiction over state and local government matters may submit legislation pertaining to the report to the first regular session of each Legislature;

Sec. A-10. 6 MRSA §244, first ¶ is amended to read:

Any person aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the political subdivision may appeal to the Superior Court in the manner provided for appeal on ~~estimate the determination~~ of damages for town ways in Title 23, section ~~3005~~ 3029.

Sec. A-11. 10 MRSA §1663, sub-§1, ¶A, as amended by PL 2023, c. 43, §1, is further amended to read:

A. "Biodiesel" means a renewable, fuel composed of biodegradable mono-alkyl esters of long chain fatty acids derived from plant oils or animal fats that meets the requirements of the most recent ASTM International standard D6751. "Biodiesel" includes fuel that otherwise meets the requirements of this paragraph and also contains up to 1% diesel fuel.

Sec. A-12. 12 MRSA §685-A, sub-§11, as amended by PL 2007, c. 656, Pt. A, §1, is further amended to read:

11. Exemptions. Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, ~~or a person who is issued a certificate by the Public Utilities Commission under Title 35-A, section 122~~ may be wholly or partially exempted from regulation to the extent that the commission may not prohibit such use but may impose terms and conditions for use consistent with the purpose of this chapter; when, upon timely petition, notice and public hearing, the Public Utilities Commission determines that such exemption is necessary or desirable for the public welfare or convenience. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-13. 12 MRSA §6302-A, sub-§2, as amended by PL 2013, c. 254, §2 and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended by amending the first blocked paragraph to read:

For purposes of this subsection, "sustenance use" means all noncommercial consumption or noncommercial use by any person within Passamaquoddy Indian territory, as defined in Title 30, section 6205, subsection 1, Penobscot Indian territory, as defined in Title 30, section 6205, subsection 2, ~~Aroostook Band Mi'kmaq Nation Trust Land~~, as defined in Title 30, section ~~7202~~ 7203, subsection ~~2~~ 6, or Houlton Band Trust Land, as defined in Title 30, section 6203, subsection 2-A, or at any location within the State by a tribal member, by a tribal member's immediate family or within a tribal member's household. The term "sustenance use" does not include the sale of marine organisms.

Sec. A-14. 12 MRSA §6302-A, sub-§10, as amended by PL 2013, c. 8, §1 and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

10. Agent. For purposes of this section, an agent of the Mi'kmaq Nation is any entity authorized by the ~~Aroostook Band of Mi'kmaes~~ Mi'kmaq Nation Tribal Council to act on its behalf under this section and an agent of the Houlton Band of Maliseet Indians is any entity authorized by the Houlton Band of Maliseet Indians Tribal Council to act on its behalf under this section. The ~~Aroostook Band of Mi'kmaes~~ Mi'kmaq Nation Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section. The Houlton Band of Maliseet Indians Tribal Council shall certify to the department any agent it has designated to act on its behalf under this section.

Sec. A-15. 12 MRSA §10853, sub-§8, as amended by PL 2023, c. 228, §6 and c. 369, Pt. A, §4 and affected by §5, is further amended to read:

8. Members of federally recognized Indian nation, band or tribe. The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including

all permits, stamps and other permission needed to hunt, trap and fish, to a person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the appropriate reservation chief or governor or the ~~Aroostook-Mi'kmae~~ Mi'kmaq Nation Tribal Council stating that the person described is an enrolled member of a federally recognized Indian nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of a federally recognized Indian nation, band or tribe listed in this subsection are exempt from the trapper education program required for a license under section 12201, the bear trapping education course required by section 12260-A, subsection 4 and the archery hunter education course under section 11106. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit.

Sec. A-16. 12 MRSA §12201, sub-§3, ¶A, as amended by PL 2017, c. 164, §15 and PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

A. A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation who presents certification from the respective reservation chief or governor or the ~~Aroostook-Mi'kmae~~ Mi'kmaq Nation Tribal Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this paragraph is exempt from the requirements of this subsection.

Sec. A-17. 12 MRSA §12260-A, sub-§4, as amended by PL 2023, c. 228, §10 and c. 369, Pt. A, §4 and affected by §5, is further amended by amending the 2nd blocked paragraph to read:

A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Mi'kmaq Nation who presents certification from the appropriate reservation chief or governor or the ~~Aroostook-Mi'kmae~~ Mi'kmaq Nation Tribal Council stating that the person is an enrolled member of a federally recognized Indian nation, band or tribe listed in this paragraph is exempt from this subsection.

Sec. A-18. 12 MRSA §13068-A, sub-§10, ¶A, as amended by PL 2021, c. 166, §1, is further amended by amending the first blocked paragraph to read:

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph A-2- airboat. For the purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

Sec. A-19. 15 MRSA §6203, sub-§1, ¶F, as enacted by PL 2023, c. 199, §1, is amended to read:

F. To prosecute a survivor for engaging in prostitution under Title 17-A, former section 853-A; or

Sec. A-20. 15 MRSA §6203, sub-§2, ¶F, as enacted by PL 2023, c. 199, §1, is amended to read:

F. Engaging in prostitution under Title 17-A, former section 853-A; and

Sec. A-21. 20-A MRSA §1352, sub-§2, ¶I, as amended by PL 2023, c. 405, Pt. A, §38, is further amended to read:

I. When a referendum is called for the purpose of approving the agreement to transfer a municipality from one district to another district, the article must be in the form set forth in section 1467, subsection 2.

Sec. A-22. 20-A MRSA §15689-A, sub-§12, as amended by PL 2021, c. 635, Pt. C, §8 and c. 694, §3 and affected by §4, is repealed and the following enacted in its place:

12. National board certification salary supplement. The commissioner shall pay annual salary supplement payments to a school administrative unit, a publicly supported secondary school or an education service center as authorized under chapter 123 for payment to school teachers who have attained certification from the National Board for Professional Teaching Standards or its successor organization pursuant to section 13007, subsection 2, paragraph D and section 13013-A.

Sec. A-23. 22 MRSA §2353, sub-§3, as amended by PL 2023, c. 153, §1 and affected by §3 and amended by c. 161, §3, is repealed and the following enacted in its place:

3. Authorized administration and dispensing of naloxone hydrochloride or another opioid overdose-reversing medication by corrections officers and municipal firefighters. A regional or county jail, a prison, a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride or another opioid overdose-reversing medication to be administered or dispensed in accordance with this subsection. A corrections officer, in accordance with policies adopted by the jail, prison or correctional facility, and a municipal firefighter as defined in Title

30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer or dispense intranasal naloxone hydrochloride or another opioid overdose-reversing medication as clinically indicated if the corrections officer or municipal firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for corrections officers and municipal firefighters pursuant to this subsection.

Sec. A-24. 22 MRSA §2353, sub-§5, ¶B, as amended by PL 2023, c. 154, §1 and c. 161, §3, is repealed and the following enacted in its place:

B. A person described in this section as being authorized to possess, obtain, store, administer or dispense naloxone hydrochloride or another opioid overdose-reversing medication, acting in good faith and with reasonable care, is immune from criminal and civil liability and is not subject to professional disciplinary action for possessing or providing to another person naloxone hydrochloride or another opioid overdose-reversing medication in accordance with this section or for administering naloxone hydrochloride or another opioid overdose-reversing medication in accordance with this section to an individual whom the person believes in good faith is experiencing an opioid-related drug overdose or for any outcome resulting from such actions.

Sec. A-25. 22 MRSA §2423-A, sub-§10, ¶E, as repealed and replaced by PL 2023, c. 365, §2 and c. 405, Pt. A, §57, is repealed and the following enacted in its place:

E. A cannabis testing facility shall obtain and must be able to produce, upon demand of the department or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

Sec. A-26. 22 MRSA §2430-G, as repealed by PL 2023, c. 365, §18 and amended by c. 405, Pt. A, §58, is repealed.

Sec. A-27. 22 MRSA §9053, sub-§2, as amended by PL 2023, c. 176, §37 and c. 241, §48, is repealed and the following enacted in its place:

2. Assisted housing facility. "Assisted housing facility" means a facility licensed pursuant to chapter 1663 or an independent housing with services program exempt from licensing pursuant to chapter 1663.

Sec. A-28. 22 MRSA §9053, sub-§14, ¶D, as amended by PL 2023, c. 241, §51 and repealed and replaced by c. 309, §41, is repealed and the following enacted in its place:

D. An independent contractor pursuant to Title 26, section 1043, subsection 11, paragraph E or Title 39-A, section 102, subsection 13-A; a worker who is placed with a provider by a temporary nurse agency; or a worker who is placed with a provider by a personal care agency registered or licensed pursuant to section 1717;

Sec. A-29. 23 MRSA §73, sub-§3, ¶F, as amended by PL 2023, c. 177, §2 and c. 319, §2, is repealed and the following enacted in its place:

F. Be consistent with the purposes, goals and policies of Title 30-A, chapter 187, subchapter 2;

Sec. A-30. 23 MRSA §1803-C, sub-§2, ¶A, as enacted by PL 2011, c. 652, §7 and affected by §14, is amended by amending subparagraph (1) to read:

(1) Title 5, section 282, subsection 9; ~~and~~

Sec. A-31. 23 MRSA §1803-C, sub-§2, ¶A, as enacted by PL 2011, c. 652, §7 and affected by §14, is amended by repealing subparagraph (2).

Sec. A-32. 24 MRSA §2931, sub-§2, as enacted by PL 1985, c. 804, §§16 and 22, is amended to read:

2. Birth of healthy child; claim for damages prohibited. ~~No~~ A person may not maintain a claim for relief or receive an award for damages based on the claim that the birth and rearing of a healthy child resulted in damages to ~~him~~ that person. A person may maintain a claim for relief based on a failed sterilization procedure resulting in the birth of a healthy child and receive an award of damages for the hospital and medical expenses incurred for the sterilization procedures and pregnancy, the pain and suffering connected with the pregnancy and the loss of earnings by the mother during pregnancy.

Sec. A-33. 29-A MRSA §523, sub-§3, as amended by PL 2023, c. 257, §9, is further amended to read:

3. Special veterans registration plates. The Secretary of State, on application and evidence of payment of the excise tax required by Title 36, section 1482 and the registration fee required by section 501 or by section 504, subsection 1 for a vehicle with a registered gross weight over 10,000 pounds, shall issue a registration certificate and a set of special veterans registration plates to be used in lieu of regular registration plates for a vehicle with a registered gross weight of not more than 26,000 pounds to any person who has served in the United States Armed Forces and who has been honorably discharged, any person who has served a minimum

of 20 years in the National Guard and has been honorably discharged or to a person who has served in the United States Armed Forces for at least 3 years and continues to serve. If a person who qualifies for a special veterans registration plate under this subsection is a primary driver of any vehicle, the Secretary of State may issue in accordance with this section a set of special veterans registration plates for each vehicle.

Each application must be accompanied by the applicant's Armed Forces Report of Transfer or Discharge, DD Form 214, certification from the United States Veterans Administration or the appropriate branch of the United States Armed Forces verifying the applicant's military service and honorable discharge, a letter from the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services verifying active duty military service and length of service or a Form 22 from the United States Department of Defense, National Guard Bureau indicating a minimum of 20 years of service.

The Secretary of State shall recall a special veterans registration plate of a recipient who has been less than honorably discharged from the United States Armed Forces.

All surplus revenue collected for issuance of the special veterans registration plates is retained by the Secretary of State to maintain and support this program.

The surviving spouse of a special ~~veteran~~ veterans reg-istration plate recipient issued plates in accordance with this subsection may retain and display the special ~~veteran~~ veterans registration plates as long as the surviving spouse remains unmarried. Upon remarriage, the surviving spouse may not use the special ~~veteran~~ veterans registration plates on a motor vehicle, but may retain them as a keepsake. Upon the death of the surviving spouse, the family may retain the special ~~veteran~~ veterans registration plates, but may not use them on a motor vehicle.

The Secretary of State may issue a special disability registration plate for veterans in accordance with section 521, subsections 1, 5, 7 and 9. The special disability registration plate for veterans must bear the International Symbol of Access.

The Secretary of State may issue a set of special veterans registration plates when the qualifying veteran is the primary driver of a company-owned vehicle if:

- A. The company is owned solely by a veteran who qualifies for a veteran plate under this section;
- B. The vehicle is leased by a veteran who qualifies for the veteran plate under this subsection; or
- C. The vehicle is leased by the employer of a veteran who qualifies for the veteran plate and the employer has assigned the vehicle exclusively to the veteran. The employer must attest in writing that the veteran will have exclusive use of the vehicle

and agrees to the display of the special ~~veteran~~ veterans registration plate.

Sec. A-34. 30-A MRSA §701, sub-§2-C, as amended by PL 2021, c. 732, Pt. B, §1, is further amended to read:

2-C. Tax assessment for correctional services. Beginning July 1, 2022, the counties shall annually collect the base assessment limit of \$82,110,358 from municipalities for the provision of correctional services in accordance with this subsection. In subsequent years, the counties may collect an amount that is more or less than the base assessment limit established in this subsection, except that if the amount is increased above the base assessment limit established in this subsection, the additional amount each year may not exceed the base assessment limit as adjusted by 4% or the growth limitation factor, as established in section 706-A, subsection 3, including any adjustments for extraordinary circumstances allowed under section 706-A, subsection 5, whichever is greater. A county may not increase its base assessment limit under this subsection if the county has not reported the revenues, expenses and populations information required by ~~section 1210-E, subsection 6~~ Title 34-A, section 1208-B, subsection 5. If a county collects in a year an amount that is more or less than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year, excluding any adjustments for extraordinary circumstances allowed under section 706-A, subsection 5. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not exceed the base assessment limit, which is:

- A. A sum of \$5,300,000 in Androscoggin County;
- B. A sum of \$3,249,000 in Aroostook County;
- C. A sum of \$15,355,672 in Cumberland County;
- D. A sum of \$2,400,000 in Franklin County;
- E. A sum of \$2,126,002 in Hancock County;
- F. A sum of \$8,222,098 in Kennebec County;
- G. A sum of \$4,793,893 in Knox County;
- H. A sum of \$3,141,105 in Lincoln County;
- I. A sum of \$2,400,000 in Oxford County;
- J. A sum of \$10,315,042 in Penobscot County;
- K. A sum of \$1,486,750 in Piscataquis County;
- L. A sum of \$2,967,105 in Sagadahoc County;

- M. A sum of \$5,900,000 in Somerset County;
- N. A sum of \$3,038,999 in Waldo County;
- O. A sum of \$2,120,557 in Washington County; and
- P. A sum of \$9,294,135 in York County.

Sec. A-35. 30-A MRSA §4326, sub-§3-A, ¶I, as amended by PL 2021, c. 657, §8, is further amended to read:

I. Encourage the availability of and access to traditional outdoor recreation opportunities, including, without limitation, hunting, boating, fishing and hiking, and encourage the creation of greenbelts, public parks, trails and conservation easements. Each municipality or multimunicipal region shall identify and encourage the protection of undeveloped shoreland and other areas identified in the local planning process as meriting that protection; ~~and~~

Sec. A-36. 30-A MRSA §4326, sub-§3-A, ¶J, as amended by PL 2021, c. 657, §9, is further amended to read:

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction; ~~and~~

Sec. A-37. 30-A MRSA §4326, sub-§3-A, ¶L, as repealed by PL 2021, c. 657, §11 and amended by c. 754, §4, is repealed.

Sec. A-38. 30-A MRSA §4326, sub-§3-A, ¶M, as repealed by PL 2021, c. 657, §12 and amended by c. 754, §5, is repealed.

Sec. A-39. 30-A MRSA §4352, sub-§4, as amended by PL 2009, c. 615, Pt. G, §1, is further amended to read:

4. Exemptions. Real estate used or to be used by a public utility, as defined in Title 35-A, section 102, subsection 13, ~~by a person who is issued a certificate by the Public Utilities Commission under Title 35-A, section 122~~ or by a renewable ocean energy project as defined in Title 12, section 1862, subsection 1, paragraph F-1 is wholly or partially exempt from an ordinance only when on petition, notice and public hearing the Public Utilities Commission determines that the exemption is reasonably necessary for public welfare and convenience. The Public Utilities Commission shall adopt by rule procedures to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-40. 32 MRSA §85, sub-§8, as amended by PL 2023, c. 92, §1 and affected by §2 and amended

by c. 161, §5, is repealed and the following enacted in its place:

8. Naloxone hydrochloride or another opioid overdose-reversing medication. An emergency medical services person licensed under this chapter shall administer and dispense naloxone hydrochloride or another opioid overdose-reversing medication in compliance with protocols and training developed in accordance with this chapter. An opioid overdose-reversing medication referenced in this subsection must be approved by the federal Food and Drug Administration.

Sec. A-41. 34-A MRSA §1210-E, sub-§6, as enacted by PL 2021, c. 732, Pt. A, §3 and affected by §5, is amended to read:

6. Required reporting. The county jails and the regional jail shall report to the department any data required by the council pursuant to section 1208-B, subsection 4, ~~paragraph E~~ 5, on the schedule and in the format required by the council. Failure of a jail to report as required may result in delayed quarterly payments to the counties as provided in subsection 5 and as set forth by rule.

Sec. A-42. 35-A MRSA §1311-A, sub-§1, ¶D, as enacted by PL 1997, c. 691, §5 and affected by §10, is amended by amending the first blocked paragraph to read:

Unless the commission finds that the conditions of ~~subparagraphs 1~~ subparagraph (1) or 2 (2) are met, the obligations of attorneys under the ethical rules, including the obligation to decline representation in certain cases, the authority of the commission to discipline attorneys who appear before the commission, including the authority, under section 1502, to punish for contempt persons who fail to comply with a protective order, and the commission's ability to recommend sanctions by other bodies, including the discipline of attorneys by the courts and the Board of Overseers of the Bar, is sufficient security to permit the attorney to have access to information in order to represent a party before the commission.

Sec. A-43. 35-A MRSA §10103, sub-§4-A, ¶A, as repealed and replaced by PL 2013, c. 369, Pt. A, §6, is amended to read:

A. To improve the State's economy by pursuing lower energy costs for people, communities and businesses in a manner that will enhance the environment of the State in accordance with the triennial plan. In the expenditure of funds pursuant to this paragraph, the trust may provide grants, loans, programs and incentives; ~~and~~

Sec. A-44. 35-A MRSA §10103, sub-§4-A, ¶B, as enacted by PL 2009, c. 655, Pt. B, §4, is repealed.

Sec. A-45. 36 MRSA §1483, sub-§4, as amended by PL 2009, c. 434, §20, is further amended to read:

4. Dealers or manufacturers. Vehicles owned by bona fide dealers or manufacturers of the vehicles that are held solely for demonstration and sale and constitute stock in trade, ~~and aircraft registered in accordance with Title 6, section 53;~~

Sec. A-46. 38 MRSA §464, sub-§4, ¶F, as amended by PL 2021, c. 503, §1 and c. 551, §§7 and 8, is further amended by repealing subparagraph (2) and enacting the following in its place:

(2) Where high quality waters of the State constitute an outstanding national resource, that water quality must be maintained and protected. For purposes of this paragraph, the following waters are considered outstanding national resources: those water bodies in national and state parks and wildlife refuges and in the Katahdin Woods and Waters National Monument; those water bodies in public reserved lands; and those water bodies classified as Class AA and SA waters pursuant to section 465, subsection 1; section 465-B, subsection 1; and, unless otherwise specified, listed under sections 467, 468 and 469.

Sec. A-47. 38 MRSA §1310-N, sub-§9, ¶A-1, as enacted by PL 2007, c. 406, §2, is amended to read:

A-1. A solid waste disposal facility must have in place a host community agreement with all applicable host communities during the development and operation and through closure of that facility, except that a solid waste disposal facility owned by a municipality that meets the provisions of section 1303-C, subsection 6, ~~paragraph B~~ B-2, subparagraph (1) is not required to have in place a host community agreement with the host community that is the geographic site of the facility. A host community agreement for the purposes of this section must, when applicable, include the provisions set forth in paragraph B, except that a host community agreement in effect prior to ~~the effective date of this paragraph~~ September 20, 2007 is not required to include the provisions set forth in paragraph B.

Sec. A-48. 38 MRSA §3107, sub-§3-B, as enacted by PL 2023, c. 482, §26, is amended to read:

3-B. Commingling program operated by commingling cooperative. Subject to the requirements of this subsection and notwithstanding any provision of this chapter to the contrary, by October 15, 2024, all commingling groups established pursuant to ~~subsection~~ subsections 1-A and 1-B, including the State, through the Department of Administrative and Financial Ser-

vices, Bureau of Alcoholic Beverages and Lottery Operations, shall collectively establish a commingling cooperative to provide for the management of all beverage containers subject to the requirements of this chapter under a single commingling program, referred to in this subsection as "the program."

A. The cooperative must be established as a non-profit organization exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3). The cooperative must be governed by a board of not less than 9 and not more than 15 members that represents the range of beverages and beverage container material types subject to the requirements of this chapter and that includes a board member representing each commingling group. The board shall convene an advisory group that includes as members representatives of the range of beverages and beverage container material types subject to the requirements of this chapter as well as representatives of dealers, pick-up agents, recycling facilities, redemption centers that primarily sort containers manually, redemption centers that primarily sort containers using reverse vending machines, entities operating account-based bulk processing programs and environmental advocacy organizations. The board shall invite representatives of the department to participate in and provide input regarding the activities of the advisory group.

B. By January 15, 2025, the cooperative shall submit a plan for the operation of the program to the department for review and approval. The plan must include, but is not limited to:

- (1) The method by which the program will facilitate the transition from beverage container sorting at redemption centers by brand to sorting by material type and, for redemption centers that manually sort containers, by size within each material type. The program may facilitate the negotiation of agreements with redemption centers to gather brand data through use of reverse vending machines, account-based bulk processing programs or similar technology as long as the cost of such data collection is paid by the program;
- (2) Standards to provide for fair apportionment of costs among the commingling groups and initiators of deposit included in the program, which may be based on:
 - (a) The combined beverage container sales by the initiators of deposit that are members of each commingling group;
 - (b) The unit or brand counts generated by reverse vending machines or account-based bulk processing programs as long as the reverse vending machines or account-

based bulk processing programs are subject to periodic 3rd-party audits on a schedule approved by the department and with the costs of those audits paid by the program; and

(c) The rates of redemption, as determined pursuant to the method set forth in subparagraph (3) and in accordance with the requirements of subparagraph (5);

(3) A method for determining the rate of redemption for beverage containers, which must be verified through a 3rd-party audit paid for by the cooperative, expressed as a percentage of the beverage containers redeemed that are available for redemption; the rate of redemption by beverage type and by beverage container material type; and, to the maximum extent practicable, regional redemption rates in the State. The method for determining the redemption rate may not include in its calculation any unredeemed beverage containers collected or processed by municipal or other recycling programs. The program must ensure that a single redemption rate, determined by the method specified in the plan, is used by all commingling groups and initiators of deposit to determine cost apportionment pursuant to subparagraph (2);

(4) A budget for the program that includes, but is not limited to, identification of any start-up costs for the program that will not be ongoing, including, but not limited to, the costs of the study described in paragraph F, and a description of the method by which the cooperative will determine and collect payments from commingling groups to cover the program's start-up costs;

(5) The method by which the cooperative will collect deposits from initiators of deposit for nonrefillable beverage containers and handling fees for redeemed containers, whether directly from the initiator of deposit or through the commingling group of which the initiator of deposit is a member. The program must ensure that an initiator of deposit is not required to pay any handling fees for its beverage containers that exceeds the applicable redemption rate for those containers as calculated pursuant to subparagraph (3);

(6) A description of how the cooperative intends to segregate, maintain, calculate and expend unclaimed beverage container deposits in accordance with section 3108-A;

(7) A description of how the cooperative will provide a consistent beverage container pick-up schedule for each redemption center in

accordance with the pick-up requirements of section 3106, subsection 8-A and the rules adopted pursuant to that subsection. The program must ensure that pick-up schedules are designed to reduce transportation distances and minimize costs but must allow each commingling group to provide for beverage container pickup of the commingling group's equivalent container material;

(8) Information on how the cooperative will be responsible for and ensure payment to a dealer or redemption center within 10 calendar days of any beverage container pickup of all applicable deposits and handling fees for the beverage containers picked up from the dealer or redemption center, except as otherwise provided under a written agreement entered into by the cooperative or a member commingling group and the dealer or redemption center, and the applicable costs of plastic bags provided to the dealer or redemption center in accordance with section 3106, subsection 9;

(9) Information on how the cooperative will ensure that each commingling group and each initiator of deposit that is a member of the commingling group maintains ownership over the commingling group's and initiator of deposit's share of the beverage containers redeemed, collected and processed for recycling under the program;

(10) Information on how the cooperative will calculate the base rates offered for the processing of beverage containers using an account-based bulk processing program or pick-up agents;

(11) A certification that the cooperative will not share, except with the department as necessary, information provided by a commingling group or initiator of deposit that is proprietary information and that is identified by the commingling group or initiator of deposit as proprietary information. The certification must include a description of the methods by which the cooperative intends to ensure the confidentiality of that information;

(12) Information on how the cooperative will maintain a publicly accessible website regarding the program that includes, at a minimum, the following:

(a) A searchable list of all initiators of deposit and beverage container label registrations, including for beverages sold directly to consumers in the State, in a manner that allows redemption centers, dealers and consumers to obtain up-to-date information regarding whether a particular

beverage is authorized for sale and redemption in the State;

(b) A search function through which consumers can identify nearby dealers or redemption centers offering redemption services based on information made available to the cooperative by the department; and

(c) The base rates for the processing of beverage containers by container type as determined in accordance with subparagraph (10);

(13) A proposed timeline for implementation of the program plan, if approved, designed to ensure implementation of the plan on or before July 15, 2025 and a description of how the cooperative will notify commingling groups, initiators of deposit, dealers, distributors, pick-up agents and other affected entities regarding program implementation, which must include, but is not limited to, posting of information relating to program implementation on the website described in subparagraph (12);

(14) A description of how the cooperative will support the development of infrastructure throughout the State for the collection and sanitization of refillable beverage containers and for the return of those refillable beverage containers to initiators of deposit of refillable beverage containers for refilling and sale. That infrastructure development may involve redemption centers, centralized washing and sanitization facilities and other methods;

(15) Information regarding the advisory group formed by the board in accordance with paragraph A, including, but not limited to, its membership and the length of the terms of its members, a proposed meeting schedule and a description of the role and responsibilities of the advisory group, which may include, but are not limited to, advising the board regarding the development of the plan submitted under this paragraph;

(16) A description of how the cooperative will operate the program in a manner designed to achieve an overall statewide redemption rate for all beverage containers subject to the requirements of this chapter, as determined in accordance with subparagraph (3), of 75% by January 1, 2027; of 80% by January 1, 2032; and of 85% by January 1, 2037; and

(17) Any other information required by the department.

C. Within 120 days of receipt of a plan submitted by the cooperative under paragraph B, the department shall review the plan and approve the plan, approve the plan with conditions or reject the plan. Prior to determining whether to approve or reject a plan, the department shall hold a public hearing on the plan. The department shall notify the cooperative in writing of its determination and, if the plan is approved with conditions or rejected, shall include in the notification a description of the basis for the conditions or rejection.

(1) If the cooperative's plan is rejected, it may submit a revised plan to the department within 60 days of receiving the notice of rejection. The department may approve the revised plan as submitted or approve the revised plan subject to the implementation of specific changes required by the department.

(2) If the cooperative's plan is approved in accordance with this paragraph, the cooperative shall implement the plan on or before July 15, 2025 in accordance with the timeline for implementation described in paragraph B, subparagraph (13), subject to any changes or conditions imposed by the department. If the cooperative fails to implement an approved plan on or before July 15, 2025, the initiators of deposit that are members of each of the commingling groups included in the cooperative are deemed to be in violation of this chapter and are subject to penalties pursuant to section 3111.

D. If the department determines that the program implemented by the cooperative pursuant to a plan approved under paragraph C has failed to make adequate progress toward fulfilling the requirements of the plan, excluding the redemption rate goals described in paragraph B, subparagraph (16), the department shall notify the cooperative in writing of its determination and may direct the cooperative to implement specific changes to the program within 30 days of the date of the notification.

E. On or before April 1, 2026, and annually thereafter, the cooperative shall submit to the department and make available on its publicly accessible website a report that includes, but is not limited to:

(1) Contact information for the cooperative and a list of all initiators of deposit and beverage container label registrations, including for beverages sold directly to consumers in the State;

(2) Information on the rates of redemption for beverage containers calculated in accordance with plan requirements under paragraph B, subparagraph (3). The report must include in-

formation regarding the total number of beverage containers subject to the requirements of this chapter sold or distributed in the State during the previous calendar year by the members of each commingling group, aggregated within each commingling group to provide only a total, aggregated number for each commingling group. If the calculated overall statewide redemption rate for beverage containers is less than the applicable redemption rate goal described in paragraph B, subparagraph (16), the report must include recommendations for changes to the operation of the program that are designed to achieve the required rate, which may include, but are not limited to, recommended increases in the deposit and refund value for beverage containers;

(3) Detailed information on the calculation and expenditure of unclaimed deposit funds in the previous calendar year in accordance with section 3108-A;

(4) A description of the education and outreach efforts implemented under the program in the previous calendar year to encourage participation in the beverage container redemption program, reduce instances of fraud in redemption and educate businesses and consumers on the value and safety of refillable beverage containers. The report must include the results of an assessment, completed by an independent 3rd party, of the effectiveness of the efforts;

(5) Any recommendations for changes to the program to improve the convenience of the collection system under the program, consumer education or program evaluation and any goals for supporting the use of refillable and reusable containers;

(6) A financial report on the program, as determined through a 3rd-party financial audit, that identifies the total cost of implementing the program and the specific administration, collection, transportation, disposition and communication costs for the program, including all costs associated with payment of handling fees, and an anticipated budget for the subsequent program year; and

(7) Any other information required by the department.

For the report due April 1, 2026 only, the department may modify or waive any of the reporting requirements set forth in this paragraph upon a finding that the information required cannot feasibly be determined or provided by the cooperative due to a partial-year operation of the program.

F. Within 90 days of receiving approval of a program plan from the department under paragraph C, the cooperative, in consultation with the department, shall contract with an independent 3rd party to conduct a study: examining operating costs for redemption centers of a variety of sizes, in a variety of geographical locations and using a variety of redemption technologies; analyzing the effects that eliminating brand sorting of beverage containers may have on transportation costs and redemption center operating costs, including, but not limited to, labor and utilities costs; recommending a handling fee schedule and payment schedule designed to facilitate a stable and sustainable redemption system; and recommending other recycling-related services that may be provided at redemption centers to support statewide recycling efforts and diversify the redemption center business model.

(1) In consultation with the department, the cooperative shall ensure that the study contract specifies the scope of the study and provides for publication of an interim progress report or reports and a final report. All costs associated with the study must be paid by the cooperative.

(2) The cooperative shall provide any interim progress reports and the final report under subparagraph (1) to the department and, after receipt of the final report, the department shall provide a copy of the final report, along with any additional comments or recommendations of the department, to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters. The final report and any additional comments or recommendations of the department may be included in the report required pursuant to section 3115, subsection 3. After reviewing the final report and the department's additional comments or recommendations, if any, the committee may report out legislation relating to the final report or to the department's comments or recommendations.

G. The cooperative shall pay to the department a reasonable annual fee established by the department, not to exceed \$600,000, as provided in this paragraph.

(1) On or before July 15, 2025, the cooperative shall pay to the department the annual fee under this paragraph to cover the department's costs for review of the program plan submitted by the cooperative pursuant to paragraph B and the department's costs prior to program plan implementation in its oversight of the commingling program under this subsection. The department may require the cooperative to pay

a portion of the fee required under this subparagraph at the time the cooperative submits a program plan for review and approval pursuant to paragraph B to cover the department's cost for review of the program plan.

(2) On or before April 1, 2026, and annually thereafter, the cooperative shall pay to the department the annual fee under this paragraph to cover the department's costs for review of the cooperative's annual report under paragraph E and the department's costs in the previous calendar year for its oversight, administration and enforcement of the commingling program implemented under this subsection. The cooperative shall pay the fee required pursuant to this subparagraph at the time it submits the annual report required pursuant to paragraph E.

H. Reports submitted to the department under this subsection must be made available to the public on the department's publicly accessible website, except that proprietary information submitted to the department in a plan, in an amendment to a plan or pursuant to reporting requirements of this subsection that is identified by the submitter as proprietary information is confidential and must be handled by the department in the same manner as confidential information is handled under section 1310-B.

I. Beginning July 15, 2025, an initiator of deposit that is not in compliance with all applicable requirements of the single commingling program implemented pursuant to this subsection:

(1) Commits a violation of this chapter and is subject to penalties pursuant to section 3111; and

(2) Is prohibited from selling or distributing in the State any beverage container subject to the requirements of this chapter as long as the violation exists. A distributor or dealer may not sell or distribute in the State any such containers of the initiator of deposit, and the department may remove from sale any such containers of the initiator of deposit.

The department may adopt rules as necessary for the implementation of this subsection and the oversight of the cooperative and the single commingling program implemented pursuant to this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-49. PL 2023, c. 412, Pt. A, §38, under the caption "PUBLIC SAFETY, DEPARTMENT OF" in the 5th occurrence of that part relating to "Emergency Medical Services Stabilization and Sustainability Program N477," is amended by amending the initiative paragraph to read:

Initiative: Provides one-time funding for emergency medical services sustainability grants to emergency medical services entities that are nonprofit or for-profit emergency medical services training centers licensed under the Maine Revised Statutes, Title 32, chapter 2-B or to regional councils as long as the entities meet all applicable grant requirements under Title 32, section 98, subsection 4.

PART B

Sec. B-1. 5 MRSA §7070, sub-§2, ¶F, as enacted by PL 2023, c. 615, §3, is amended by amending subparagraph (4) to read:

(4) Whether the prosecuting agency declined to seek an indictment or the grand jury declined to indict the individual under subparagraph (1) based on the allegation of sexual misconduct or sexual harassment.

Sec. B-2. 30-A MRSA §503, sub-§1-B, ¶D, as enacted by PL 2023, c. 615, §4, is amended to read:

D. Whether the prosecuting agency declined to seek an indictment or the grand jury declined to indict the individual under paragraph A based on the allegation of sexual misconduct or sexual harassment.

PART C

Sec. C-1. 19-A MRSA §951-A, sub-§2, ¶C, as amended by PL 2021, c. 122, §1, is further amended by amending subparagraph (3) to read:

(3) Economic abuse by a spouse. For the purposes of this subparagraph, "economic abuse" has the same meaning as in section ~~4002~~ 4102, subsection ~~3-B~~ 5.

Sec. C-2. 19-A MRSA §951-A, sub-§5, ¶M-1, as enacted by PL 2021, c. 122, §2, is amended to read:

M-1. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section ~~4002~~ 4102, subsection ~~3-B~~ 5;

Sec. C-3. 19-A MRSA §953, sub-§1, ¶D, as enacted by PL 2021, c. 122, §3, is amended to read:

D. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section ~~4002~~, subsection ~~3-B~~ 4102, subsection 5.

Sec. C-4. 19-A MRSA §1501, sub-§3, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

3. Domestic abuse. "Domestic abuse" means abuse as defined in section ~~4002~~ 4102, subsection 1.

Sec. C-5. 19-A MRSA §1653, sub-§2, ¶E, as amended by PL 2021, c. 174, §8, is further amended to read:

E. The order of the court may not include a requirement that the State pay for the defendant to attend a domestic violence intervention program unless the program is certified under section ~~4014~~ 4116.

Sec. C-6. 19-A MRSA §1658, sub-§3-A, ¶B, as enacted by PL 2021, c. 340, §2, is amended by amending subparagraph (2), division (b) to read:

(b) The parent's acts of abuse, as defined in section ~~4002~~ 4102, subsection 1, upon the petitioner or a minor child in the parent's or petitioner's household.

PART D

Sec. D-1. 16 MRSA §358, sub-§5 is enacted to read:

5. Applicability. Notwithstanding Title 1, section 302, this section applies to:

A. Cases pending on June 16, 2023; and

B. Cases initiated after June 16, 2023, regardless of the date on which conduct described in the forensic interview allegedly occurred.

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

Effective April 22, 2024.

CHAPTER 647

H.P. 1287 - L.D. 2007

An Act Regarding the Criminal Jurisdiction of Tribal Courts and to Extend the Time for the Penobscot Nation to Certify Its Agreement to Public Law 2023, Chapter 369

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 30 MRSA §6209-A, sub-§1, as amended by PL 2023, c. 359, §10 and affected by §13 and amended by c. 369, Pt. B, §2 and affected by §4, is further amended to read:

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Passamaquoddy Tribe has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. ~~Criminal~~ The following criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed within Passamaquoddy Indian territory by an adult member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group:

(1) Class C, D and E crimes in Titles 15, 17, 17-A, 19-A and 29-A that are not committed against a person or the property of a person; and

(2) Class C, D and E crimes committed against a person who is a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is a member of any federally recognized Indian tribe, nation, band or other group.

The Passamaquoddy Tribe may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c):

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Passamaquoddy Tribe under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation within Passamaquoddy Indian territory;

C. Civil actions between members of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation arising within Passamaquoddy Indian territory and cognizable as small claims under the laws of the State and civil actions against a member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation under Title 22, section 2383 involving conduct within Passamaquoddy Indian territory by a member of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law;

E. Other domestic relations matters, including marriage, divorce and support, between members of the Passamaquoddy Tribe, the Houlton Band of

Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation, both of whom reside within the Passamaquoddy Indian territory; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207, subsection 10, except that the Passamaquoddy Tribe may not exercise jurisdiction over a nonprofit public municipal corporation, including, but not limited to, the water district established by Private and Special Law 1983, chapter 25.

The governing body of the Passamaquoddy Tribe shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Passamaquoddy Tribe chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil and domestic matters described in this subsection, the State has exclusive jurisdiction over those matters. ~~Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within Passamaquoddy Indian territory and the State has exclusive jurisdiction over those offenses and crimes. In exercising its exclusive jurisdiction under paragraphs A and B, the Passamaquoddy Tribe is enforcing Passamaquoddy tribal law.~~

Sec. A-2. 30 MRSA §6209-A, sub-§1-A, as enacted by PL 2019, c. 621, Pt. D, §2 and affected by §5, is amended to read:

1-A. Concurrent jurisdiction over certain criminal offenses. ~~The Passamaquoddy Tribe has the right to exercise jurisdiction, concurrently with the State, over the following Class D crimes committed by a person on the Passamaquoddy Indian Reservation or on lands taken into trust by the secretary for the benefit of the Passamaquoddy Tribe, now or in the future, for which the potential maximum term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000: Title 17 A, sections 207 A, 209 A, 210 B, 210 C and 211 A and Title 19 A, section 4011. The concurrent jurisdiction authorized by this subsection does not include an offense committed by a juvenile or a criminal offense committed by a person who is not a member of any federally recognized Indian tribe, nation, band or other group against the person or property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.~~ criminal offenses:

A. Class C, D and E crimes committed within Passamaquoddy Indian territory by an adult member of any federally recognized Indian tribe, nation, band or other group against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group; and

B. Class C, D and E crimes committed within Passamaquoddy Indian territory by a person who is not a member of any federally recognized Indian tribe, nation, band or other group as authorized in the federal Violence Against Women Act Reauthorization Act of 2022, Public Law 117-103, Division W, Title VIII, Subtitle A, Section 804, 25 United States Code, Section 1304. Notwithstanding subsection 2, the Passamaquoddy Tribe may not deny to any criminal defendant prosecuted pursuant to this paragraph the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for Congress or the State to recognize concurrent jurisdiction under this paragraph.

~~The governing body of the Passamaquoddy Tribe shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 2, the Passamaquoddy Tribe may not deny to any criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection moves to suppress statements on the ground that they were made involuntarily, the prosecution has the burden to prove beyond a reasonable doubt that the statements were made voluntarily.~~

The Passamaquoddy Tribe may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c).

The governing body of the Passamaquoddy Tribe shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. In exercising the concurrent jurisdiction authorized by this subsection, the Passamaquoddy Tribe is ~~deemed to be~~ enforcing Passamaquoddy tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Passamaquoddy Tribe has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

Sec. A-3. 30 MRSA §6209-A, sub-§1-B is enacted to read:

1-B. Exclusive jurisdiction of the State. Except as provided in subsection 1, paragraphs A and B and subsection 1-A, all laws of the State relating to criminal offenses and juvenile crimes apply within Passamaquoddy Indian territory and the State has exclusive ju-

risdiction over those offenses and crimes. Notwithstanding subsections 1 and 1-A, the State has exclusive jurisdiction over:

A. All crimes and juvenile crimes committed within Passamaquoddy Indian territory against the State or against any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans' Homes, the Maine Public Employees Retirement System, the Maine Military Authority and all similar state entities; and

B. Class C, D and E crimes defined in provisions of the Maine Revised Statutes outside of Titles 15, 17, 17-A, 19-A and 29-A committed within Passamaquoddy Indian territory by an adult member of any federally recognized Indian tribe, nation, band or other group that are not committed against a person or the property of a person.

Nothing in subsection 1 or 1-A affects, alters or preempts the authority of the State to investigate or prosecute any conduct occurring in the State, including conduct occurring in Passamaquoddy Indian territory, that is within the State's exclusive or concurrent jurisdiction.

Sec. A-4. 30 MRSA §6209-A, sub-§2, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

2. Definitions of crimes; tribal procedures. ~~In exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Passamaquoddy Tribe is deemed to be enforcing Passamaquoddy tribal law.~~ The definitions of the criminal offenses and juvenile crimes and the punishments applicable to those criminal offenses and juvenile crimes over which the Passamaquoddy Tribe has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

Sec. A-5. Contingent effective date. This Part takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if, within 120 days after adjournment of the Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passa-

maquoddy Tribe at Motahkomikuk, or the designee under the Maine Revised Statutes, Title 3, section 602, that the Passamaquoddy Tribe has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

PART B

Sec. B-1. 30 MRSA §6206, sub-§1, as amended by PL 2021, c. 650, §5 and affected by §13, is further amended to read:

1. General powers. Except as otherwise provided in this Act, the Passamaquoddy Tribe and the Penobscot Nation, within their respective Indian territories, ~~shall~~ have, and may exercise and enjoy all the rights, privileges, powers and immunities, including, but without limitation, the power to enact ordinances and collect taxes, and ~~shall be~~ are subject to all the duties, obligations, liabilities and limitations of a municipality of and subject to the laws of the State, provided, however, that internal tribal matters, including membership in the respective tribe or nation, the right to reside within the respective Indian territories, tribal organization, tribal government, tribal elections, the use or disposition of settlement fund income and the exercise of power by the Passamaquoddy Tribe pursuant to section 6207, subsection 10, section 6207-A and section 6209-A, subsection 1, paragraph F ~~shall~~ and by the Penobscot Nation pursuant to section 6207, subsection 11, section 6207-B and section 6209-B, subsection 1, paragraph F, respectively, is not ~~be~~ subject to regulation by the State. The Passamaquoddy Tribe and the Penobscot Nation shall designate such officers and officials as are necessary to implement and administer those laws of the State applicable to the respective Indian territories and the residents thereof. Any resident of the Passamaquoddy Indian territory or the Penobscot Indian territory who is not a member of the respective tribe or nation nonetheless ~~shall be~~ is equally entitled to receive any municipal or governmental services provided by the respective tribe or nation or by the State, except those services ~~which that~~ are provided exclusively to members of the respective tribe or nation pursuant to state or federal law, and ~~shall be~~ is entitled to vote in national, state and county elections in the same manner as any tribal member residing within Indian territory.

Sec. B-2. 30 MRSA §6207, sub-§11 is enacted to read:

11. Regulation of drinking water by Penobscot Nation. Unless the Penobscot Nation, in its discretion, enters into an intergovernmental agreement authorizing the State to exercise concurrent jurisdiction over specific drinking water-related issues within the Penobscot Indian territory:

A. The Penobscot Nation has exclusive authority to enact ordinances regulating drinking water within Penobscot Indian territory;

B. The State may not exercise primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within the Penobscot Indian territory; and

C. The Penobscot Nation may seek to be treated as a state and to obtain primary enforcement authority from the United States Environmental Protection Agency to implement the federal Safe Drinking Water Act and its implementing regulations, as amended, within Penobscot Indian territory.

Notwithstanding any other provision of this subsection, the Penobscot Nation's jurisdiction does not extend beyond the Penobscot Indian territory.

Sec. B-3. 30 MRSA §6207-B is enacted to read:

§6207-B. Jurisdiction of Penobscot Nation over drinking water within the Penobscot Indian territory

Notwithstanding any provision of state law to the contrary, pursuant to the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 6(e)(1), the State and the Penobscot Nation agree and establish that:

1. Jurisdiction of Penobscot Nation to administer drinking water-related programs. The Penobscot Nation may seek to be treated as a state pursuant to the federal Safe Drinking Water Act, 42 United States Code, Section 300j-11, and its implementing regulations, as amended, within the Penobscot Indian territory and may otherwise benefit from and exercise jurisdiction under any other federal law enacted after October 10, 1980 that permits a federally recognized Indian tribe to administer drinking water-related programs; and

2. Administration of drinking water-related programs does not affect or preempt state law. The application of any provision of the federal Safe Drinking Water Act and its implementing regulations, as amended, and of any other federal law enacted after October 10, 1980 that permits a federally recognized Indian tribe to administer drinking water-related programs and the enforcement of such laws and regulations by the Penobscot Nation under subsection 1 does not affect or preempt the laws of the State.

Notwithstanding any other provision of this section, the Penobscot Nation's jurisdiction does not extend beyond the Penobscot Indian territory.

Sec. B-4. 30 MRSA §6209-B, sub-§1, as corrected by RR 2009, c. 1, §19, is amended to read:

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Penobscot Nation has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

A. ~~Criminal~~ The following criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the within Penobscot Nation Indian territory by a an adult member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

(1) Class C, D and E crimes in Titles 15, 17, 17-A, 19-A and 29-A that are not committed against a person or the property of a person; and

(2) Class C, D and E crimes committed against a person who is a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is a member of any federally recognized Indian tribe, nation, band or other group.

The Penobscot Nation may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c):

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Penobscot Nation under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of ~~either~~ the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation on the Indian reservation of the within Penobscot Nation Indian territory;

C. Civil actions between members of ~~either~~ the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation arising on the Indian reservation of the within Penobscot Nation Indian territory and cognizable as small claims under the laws of the State, and civil actions against a member of either the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation under Title 22, section 2383 involving conduct on the Indian reservation of the within Penobscot Nation Indian territory by a member of either the Passamaquoddy Tribe, the Houlton Band

of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law; and

E. Other domestic relations matters, including marriage, divorce and support, between members of ~~either~~ the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation or the Penobscot Nation, both of whom reside on the Indian reservation of the within Penobscot Nation Indian territory; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207, subsection 11, except that the Penobscot Nation may not exercise jurisdiction over a non-profit public municipal corporation.

The governing body of the Penobscot Nation shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. If the Penobscot Nation chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil and domestic matters described in this subsection, the State has exclusive jurisdiction over those matters. ~~Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within the Penobscot Indian reservation and the State has exclusive jurisdiction over those offenses and crimes. In exercising its exclusive jurisdiction under paragraphs A and B, the Penobscot Nation is enforcing Penobscot tribal law.~~

Sec. B-5. 30 MRSA §6209-B, sub-§1-A, as enacted by PL 2019, c. 621, Pt. C, §1 and affected by §4, is amended to read:

1-A. Concurrent jurisdiction over certain criminal offenses. The Penobscot Nation has the right to exercise jurisdiction, concurrently with the State, over the following ~~Class D crimes committed by a person on the Penobscot Indian Reservation or on lands taken into trust by the secretary for the benefit of the Penobscot Nation now or in the future, for which the potential maximum term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000: Title 17 A, sections 207 A, 209 A, 210 B, 210 C and 211 A and Title 19 A, section 4011. The concurrent jurisdiction authorized by this subsection does not include an offense committed by a juvenile or a criminal offense committed by a person who is not a member of any federally recognized Indian tribe, nation, band or other group against the person or property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.~~ criminal offenses:

A. Class C, D and E crimes committed within Penobscot Indian territory by an adult member of any federally recognized Indian tribe, nation, band or other group against a person who is not a member

of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group; and

B. Class C, D and E crimes committed within Penobscot Indian territory by a person who is not a member of any federally recognized Indian tribe, nation, band or other group as authorized in the federal Violence Against Women Act Reauthorization Act of 2022, Public Law 117-103, Division W, Title VIII, Subtitle A, Section 804, 25 United States Code, Section 1304. Notwithstanding subsection 2, the Penobscot Nation may not deny to any criminal defendant prosecuted pursuant to this paragraph the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for Congress or the State to recognize concurrent jurisdiction under this paragraph.

~~The governing body of the Penobscot Nation shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 2, the Penobscot Nation may not deny to any criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection moves to suppress statements on the ground that they were made involuntarily, the prosecution has the burden to prove beyond a reasonable doubt that the statements were made voluntarily.~~

The Penobscot Nation may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c).

The governing body of the Penobscot Nation shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. In exercising the concurrent jurisdiction authorized by this subsection, the Penobscot Nation is deemed to be enforcing Penobscot tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Penobscot Nation has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

Sec. B-6. 30 MRSA §6209-B, sub-§1-B is enacted to read:

1-B. Exclusive jurisdiction of the State. Except as provided in subsection 1, paragraphs A and B and

subsection 1-A, all laws of the State relating to criminal offenses and juvenile crimes apply within Penobscot Indian territory and the State has exclusive jurisdiction over those offenses and crimes. Notwithstanding subsections 1 and 1-A, the State has exclusive jurisdiction over:

A. All crimes and juvenile crimes committed within Penobscot Indian territory against the State or against any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans' Homes, the Maine Public Employees Retirement System, the Maine Military Authority and all similar state entities; and

B. Class C, D and E crimes defined in provisions of the Maine Revised Statutes outside of Titles 15, 17, 17-A, 19-A and 29-A committed within Penobscot Indian territory by an adult member of any federally recognized Indian tribe, nation, band or other group that are not committed against a person or the property of a person.

Nothing in subsection 1 or 1-A affects, alters or preempts the authority of the State to investigate or prosecute any conduct occurring in the State, including conduct occurring in Penobscot Indian territory, that is within the State's exclusive or concurrent jurisdiction.

Sec. B-7. 30 MRSA §6209-B, sub-§2, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

2. Definitions of crimes; tribal procedures. ~~It exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Penobscot Nation is deemed to be enforcing Penobscot tribal law.~~ The definitions of the criminal offenses and juvenile crimes and the punishments applicable to those criminal offenses and juvenile crimes over which the Penobscot Nation has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

Sec. B-8. 30 MRSA §6209-B, sub-§6 is enacted to read:

6. Full faith and credit. The State shall give full faith and credit to the judicial proceedings of the Penobscot Nation. The Penobscot Nation shall give full

faith and credit to the judicial proceedings of the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians, the Mi'kmaq Nation and the State.

Sec. B-9. Contingent effective date. This Part takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if, within 120 days after adjournment of the Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the Chief of the Penobscot Nation, or the designee under the Maine Revised Statutes, Title 3, section 602, that the Penobscot Nation has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

PART C

Sec. C-1. 30 MRSA §6209-C, sub-§1, as amended by PL 2023, c. 359, §12 and affected by §13 and amended by c. 369, Pt. D, §6 and affected by §8, is further amended to read:

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 3 and 4, the Houlton Band of Maliseet Indians has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

~~A. **Criminal** The following criminal offenses for which the maximum potential term of imprisonment does not exceed one year and the maximum potential fine does not exceed \$5,000 and that are committed on Houlton Band Jurisdiction Land by a an adult member of any federally recognized Indian tribe, nation, band or other group, ~~except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;~~~~

(1) Class C, D and E crimes in Titles 15, 17, 17-A, 19-A and 29-A that are not committed against a person or the property of a person; and

(2) Class C, D and E crimes committed against a person who is a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is a member of any federally recognized Indian tribe, nation, band or other group.

The Houlton Band of Maliseet Indians may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c);

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Houlton Band of Maliseet Indians under paragraph

A and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation within Houlton Band Jurisdiction Land;

C. Civil actions between members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation arising on Houlton Band Jurisdiction Land and cognizable as small claims under the laws of the State and civil actions against a member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation under Title 22, section 2383 involving conduct within Houlton Band Jurisdiction Land by a member of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law;

E. Other domestic relations matters, including marriage, divorce and support, between members of the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe, the Penobscot Nation or the Mi'kmaq Nation, both of whom reside within the Houlton Band Jurisdiction Land; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 6207-C, subsection 10, except that the Houlton Band of Maliseet Indians may not exercise jurisdiction over a nonprofit public municipal corporation.

The governing body of the Houlton Band of Maliseet Indians shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise of jurisdiction under each of the subject areas described by paragraphs A to E may be made separately. Until the Houlton Band of Maliseet Indians notifies the Attorney General that the band has decided to exercise exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters. If the Houlton Band of Maliseet Indians chooses not to exercise or chooses to terminate its exercise of exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters until the Houlton Band of Maliseet Indians chooses to exercise its exclusive jurisdiction. When the Houlton Band of Maliseet Indians chooses to reassert the exercise of exclusive jurisdiction over any or all of the areas of the exclusive jurisdiction authorized by this subsection it must first provide 30 days' notice to the Attorney General. ~~Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within the~~

Houlton Band Trust Land and the State has exclusive jurisdiction over those offenses and crimes. In exercising its exclusive jurisdiction under paragraphs A and B, the Houlton Band of Maliseet Indians is enforcing the tribal law of the Houlton Band of Maliseet Indians.

Sec. C-2. 30 MRSA §6209-C, sub-§1-C is enacted to read:

1-C. Concurrent jurisdiction over certain criminal offenses. The Houlton Band of Maliseet Indians has the right to exercise jurisdiction, concurrently with the State, over the following criminal offenses:

A. Class C, D and E crimes committed on Houlton Band Jurisdiction Land by an adult member of any federally recognized Indian tribe, nation, band or other group against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group; and

B. Class C, D and E crimes committed on Houlton Band Jurisdiction Land by a person who is not a member of any federally recognized Indian tribe, nation, band or other group as authorized in the federal Violence Against Women Act Reauthorization Act of 2022, Public Law 117-103, Division W, Title VIII, Subtitle A, Section 804, 25 United States Code, Section 1304. Notwithstanding subsection 2, the Houlton Band of Maliseet Indians may not deny to any criminal defendant prosecuted pursuant to this paragraph the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for Congress or the State to recognize concurrent jurisdiction under this paragraph.

The Houlton Band of Maliseet Indians may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c).

The governing body of the Houlton Band of Maliseet Indians shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. In exercising the concurrent jurisdiction authorized by this subsection, the Houlton Band of Maliseet Indians is enforcing the tribal law of the Houlton Band of Maliseet Indians. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Houlton Band of Maliseet Indians has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

Sec. C-3. 30 MRSA §6209-C, sub-§1-D is enacted to read:

1-D. Exclusive jurisdiction of the State. Except as provided in subsection 1, paragraphs A and B and subsection 1-C, all laws of the State relating to criminal offenses and juvenile crimes apply within Houlton Band Trust Land and the State has exclusive jurisdiction over those offenses and crimes. Notwithstanding subsections 1 and 1-C, the State has exclusive jurisdiction over:

A. All crimes and juvenile crimes committed on Houlton Band Jurisdiction Land against the State or against any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans' Homes, the Maine Public Employees Retirement System, the Maine Military Authority and all similar state entities; and

B. Class C, D and E crimes defined in provisions of the Maine Revised Statutes outside of Titles 15, 17, 17-A, 19-A and 29-A committed on Houlton Band Jurisdiction Land by an adult member of any federally recognized Indian tribe, nation, band or other group that are not committed against a person or the property of a person.

Nothing in subsection 1 or 1-C affects, alters or preempts the authority of the State to investigate or prosecute any conduct occurring in the State, including conduct occurring on Houlton Band Trust Land, that is within the State's exclusive or concurrent jurisdiction.

Sec. C-4. 30 MRSA §6209-C, sub-§2, as enacted by PL 2009, c. 384, Pt. B, §1 and affected by §2, is amended to read:

2. Definitions of crimes; tribal procedures. ~~In exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Houlton Band of Maliseet Indians is deemed to be enforcing tribal law of the Houlton Band of Maliseet Indians.~~ The definitions of the criminal offenses and juvenile crimes and the punishments applicable to those criminal offenses and juvenile crimes over which the Houlton Band of Maliseet Indians has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules and regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

Sec. C-5. Contingent effective date. This Part takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if, within

120 days after adjournment of the Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the Chief of the Houlton Band of Maliseet Indians, or the designee under the Maine Revised Statutes, Title 3, section 602, that the Houlton Band of Maliseet Indians has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes. Upon such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians, each section of this Part regarding or affecting the Houlton Band of Maliseet Indians and its tribal members and lands constitutes a jurisdictional agreement for purposes of the federal Maine Indian Claims Settlement Act of 1980, Public Law 96-420, Section 6(e)(2). Such written certification by the Houlton Band Council of the Houlton Band of Maliseet Indians does not constitute an agreement that the contingencies in Public Law 1981, chapter 675 were met or that the provisions of Public Law 1981, chapter 675 ever took effect.

PART D

Sec. D-1. 30 MRSA §7203, sub-§7, as enacted by PL 1989, c. 148, §§3 and 4 and affected by PL 2023, c. 369, Pt. A, §§2 and 5, is repealed.

Sec. D-2. 30 MRSA §7208, sub-§1, as enacted by PL 1989, c. 148, §§3 and 4 and affected by PL 2023, c. 369, Pt. A, §§2 and 5, is amended to read:

1. Exclusive jurisdiction over certain matters. Except as provided in subsections 5 and 6, the Mi'kmaq Nation has the right to exercise exclusive jurisdiction, separate and distinct from the State, over:

~~A. Criminal. The following criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed on Mi'kmaq Nation Jurisdiction Land by an adult member of any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;~~

(1) Class C, D and E crimes in Titles 15, 17, 17-A, 19-A and 29-A that are not committed against a person or the property of a person; and

(2) Class C, D and E crimes committed against a person who is a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is a member of any federally recognized Indian tribe, nation, band or other group.

The Mi'kmaq Nation may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c);

B. Juvenile crimes against a person or property involving conduct that, if committed by an adult, would fall within the exclusive jurisdiction of the Mi'kmaq Nation under paragraph A, and juvenile crimes, as defined in Title 15, section 3103, subsection 1, paragraphs B and C, committed by a juvenile member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation within Mi'kmaq Nation Jurisdiction Land;

C. Civil actions between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation arising on Mi'kmaq Nation Jurisdiction Land and cognizable as small claims under the laws of the State and civil actions against a member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation under Title 22, section 2383 involving conduct within Mi'kmaq Nation Jurisdiction Land by a member of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation;

D. Indian child custody proceedings to the extent authorized by applicable state and federal law;

E. Other domestic relations matters, including marriage, divorce and support, between members of the Mi'kmaq Nation, the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation, both of whom reside within Mi'kmaq Nation Jurisdiction Land; and

F. Notwithstanding any other provision of this subsection, civil and criminal actions regarding the enforcement of ordinances enacted pursuant to section 7206, subsection 8, except that the Mi'kmaq Nation may not exercise jurisdiction over a non-profit public municipal corporation.

The governing body of the Mi'kmaq Nation shall decide whether to exercise or terminate the exercise of the exclusive jurisdiction authorized by this subsection. The decision to exercise, to terminate the exercise of or to reassert the exercise of jurisdiction under each of the subject areas described by paragraphs A to F may be made separately. Until the Mi'kmaq Nation notifies the Attorney General that the nation has decided to exercise exclusive jurisdiction set forth in any or all of the paragraphs in this subsection, the State has exclusive jurisdiction over those matters. If the Mi'kmaq Nation chooses not to exercise, or chooses to terminate its exercise of, jurisdiction over the criminal, juvenile, civil and domestic matters described in this subsection, the State has exclusive jurisdiction over those matters.

When the Mi'kmaq Nation chooses to reassert the exercise of exclusive jurisdiction over any or all of the areas under paragraphs A to F, the nation must first provide 30 days' notice to the Attorney General. ~~Except as provided in paragraphs A and B, all laws of the State relating to criminal offenses and juvenile crimes apply within Mi'kmaq Nation Jurisdiction Land and the State has exclusive jurisdiction over those offenses and crimes~~ In exercising its exclusive jurisdiction under paragraphs A and B, the Mi'kmaq Nation is enforcing Mi'kmaq tribal law.

Sec. D-3. 30 MRSA §7208, sub-§2, as enacted by PL 1989, c. 148, §§3 and 4 and affected by PL 2023, c. 369, Pt. A, §§2 and 5, is amended to read:

2. Concurrent jurisdiction over certain criminal offenses. ~~The Mi'kmaq Nation has the right to exercise jurisdiction, concurrently with the State, over the following Class D crimes committed by a person within Mi'kmaq Nation Jurisdiction Land or on lands taken into trust by the secretary for the benefit of the Mi'kmaq Nation, now or in the future, for which the potential maximum term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000: Title 17-A, sections 207-A, 209-A, 210-B, 210-C and 211-A and Title 19-A, section 4011. The concurrent jurisdiction authorized by this subsection does not include an offense committed by a juvenile or a criminal offense committed by a person who is not a member of any federally recognized Indian tribe, nation, band or other group against the person or property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.~~ criminal offenses:

A. Class C, D and E crimes committed on Mi'kmaq Nation Jurisdiction Land by an adult member of any federally recognized Indian tribe, nation, band or other group against a person who is not a member of any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group; and

B. Class C, D and E crimes committed on Mi'kmaq Nation Jurisdiction Land by a person who is not a member of any federally recognized Indian tribe, nation, band or other group as authorized in the federal Violence Against Women Act Reauthorization Act of 2022, Public Law 117-103, Division W, Title VIII, Subtitle A, Section 804, 25 United States Code, Section 1304. Notwithstanding subsection 3, the Mi'kmaq Nation may not deny to any criminal defendant prosecuted pursuant to this paragraph the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for Congress or the State to recognize concurrent jurisdiction under this paragraph.

~~The governing body of the Mi'kmaq Nation shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 3, the Mi'kmaq Nation may not deny to any criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection moves to suppress statements on the ground that they were made involuntarily, the prosecution has the burden to prove beyond a reasonable doubt that the statements were made voluntarily.~~

The Mi'kmaq Nation may not deny to any criminal defendant prosecuted for a Class C crime the rights and protections enumerated in 25 United States Code, Section 1302(c).

The governing body of the Mi'kmaq Nation shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. In exercising the concurrent jurisdiction authorized by this subsection, the Mi'kmaq Nation is deemed to be enforcing Mi'kmaq tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Mi'kmaq Nation has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

Sec. D-4. 30 MRSA §7208, sub-§2-A is enacted to read:

2-A. Exclusive jurisdiction of the State. Except as provided in subsection 1, paragraphs A and B and subsection 2, all laws of the State relating to criminal offenses and juvenile crimes apply within Mi'kmaq Nation Trust Land and the State has exclusive jurisdiction over those offenses and crimes. Notwithstanding subsections 1 and 2, the State has exclusive jurisdiction over:

A. All crimes and juvenile crimes committed on Mi'kmaq Nation Jurisdiction Land against the State or against any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State, including the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Maine Community College System, the Maine Veterans' Homes, the Maine Public Employees Retirement System, the Maine Military Authority and all similar state entities; and

B. Class C, D and E crimes defined in provisions of the Maine Revised Statutes outside of Titles 15, 17, 17-A, 19-A and 29-A committed on Mi'kmaq Nation Jurisdiction Land by an adult member of

any federally recognized Indian tribe, nation, band or other group that are not committed against a person or the property of a person.

Nothing in subsection 1 or 2 affects, alters or preempts the authority of the State to investigate or prosecute any conduct occurring in the State, including conduct occurring on Mi'kmaq Nation Trust Land, that is within the State's exclusive or concurrent jurisdiction.

Sec. D-5. 30 MRSA §7208, sub-§3, as enacted by PL 1989, c. 148, §§3 and 4 and affected by PL 2023, c. 369, Pt. A, §§2 and 5, is amended to read:

3. Definitions of crimes; tribal procedures. ~~In exercising its exclusive jurisdiction under subsection 1, paragraphs A and B, the Mi'kmaq Nation is deemed to be enforcing Mi'kmaq tribal law.~~ The definitions of the criminal offenses and juvenile crimes and the punishments applicable to those criminal offenses and juvenile crimes over which the Mi'kmaq Nation has exclusive jurisdiction under this section are governed by the laws of the State. Issuance and execution of criminal process are also governed by the laws of the State. The procedures for the establishment and operation of tribal forums created to effectuate the purposes of this section are governed by federal statute, including, without limitation, the provisions of 25 United States Code, Sections 1301 to 1303 and rules or regulations generally applicable to the exercise of criminal jurisdiction by Indian tribes on federal Indian reservations.

Sec. D-6. Contingent effective date. This Part takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if, within 120 days after adjournment of the Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the Chief of the Mi'kmaq Nation, or the designee under the Maine Revised Statutes, Title 3, section 603, that the Mi'kmaq Nation has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

PART E

Sec. E-1. 30 MRSA §6206, sub-§3, as corrected by RR 2019, c. 2, Pt. A, §30, is amended to read:

3. Ordinances. The Passamaquoddy Tribe and the Penobscot Nation each has the right to exercise exclusive jurisdiction within its respective Indian territory over violations by members of ~~either tribe or nation~~ any federally recognized Indian tribe, nation, band or other group of tribal ordinances adopted pursuant to this section or section 6207. The decision to exercise or terminate the jurisdiction authorized by this section must be made by each tribal governing body. If either tribe or nation chooses not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 6207, the State has exclusive jurisdiction over violations of tribal ordinances by members of ~~either tribe~~

~~or nation~~ any federally recognized Indian tribe, nation, band or other group within the Indian territory of that tribe or nation. The State has exclusive jurisdiction over violations of tribal ordinances by persons not members of ~~either tribe or nation~~ any federally recognized Indian tribe, nation, band or other group except as provided in the section or sections referenced in the following:

- A. Section 6209-A.
- B. Section 6209-B.

Sec. E-2. 30 MRSA §6210, sub-§1, as amended by PL 1995, c. 388, §7 and affected by §8, is repealed and the following enacted in its place:

1. Exclusive authority of tribal law enforcement officers. Law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation have exclusive authority to enforce:

- A. Within their respective Indian territories, ordinances adopted under section 6206 and section 6207, subsections 1, 10 and 11;
- B. On their respective Indian reservations, the criminal, juvenile, civil and domestic relations laws over which the Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-A, subsection 1 and section 6209-B, subsection 1, respectively; and
- C. Within their respective Indian territories, the civil and domestic relations laws over which the Passamaquoddy Tribe or the Penobscot Nation have jurisdiction under section 6209-A, subsection 1, paragraphs C to F and section 6209-B, subsection 1, paragraphs C to F, respectively.

Sec. E-3. 30 MRSA §6210, sub-§2, as amended by PL 1995, c. 388, §7 and affected by §8, is repealed and the following enacted in its place:

2. Joint authority of tribal and state law enforcement officers. Law enforcement officers appointed by the Passamaquoddy Tribe and the Penobscot Nation have the authority within their respective Indian territories and state and county law enforcement officers have the authority within both Indian territories to enforce:

- A. Rules or regulations adopted by the commission under section 6207, subsection 3; and
- B. All laws of the State other than those over which law enforcement officers appointed by the Passamaquoddy Tribe or the Penobscot Nation have exclusive jurisdiction under subsection 1.

Sec. E-4. 30 MRSA §6210, sub-§3, as amended by PL 1995, c. 388, §7 and affected by §8, is further amended to read:

3. Agreements for cooperation and mutual aid. This section does not ~~prevent~~ impact existing agree-

ments for cooperation and mutual aid between the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law enforcement agency or prevent the Passamaquoddy Tribe or the Penobscot Nation and any state, county or local law enforcement agency from entering into future agreements for cooperation and mutual aid.

Sec. E-5. Contingent effective date. This Part takes effect 150 days after adjournment of the Second Regular Session of the 131st Legislature only if, within 120 days after adjournment of the Second Regular Session of the 131st Legislature, the Secretary of State receives written certification from the Chief of the Penobscot Nation, or the designee under the Maine Revised Statutes, Title 3, section 602, that the nation has agreed to the provisions of this Part and from the Chief of the Passamaquoddy Tribe at Sipayik and the Chief of the Passamaquoddy Tribe at Motahkomikuk, or the designee under Title 3, section 602, that the Passamaquoddy Tribe has agreed to the provisions of this Part, copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes.

See title page for effective date, unless otherwise indicated.

**CHAPTER 648
H.P. 148 - L.D. 227**

An Act Regarding Legally Protected Health Care Activity in the State

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 14 MRSA c. 763 is enacted to read:

CHAPTER 763

LEGALLY PROTECTED HEALTH CARE ACTIVITY

§9001. Legislative findings and declaration of policy

The Legislature finds and declares that:

1. Legal right to gender-affirming health care services and reproductive health care services. Access to gender-affirming health care services and reproductive health care services in this State, as authorized under the laws of this State, is a legal right;

2. Interference with legally protected health care activity against public policy. Whether or not under the color of law, interference with legally protected health care activity and interference with aiding and assisting legally protected health care activity is against the public policy of this State; and

3. Public acts in other states. Any public act of another state that prohibits, criminalizes, sanctions, authorizes a person to bring a civil action against or otherwise interferes with a person in this State who engages in legally protected health care activity or who aids and assists legally protected health care activity;

A. Interferes with the exercise and enjoyment of the rights secured by this State; and

B. Is against the public policy of this State.

§9002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Aid and assist legally protected health care activity. "Aid and assist legally protected health care activity" and "aiding and assisting legally protected health care activity" mean:

A. Any act or omission of a person aiding or effectuating or attempting to aid or effectuate any other person in legally protected health care activity; or

B. The provision or administration of, or attempted provision or administration of, insurance coverage for gender-affirming health care services or reproductive health care services to a beneficiary or a dependent of a beneficiary by any insurer, payor or employer.

"Aiding and assisting legally protected health care activity" does not include any conduct that deviates from the applicable standard of care or that could form the basis of a civil, criminal or administrative action under the laws of this State had the course of conduct that forms the basis for liability occurred entirely within this State.

2. Aggrieved person. "Aggrieved person" means:

A. A person against whom hostile litigation is filed or prosecuted or the legal representative of a person against whom hostile litigation is filed or prosecuted;

B. The employer of a person against whom hostile litigation is filed or prosecuted if the legally protected health care activity or aiding and assisting legally protected health care activity of the person that forms the basis of the hostile litigation was performed within the scope of the person's employment; or

C. A person in this State upon whom a subpoena seeking information concerning legally protected health care activity or aiding and assisting legally protected health care activity is served by any federal or state court in connection with hostile litigation.

3. Foreign judgment. "Foreign judgment" means any judgment, decree or order of a court of another state.

4. Gender-affirming health care services. "Gender-affirming health care services" means all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventive, rehabilitative or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence in accordance with the accepted standard of care as defined by major medical professional organizations and agencies with expertise in the field of gender-affirming health care, including the Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, or subsequent version, published by the World Professional Association for Transgender Health. "Gender-affirming health care services" does not include conversion therapy as defined in Title 32, section 59-C, subsection 1.

5. Health care practitioner. "Health care practitioner" has the same meaning as in Title 24, section 2502, subsection 1-A, except that "health care practitioner" does not include a veterinarian. "Health care practitioner" also includes persons licensed under:

- A. Title 32, chapter 18;
- B. Title 32, chapter 32;
- C. Title 32, chapter 83;
- D. Title 32, chapter 117; and
- E. Title 32, chapter 119.

6. Hostile litigation. "Hostile litigation" means any litigation or other legal action, including civil, criminal or administrative action, to deter, prevent, sanction or punish any health care practitioner or person assisting a health care practitioner who provides legally protected health care activity or aids and assists legally protected health care activity by:

- A. Filing or prosecuting any litigation or other legal action in any other state where liability, in whole or in part, directly or indirectly, is based on legally protected health care activity or aiding and assisting legally protected health care activity that occurred in this State, including any action in which liability is based on any theory of vicarious, joint or several liability; or
- B. Attempting to enforce any order or judgment issued in connection with any litigation or other legal action under paragraph A by any party to the action or by any person acting on behalf of any party to the action.

For purposes of this chapter, litigation or other legal action is based on legally protected health care activity or aiding and assisting legally protected health care activity that occurred in this State if any part of any act or

omission involved in the course of conduct that forms the basis for liability in the action occurs or is initiated in this State, whether or not the act or omission is alleged or included in any pleading or other filing in the lawsuit.

7. Law enforcement agency. "Law enforcement agency" means any court, department or agency of this State, a political subdivision of this State or a college or a university in this State charged with the enforcement of laws or the custody of detained persons. "Law enforcement agency" includes the Department of the Attorney General and district attorneys' offices.

8. Legally protected health care activity. "Legally protected health care activity" means:

- A. The exercise and enjoyment or attempted exercise and enjoyment by any person of the right secured by this State to gender-affirming health care services or reproductive health care services; and
- B. The provision or attempted provision of gender-affirming health care services or reproductive health care services that are authorized under the laws of this State and that are provided in accordance with the applicable standard of care by a health care practitioner licensed under the laws of this State and physically present in this State, regardless of whether the patient is located in this State or whether the health care practitioner is licensed in the state where the patient is located at the time the services are rendered.

"Legally protected health care activity" does not include any conduct that could form the basis of a civil, criminal or administrative action under the laws of this State had the course of conduct that forms the basis for liability occurred entirely within this State.

9. Reproductive health care services. "Reproductive health care services" means all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventive, rehabilitative or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management or the termination of a pregnancy in accordance with the applicable standard of care as defined by major medical professional organizations and agencies with expertise in the field of reproductive health care.

10. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

§9003. Tortious interference with legally protected health care activity

1. Civil action. An aggrieved person may bring a civil action for damages, punitive damages, equitable relief, injunctive relief or any other appropriate relief against another person that, whether or not acting under

color of law, files or prosecutes hostile litigation. For purposes of this subsection, "damages" may include the amount of any judgment issued in connection with the hostile litigation as well as all other expenses, costs and reasonable attorney's fees incurred in connection with the hostile litigation.

2. Attorney's fees and costs. An aggrieved person that prevails in an action brought under this section is entitled to an award of attorney's fees and costs.

3. Exception. An aggrieved person may not bring an action under this section if the hostile litigation is based on conduct for which a civil, criminal or administrative action would exist under the laws of this State if the conduct or course of conduct that forms the basis for liability in the hostile litigation had occurred entirely within this State.

§9004. Foreign judgments issued in connection with hostile litigation

1. Jurisdiction and due process required. A court of this State may not give any force or effect to any foreign judgment in connection with hostile litigation if the court that issued the foreign judgment did not:

- A. Have personal jurisdiction over the defendant;
- B. Have jurisdiction over the subject matter; or
- C. Provide due process of law.

2. Limitations period. Notwithstanding any provision of law to the contrary, an action on a foreign judgment in connection with hostile litigation must be commenced by filing a new and independent action on the judgment within 5 years of the foreign judgment.

§9005. Testimony and documents in connection with hostile litigation

1. Court order. Notwithstanding any provision of state law or court rule to the contrary and except as required by federal law, a court of this State may not order a person who is domiciled or found within this State to give testimony or a statement or produce documents or other information in any proceeding involving hostile litigation.

2. Subpoena. An aggrieved person may move to modify or quash any subpoena issued in connection with hostile litigation on any grounds provided by law or court rule or on the ground that the subpoena is inconsistent with the public policy of this State as provided in section 9001.

3. Summons. Except as required by federal law, a court in this State may not issue a summons or warrant in a case involving criminal prosecution or a pending grand jury investigation under the criminal laws of another state for engaging in legally protected health care activity or aiding and assisting legally protected health care activity unless the conduct forming the basis of the

prosecution or grand jury investigation would also constitute a criminal offense if the conduct occurred entirely within this State.

§9006. Prohibition on expenditure of public resources; noncooperation

1. Prohibition on expenditure of public resources. Notwithstanding any provision of state law to the contrary and except as required by federal law, a public agency, including a law enforcement agency, and an employee, appointee, officer or official or any other person acting on behalf of a public agency may not knowingly provide any information or expend or use time, money, facilities, property, equipment, personnel or other resources in furtherance of any interstate investigation or proceeding seeking to impose civil, administrative or criminal liability upon a person or entity for:

- A. Legally protected health care activity; or
- B. Aiding and assisting legally protected health care activity.

2. Noncooperation. Notwithstanding any provision of state law to the contrary and except as required by federal law, an officer or employee of a law enforcement agency, while acting under color of law, may not knowingly provide information or assistance to a federal law enforcement agency, to any law enforcement agency in another state or political subdivision of another state or to any private citizen in relation to an investigation or inquiry into services constituting legally protected health care activity or aiding and assisting legally protected health care activity.

3. No arrest. Notwithstanding any provision of state law to the contrary and except as required by federal law, arrest of a person in this State is prohibited if the arrest is related to criminal liability that is based on legally protected health care activity or aiding and assisting legally protected health care activity.

4. Exceptions. This section does not apply to a public agency, including a law enforcement agency, or an employee, appointee, officer or official or any other person acting on behalf of a public agency:

- A. When responding to a warrant or extradition demand on the good faith belief that the warrant or demand is valid in this State; or
- B. When exigent circumstances make compliance with this section impossible. For the purposes of this paragraph, "exigent circumstances" means circumstances in which there is insufficient time to comply with this section and there is a compelling need for action due to the presence of an imminent danger to public safety.

§9007. Choice of law

Notwithstanding any general or special law or common law conflict of law rule to the contrary, the laws of this State govern in any case or controversy

heard in this State involving legally protected health care activity or aiding and assisting legally protected health care activity.

PART B

Sec. B-1. 14 MRSA §402, sub-§2-A is enacted to read:

2-A. Aiding and assisting legally protected health care activity. "Aiding and assisting legally protected health care activity" has the same meaning as in section 9002, subsection 1.

Sec. B-2. 14 MRSA §402, sub-§2-B is enacted to read:

2-B. Legally protected health care activity. "Legally protected health care activity" has the same meaning as in section 9002, subsection 8.

Sec. B-3. 14 MRSA §403, sub-§1-A is enacted to read:

1-A. Attestation. A request for issuance of a subpoena under this section must be accompanied by an affidavit stating whether the foreign subpoena seeks documents, information, inspection or testimony related to the provision or receipt of or attempted provision or receipt of legally protected health care activity or aiding and assisting legally protected health care activity. The court shall provide a form for the completion of the affidavit. The form must contain a statement informing the affiant that making a false statement on the affidavit may be punishable as the crime of false swearing under the laws of this State.

Sec. B-4. 14 MRSA §403, sub-§2, as enacted by PL 2019, c. 109, §1, is amended to read:

2. Submission of foreign subpoena. ~~When~~ Except as provided in subsection 4, when a party submits a foreign subpoena to a clerk of court in the State, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

Sec. B-5. 14 MRSA §403, sub-§4 is enacted to read:

4. Prohibition. A clerk of court in this State may not issue a subpoena under subsection 2 and must present the request to the court if the attestation submitted under subsection 1-A indicates that the foreign subpoena seeks documents, information, inspection or testimony related to the provision or receipt of or attempted provision or receipt of legally protected health care activity or aiding and assisting legally protected health care activity. After reviewing the request and attestation, if the court finds that the foreign subpoena seeks documents, information, inspection or testimony related to the provision or receipt of or attempted provision or receipt of legally protected health care activity or aiding and assisting legally protected health care activity, the court shall deny the request for issuance of a

subpoena and quash any subpoena previously issued by the court in connection with the request unless the court finds that the foreign subpoena seeks documents, information, inspection or testimony related to:

A. An action in a foreign jurisdiction founded in tort, contract or statute brought by the person who sought or received legally protected health care activity, or the person's legal representative, for damages suffered by the person or damages derived from an individual's loss of consortium of the person if a similar claim would exist under the laws of this State;

B. An action in a foreign jurisdiction founded in contract that is brought by a person with a contractual relationship to the individual whose documents or information are the subject of the subpoena if a similar action would exist under the laws of this State; or

C. An action in a foreign jurisdiction that is brought by a parent involving litigation between parents over custody of a minor child of the parents if the custody dispute involves legally protected health care activity or aiding and assisting legally protected health care activity for the minor child.

If the court finds that the foreign subpoena seeks documents, information, inspection or testimony as provided in paragraph A, B or C, the court shall direct the clerk to issue the subpoena.

PART C

Sec. C-1. 15 MRSA §203, sub-§5 is enacted to read:

5. Exception; legally protected health care activity. Notwithstanding any provision of state law to the contrary and except as required by federal law, the Governor may not surrender a person charged in another state as a result of the person's engaging in legally protected health care activity or aiding and assisting legally protected health care activity unless the executive authority of the demanding state alleges in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense and that thereafter the accused fled from the demanding state. For purposes of this subsection, "aiding and assisting legally protected health care activity" and "legally protected health care activity" have the same meanings as in Title 14, section 9002, subsections 1 and 8, respectively.

Sec. C-2. 16 MRSA §642, sub-§3 is enacted to read:

3. Exception; legally protected health care activity. Notwithstanding any provision of state law to the contrary and except as required by federal law, a justice, judge or justice of the peace may not issue a search warrant permitting a government entity to obtain electronic device content information directly from a

provider of electronic communication service or remote computing service that relates to an investigation into legally protected health care activity or aiding and assisting legally protected health care activity. For purposes of this subsection, "aiding and assisting legally protected health care activity" and "legally protected health care activity" have the same meanings as in Title 14, section 9002, subsections 1 and 8, respectively.

PART D

Sec. D-1. 5 MRSA §90-B, sub-§1, ¶B, as amended by PL 2021, c. 649, §1, is further amended to read:

B. "Application assistant" means an employee of a state or local agency or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic violence, sexual assault, stalking or human trafficking or to minor victims of kidnapping or that provides services related to legally protected health care activity who has been designated by the respective agency and trained, accepted and registered by the secretary to assist individuals in the completion of program participation applications.

Sec. D-2. 5 MRSA §90-B, sub-§1, ¶B-1 is enacted to read:

B-1. "Covered health care practitioner" has the same meaning as in Title 10, section 8012, subsection 1, paragraph B.

Sec. D-3. 5 MRSA §90-B, sub-§1, ¶C-1 is enacted to read:

C-1. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8.

Sec. D-4. 5 MRSA §90-B, sub-§1, ¶F-1 is enacted to read:

F-1. "Reproductive or gender-affirming health care services practitioner" means a person who in the person's capacity as a covered health care practitioner engages in legally protected health care activity.

Sec. D-5. 5 MRSA §90-B, sub-§2, as amended by PL 2021, c. 649, §2, is further amended to read:

2. Program established. The Address Confidentiality Program is established to protect victims of domestic violence, sexual assault, stalking or human trafficking ~~and~~ minor victims of kidnapping; ~~and~~ reproductive or gender-affirming health care services practitioners by authorizing the use of designated addresses for such victims and practitioners. The program is administered by the secretary under the following application and certification procedures.

A. Upon recommendation of an application assistant, an adult person, a parent or guardian acting on

behalf of a minor or a guardian acting on behalf of an incapacitated person may apply to the secretary to have a designated address assigned by the secretary to serve as the person's address or the address of the minor or incapacitated person.

B. The secretary may approve an application only if it is filed with the office of the secretary in the manner established by rule and on a form prescribed by the secretary. A completed application must contain:

- (1) The application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;
- (2) A designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;
- (3) The mailing address where the applicant may be contacted by the secretary or a designee and the telephone number or numbers where the applicant may be called by the secretary or the secretary's designee; and
- (4) One or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

C. Upon receipt of a properly completed application, the secretary may certify the applicant as a program participant. A program participant is certified for 4 years following the date of initial certification unless the certification is withdrawn or invalidated before that date. The secretary shall send notification of lapsing certification and a reapplication form to a program participant at least 4 weeks prior to the expiration of the program participant's certification.

D. The secretary shall forward first-class mail to the appropriate program participants.

E. A person who violates this paragraph commits a Class E crime.

- (1) An applicant may not file an application knowing that it:
 - (a) Contains false or incorrect information; or
 - (b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

(2) An application assistant may not assist or participate in the filing of an application that the application assistant knows:

- (a) Contains false or incorrect information; or
- (b) Falsely claims that disclosure of the applicant's address or mailing address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made.

PART E

Sec. E-1. 10 MRSA §8012 is enacted to read:

§8012. Legally protected health care activity

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Aiding and assisting legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 1.

B. "Covered health care practitioner" has the same meaning as "health care practitioner" in Title 24, section 2502, subsection 1-A, except that "covered health care practitioner" does not include a veterinarian. "Covered health care practitioner" also includes persons licensed under:

- (1) Title 32, chapter 18;
- (2) Title 32, chapter 32;
- (3) Title 32, chapter 83;
- (4) Title 32, chapter 117; and
- (5) Title 32, chapter 119.

C. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8.

D. "Professional discipline" means the issuance of a letter of guidance or concern; a warning, censure or reprimand; a license or registration denial, non-renewal, suspension or revocation; a civil penalty for violation of applicable laws, rules and conditions of licensure or registration or for instances of actionable conduct or activity; the imposition of conditions of probation upon an applicant, licensee or registrant; or the execution of a consent agreement with the consent of an applicant, licensee or registrant.

2. Professional discipline prohibited. Notwithstanding any provision of state law to the contrary and except as required by federal law, the commissioner; the Director of the Office of Professional and Occupational Regulation within the department; any agency, bureau,

board or commission within or affiliated with the department; and the Department of Health and Human Services may not subject a covered health care practitioner to professional discipline based solely on:

A. The covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity;

B. A criminal action, civil action or professional discipline action in another state against the covered health care practitioner that is based on the covered health care practitioner engaging in legally protected health care activity or aiding and assisting legally protected health care activity; or

C. Conviction of a crime or any civil judgment or professional discipline in this State or another state against the covered health care practitioner based solely on a violation of another state's law prohibiting legally protected health care activity or aiding and assisting legally protected health care activity.

3. Confidentiality. Notwithstanding any provision of state law to the contrary and except when public disclosure is authorized by federal law or another state law, the portions of a record of a conviction of a crime in this State or another state, any civil judgment, arbitration award or settlement agreement from this State or another state or professional discipline imposed in this State or another state that are in the possession of the commissioner; the Director of the Office of Professional and Occupational Regulation within the department; any agency, bureau, board or commission within or affiliated with the department; or, for a licensed electrologist, the Department of Health and Human Services are confidential to the extent that the criminal conviction, civil judgment, arbitration award or settlement agreement or professional discipline is based on the covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity.

Sec. E-2. 24 MRSA §2513 is enacted to read:

§2513. Legally protected health care activity

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adverse action" means the reduction of, restriction of, suspension of, denial of, revocation of or failure to grant or renew a covered health care practitioner's membership, clinical privileges, clinical practice authority, professional certification or participation on a provider panel by a health care provider or health care entity.

B. "Aiding and assisting legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 1.

C. "Covered health care practitioner" has the same meaning as in Title 10, section 8012, subsection 1, paragraph B.

D. "Formal disciplinary action" means the reduction of, restriction of, suspension of, denial of, revocation of or failure to grant or renew a covered health care practitioner's membership in a professional society.

E. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8.

F. "Professional discipline" has the same meaning as in Title 10, section 8012, subsection 1, paragraph D.

2. Prohibited actions of health care entity or health care provider. A health care entity or health care provider within this State may not take any adverse action against a covered health care practitioner solely as a result of:

A. The covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity;

B. An adverse action or formal disciplinary action in another state against the covered health care practitioner based on the covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity; or

C. Professional discipline imposed on the covered health care practitioner by another state's professional licensing board, agency or organization based on the covered health care practitioner's engaging in legally protected health care activity or aiding and assisting legally protected health care activity.

Sec. E-3. 24-A MRSA §2159-F, as enacted by PL 2023, c. 345, §1, is amended to read:

§2159-F. Discrimination based solely on provision of reproductive health care services in medical malpractice insurance based solely on legally protected health care activity

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adverse action" means revocation, suspension or other disciplinary action against a health care professional's license.

~~B. "Health care professional who provides reproductive health care services" means a health care professional who provides, authorizes, recommends, aids, assists, refers for or otherwise participates in an abortion or any other reproductive~~

~~health care services provided for the purpose of an abortion performed on an individual.~~

C. "Aid and assist legally protected health care activity" and "aiding and assisting legally protected health care activity" have the same meanings as in Title 14, section 9002, subsection 1.

D. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8.

2. Discrimination prohibited. An insurer that provides medical malpractice insurance in this State may not refuse to issue or renew coverage, cancel or restrict coverage, ~~impose any sanctions, fines, penalties or rate increases~~ or require the payment of additional charges by a health care professional who ~~provides reproductive health care services~~ engages in legally protected health care activity or aids and assists legally protected health care activity on the sole basis that the health care professional is acting in violation of another state's law related to legally protected health care activity or aiding and assisting legally protected health care activity or is subject to an adverse action against the health care professional's license in another state for a violation of that state's law related to legally protected health care activity or aiding and assisting legally protected health care activity.

3. Action based on adverse action in another state prohibited. An insurer that provides medical malpractice insurance in this State may not refuse to issue or renew coverage, cancel or restrict coverage or require the payment of additional charges by a health care professional who ~~provides reproductive health care services~~ engages in legally protected health care activity or aids and assists legally protected health care activity as a result of an adverse action against the health care professional's license in another state if the adverse action is solely based on a violation of the other state's law ~~that prohibits abortion and any related reproductive health care services in that state or for a resident of that state~~ related to legally protected health care activity or aiding and assisting legally protected health care activity.

Sec. E-4. 24-A MRSA §4301-A, sub-§1-A is enacted to read:

1-A. Aids and assists legally protected health care activity. "Aids and assists legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 1.

Sec. E-5. 24-A MRSA §4301-A, sub-§5-A is enacted to read:

5-A. Gender-affirming health care services. "Gender-affirming health care services" has the same meaning as in Title 14, section 9002, subsection 4.

Sec. E-6. 24-A MRSA §4301-A, sub-§8-A is enacted to read:

8-A. Legally protected health care activity. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8.

Sec. E-7. 24-A MRSA §4301-A, sub-§17-A is enacted to read:

17-A. Reproductive health care services. "Reproductive health care services" has the same meaning as in Title 14, section 9002, subsection 9.

Sec. E-8. 24-A MRSA §4303, sub-§2, ¶B, as amended by PL 2015, c. 84, §1, is further amended to read:

B. All credentialing decisions, including those granting, denying or withdrawing credentials, must be in writing. The provider must be provided with all reasons for the denial of an application for credentialing or the withdrawal of credentials. A withdrawal of credentials must be treated as a provider termination and is subject to the requirements of ~~subsection~~ subsections 3-A and 3-C.

Sec. E-9. 24-A MRSA §4303, sub-§3, ¶A, as enacted by PL 1995, c. 673, Pt. C, §1 and affected by §2, is amended to read:

A. For the purposes of this section, "to advocate for medically appropriate health care" means to discuss or recommend a course of treatment, including gender-affirming health care services and reproductive health care services, to an enrollee; to appeal a managed care plan's decision to deny payment for a service, including gender-affirming health care services and reproductive health care services, pursuant to an established grievance or appeal procedure; or to protest a decision, policy or practice that the provider, consistent with the degree of learning and skill ordinarily possessed by reputable providers, reasonably believes impairs the provider's ability to provide medically appropriate health care, including gender-affirming health care services and reproductive health care services, to the provider's patients.

Sec. E-10. 24-A MRSA §4303, sub-§3-C is enacted to read:

3-C. Provider's right to engage in legally protected health care activity. A carrier offering or renewing a health plan in this State may not terminate or nonrenew a contract with a participating provider or impose any monetary penalties or financial disincentives on a participating provider on the sole basis that the participating provider engages in legally protected health care activity or aids and assists legally protected health care activity.

PART F

Sec. F-1. 22 MRSA §1711-C, sub-§1, ¶A-2 is enacted to read:

A-2. "Aiding and assisting legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 1.

Sec. F-2. 22 MRSA §1711-C, sub-§1, ¶B-1 is enacted to read:

B-1. "Gender-affirming health care services" has the same meaning as in Title 14, section 9002, subsection 4.

Sec. F-3. 22 MRSA §1711-C, sub-§1, ¶G-1 is enacted to read:

G-1. "Legally protected health care activity" has the same meaning as in Title 14, section 9002, subsection 8.

Sec. F-4. 22 MRSA §1711-C, sub-§1, ¶G-2 is enacted to read:

G-2. "Reproductive health care services" has the same meaning as in Title 14, section 9002, subsection 9.

Sec. F-5. 22 MRSA §1711-C, sub-§8, as amended by PL 2011, c. 373, §2, is repealed and the following enacted in its place:

8. Prohibited disclosure. Disclosure of health care information is prohibited as follows.

A. A health care practitioner, facility or state-designated statewide health information exchange may not disclose health care information for the purpose of marketing or sales without written or oral authorization for the disclosure.

B. Notwithstanding any provision of this section to the contrary and except as provided in paragraph C, a health care practitioner, facility or state-designated statewide health information exchange may not disclose any of the following in a civil or administrative action or proceeding or in response to a subpoena issued in a civil or administrative action or proceeding unless authorized in writing by the individual or the individual's authorized representative or pursuant to a court order issued by a court of competent jurisdiction in this State upon a showing of good cause, as long as the court order limits the use and disclosure of records and includes sanctions for misuse of records or sets forth other methods to ensure confidentiality:

(1) Any communication about reproductive health care services or gender-affirming health care services made to the health care practitioner, facility or state-designated statewide health information exchange from the individual or anyone acting on behalf of the individual, including an authorized representative of the individual; and

(2) Any information obtained through a personal examination of an individual relating to

reproductive health care services or gender-affirming health care services.

C. Paragraph B does not apply if:

(1) The communication or information to be disclosed relates to an individual who is a plaintiff in a medical malpractice action and the health care practitioner, facility or state-designated statewide health information exchange from which the communication or information is requested is a defendant in the medical malpractice action;

(2) The communication or information to be disclosed is requested by a professional licensing board that licenses health care practitioners in this State and the request relates to and is made in connection with a complaint investigation. This subparagraph does not apply if the complaint is based solely on an allegation that a licensee of the board provided reproductive health care services or gender-affirming health care services that are legally protected health care activity or aiding and assisting legally protected health care activity within the licensee's scope of practice; or

(3) The communication or information to be disclosed is requested by the United States Department of Justice, a law enforcement agency of this State or a political subdivision of this State or any other federal agency or agency of this State that pursuant to statute is responsible for investigating abuse, neglect or exploitation and the request is made in connection with an investigation of abuse, neglect or exploitation of a child pursuant to the Child and Family Services and Child Protection Act or of an incapacitated or dependent adult pursuant to the Adult Protective Services Act.

D. This subsection may not be construed to impede the lawful disclosure of information to another health care practitioner or facility for diagnosis, treatment or care of individuals or to complete the responsibilities of a health care practitioner or facility that provides diagnosis, treatment or care of individuals or to impede the lawful disclosure of information to an insurer or payor related to the treatment provided by a health care practitioner or facility or to the payment or operations of a health care practitioner or facility.

PART G

Sec. G-1. Construction. This Act may not be construed to conflict with or in any way amend the Uniform Child Custody Jurisdiction and Enforcement Act, Maine Revised Statutes, Title 19-A, chapter 58.

See title page for effective date.

**CHAPTER 649
H.P. 182 - L.D. 284**

**An Act to Implement the
Recommendations of the Maine
Workforce, Research,
Development and Student
Achievement Institute**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§6-I, as enacted by PL 2021, c. 450, §1, is amended to read:

6-I.

Economic Development	Maine Workforce, Research, Development and Student Achievement Institute	Not Authorized	5 MRSA §13120-T
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~~This subsection is repealed September 1, 2024.~~

Sec. 2. 5 MRSA §13120-T, sub-§6, as enacted by PL 2021, c. 450, §2, is repealed.

See title page for effective date.

**CHAPTER 650
S.P. 162 - L.D. 355**

**An Act to Eliminate the
Cannabis Advisory
Commission**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§52-C, as enacted by PL 2017, c. 409, Pt. A, §1 and amended by PL 2021, c. 669, §5, is repealed.

Sec. 2. 28-B MRSA c. 1, sub-c. 9, as amended, is repealed.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Deappropriates funds for the savings to the Legislature as a result of Legislators no longer serving on the eliminated Cannabis Advisory Commission.

GENERAL FUND	2023-24	2024-25
Personal Services	(\$880)	(\$880)
All Other	(\$1,370)	(\$1,370)

GENERAL FUND TOTAL (\$2,250) (\$2,250)

See title page for effective date.

CHAPTER 651
S.P. 179 - L.D. 372

An Act to Increase
Enforcement and
Accountability for Wage
Violations

Be it enacted by the People of the State of Maine
as follows:

Sec. 1. 26 MRSA §53, as enacted by PL 1999,
c. 181, §1, is amended to read:

§53. Additional penalties

In addition to any penalties provided in chapter 7,
subchapters 1 to 4, the director may assess a forfeiture
fine against any an employer, officer, agent or other
person who that violates any provision of chapter 7,
subchapters 1 to 4 for each violation of those sub-
chapters. The forfeiture fine may not exceed \$1,000 or
the amount provided in law or rule as a penalty for the
specific violation, whichever is less. In addition, the di-
rector may order any employer, officer, agent or other
person that the director finds is in violation under chap-
ter 7, subchapters 1 to 4 or section 1312 to pay unpaid
wages determined to be due, as well as an additional
amount equal to twice the amount of unpaid wages as
liquidated damages and a reasonable rate of interest.
The Attorney General, upon complaint of the director,
shall institute a civil action to recover the forfeiture fine
and any unpaid wages, liquidated damages and interest.
Whether through private right of action, through order
of the director or through civil action of the Attorney
General, an employee may not receive payment more
than once for the same unpaid wages and liquidated
damages owed. Any amount civil fine or penalty recov-
ered must be deposited with the Treasurer of State. The
Department of Labor is authorized to receive the pay-
ment of unpaid wages, liquidated damages and interest
on behalf of an employee. The director must pay these
sums to the employee in their entirety. The director shall
adopt rules to govern the administration of the civil
money forfeiture fine or penalty provisions. The rules
must include a right of appeal by the employer and a
range of monetary assessments with consideration
given to the size of the employer's business, the good
faith of the employer, the gravity of the violation and
the history of previous violations. The rules adopted
pursuant to this section are major substantive rules pur-
suant to Title 5, chapter 375, subchapter H-A 2-A.

See title page for effective date.

CHAPTER 652
H.P. 728 - L.D. 1156

An Act to Authorize a General
Fund Bond Issue to Promote
the Design, Development and
Maintenance of Trails for
Outdoor Recreation and Active
Transportation

Preamble. Two thirds of both Houses of the Leg-
islature deeming it necessary in accordance with the
Constitution of Maine, Article IX, Section 14 to
authorize the issuance of bonds on behalf of the State of
Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine
as follows:

Sec. 1. Authorization of bonds. The
Treasurer of State is authorized, under the direction of
the Governor, to issue bonds in the name and on behalf
of the State in an amount not exceeding \$30,000,000 for
the purposes described in section 5 of this Act. The
bonds are a pledge of the full faith and credit of the
State. The bonds may not run for a period longer than
10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer
of State. The Treasurer of State shall ensure that an
account of each bond is kept showing the number of the
bond, the name of the successful bidder to whom sold,
the amount received for the bond, the date of sale and
the date when payable.

Sec. 3. Sale; how negotiated; proceeds ap-
propriated. The Treasurer of State may negotiate the
sale of the bonds by direction of the Governor, but no
bond may be loaned, pledged or hypothecated on behalf
of the State. The proceeds of the sale of the bonds,
which must be held by the Treasurer of State and paid
by the Treasurer of State upon warrants drawn by the
State Controller, are appropriated solely for the pur-
poses set forth in this Act. Any unencumbered balances
remaining at the completion of the project in this Act
lapse to the Office of the Treasurer of State to be used
for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The
Treasurer of State shall pay interest due or accruing
on any bonds issued under this Act and all sums coming
due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds
from General Fund bond issue. The proceeds of
the sale of the bonds authorized under this Act must be
expended as designated in the following schedule under
the direction and supervision of the agencies and enti-
ties set forth in this section.

DEPARTMENT OF AGRICULTURE, CON-
SERVATION AND FORESTRY

Bureau of Parks and Lands

Provides funds for a program, to be known as the Maine Trails Program, in order to leverage at least \$3,000,000 in matching contributions from public and private sources to be used for the design, development and maintenance of nonmotorized, motorized and multi-use trails statewide. No more than \$7,500,000 may be expended in the first year by the Bureau of Parks and Lands and no more than \$7,500,000 may be expended by the Bureau of Parks and Lands in each of the 3 subsequent years, except that any unused balance may be added to the specified amount in subsequent years.

Total \$30,000,000

Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds for the program as set out in section 5 must be expended by the Department of Agriculture, Conservation and Forestry for design, development and maintenance of nonmotorized, motorized and multi-use trails, trailheads and trailside amenities statewide in accordance with the following requirements:

1. Funds must be awarded by a competitive grant process to municipalities; other qualified subdivisions of State Government, including executive branch departments and agencies; and nonprofit organizations.
2. Approximately 25% of the funds must be expended in support of nonmotorized trails, 25% in support of motorized trails and 50% in support of multi-use trails used for recreation or active transportation;
3. Priority must be given to projects that follow sustainable design standards and incorporate accessibility and inclusive design standards;
4. Projects must demonstrate access to at least 10% matching contributions, which may include the value of project-related, in-kind contributions of goods and services to and by cooperating entities;
5. Trails funded in whole or in part by this program must be publicized for public use. Trails on private property must have use agreements for the longest period practicable that are mutually agreed upon by the landowner and trail stewards; and
6. Projects must demonstrate support from entities such as state agencies, municipalities, nonprofit organizations, trail user groups, businesses and the public.

Proposed projects may include requests to fund road maintenance to ensure trail access, as well as funding to ensure public access through acquisition of easements or fee simple title, although these are not primary purposes of the bond funds.

Funding from this program may not be used to dismantle state-owned tracks and ties for nonrail use except as provided for in the Maine Revised Statutes, Title 23, section 7107.

Funding from this program may be used as match for federal grant programs related to outdoor recreation, including but not limited to the land and water conservation fund established pursuant to the federal Land and Water Conservation Fund Act of 1965 and the federal recreational trails program, administered in the State by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands. In such cases, the bond requirement for local match may be waived.

Up to 3% of funding per annum may be used by the Department of Agriculture, Conservation and Forestry to administer this program.

Up to 1% of funding per annum may be awarded as planning grants to aid local project partners in developing sustainable trail plans for future development and renovation projects.

The Department of Agriculture, Conservation and Forestry shall work with the Department of Transportation in evaluating and making grant decisions on proposals that would advance the Department of Transportation's statewide active transportation plan.

The Department of Agriculture, Conservation and Forestry shall work with the Department of Economic and Community Development, municipalities, nonprofit organizations and other entities to promote awareness, use and maintenance of publicly accessible trails funded pursuant to the competitive grant process to enhance their economic, public health and user benefits.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide

election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$30,000,000 bond issue to invest in the design, development and maintenance for nonmotorized, motorized and multi-use trails statewide, to be matched by at least \$3,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

**CHAPTER 653
H.P. 568 - L.D. 912**

An Act to Authorize a General Fund Bond Issue to Restore Historic Community Buildings

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$10,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

MAINE HISTORIC PRESERVATION COMMISSION

Provides funds to restore historic buildings owned by governmental and nonprofit organizations, with funds being issued contingent on a 25% local match requirement from either private or nonprofit sources, the process to be administered by the Director of the Maine Historic Preservation Commission.

Total \$10,000,000

Sec. 6. Disbursement of bond proceeds. The proceeds of the bonds for the program as set out in section 5 must be expended by the Maine Historic Preservation Commission to restore historic buildings owned by governmental and nonprofit organizations. Up to 1% of the funding may be used by the Maine Historic Preservation Commission to administer the program.

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years

after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$10,000,000 bond issue to restore historic buildings owned by governmental and non-profit organizations, with funds being issued contingent on a 25% local match requirement from either private or nonprofit sources?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 654

S.P. 197 - L.D. 416

An Act to Authorize a General Fund Bond Issue for Research and Development and Commercialization

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$25,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

Sec. 2. Records of bonds issued; Treasurer of State. The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

Office of Innovation

Provides funds to the Maine Technology Institute for research and development and commercialization as prioritized by the Maine Innovation Economy Advisory Board's most recent innovation economy action plan and the Office of Innovation's most recent science and technology action plan. The funds must be allocated in support of technological innovation leading to commercialization in the targeted sectors of life sciences and biomedical technology, environmental and renewable energy technology, information technology, advanced technologies for forestry and agriculture, aquaculture and marine technology, composites and advanced materials and precision manufacturing. The funds must be awarded through a competitive process and to Maine-based public and private institutions to leverage matching

private and federal funds on at least a one-to-one basis.

Total \$25,000,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a bond issue of \$25,000,000 to provide funds, to be awarded through a competitive process and to leverage matching private and federal funds on at least a one-to-one basis, for research and development and commercialization for Maine-based public and private institutions in support of technological innovation in the targeted sectors of life sciences and biomedical technology, environmental and renewable energy technology, information technology, advanced technologies for forestry and agriculture, aquaculture and marine technology, composites and advanced materials and precision manufacturing?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as

votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 655

S.P. 221 - L.D. 504

An Act Regarding Licensing Fees for Small Slot Machine Distributors

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 8 MRSA §1018, sub-§1, ¶B, as amended by PL 2005, c. 663, §7, is further amended to read:

B. The initial application fee for a slot machine distributor license is \$200,000, except that the initial application fee for a slot machine distributor license for an applicant that has applied to distribute fewer than 50 slot machines per location annually is \$50,000. The annual renewal fee is \$75,000, except that the annual renewal fee for a slot machine distributor that distributes fewer than 50 slot machines per location annually is \$10,000.

See title page for effective date.

CHAPTER 656

S.P. 353 - L.D. 794

An Act to Expand the Membership of the Permanent Commission on the Status of Women

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §7030, as enacted by PL 2009, c. 191, §1, is amended to read:

§7030. Membership

The commission consists of ~~47~~ 19 members, including ~~7~~ 9 appointed by the Governor, 5 appointed by the President of the Senate and 5 appointed by the Speaker of the House of Representatives. In making these appointments, the Governor, the President of the Senate and the Speaker of the House of Representatives

shall consider and appoint residents of the State who have a knowledge of problems facing women in the State, who have experience in advocacy relating to women's issues and who provide leadership in programs or activities that improve opportunities for women. The members of the commission must be chosen from throughout the State, and the majority of members must be women. A member of the Legislature may not be appointed to the commission. The Governor shall appoint ~~7~~ **8** members, each of whom represents one of the following interests: ~~minorities, the elderly, Black people, indigenous people and people of color; older residents of the State; low-income people; persons with disabilities; youth; persons working with victims survivors of domestic violence and; federally recognized Indian nations, tribes and bands in the State; and LGBTQIA+ persons.~~ **The Governor also shall appoint a member who is a person who has not attained 25 years of age.**

For purposes of this section, "LGBTQIA+" includes, but is not limited to, persons who are lesbian, gay, bisexual, transgender, queer, questioning, intersex or asexual.

See title page for effective date.

CHAPTER 657

S.P. 657 - L.D. 1640

An Act Directing the Department of Transportation to Adopt Rules Regarding Corrosion Mitigation Methods for Steel Bridges

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 23 MRSA §357 is enacted to read:

§357. Rules governing corrosion mitigation methods for steel bridges

The Department of Transportation shall adopt rules governing corrosion mitigation methods for steel bridges wholly under the control of the State. Rules adopted pursuant to this section must include, but are not limited to, establishing processes for ensuring that corrosion mitigation activities are carried out in accordance with established corrosion mitigation standards and under the supervision of personnel who are trained and certified in corrosion mitigation methods on an appropriate substrate or surface; requiring plans to prevent environmental degradation that might result from corrosion mitigation activities; and requiring compliance with all applicable state and federal rules and regulations of the United States Environmental Protection Agency, the United States Department of Labor, Occupational Safety and Health Administration and the Department of Environmental Protection.

Rules adopted pursuant to this section are not required to apply to routine maintenance work performed by employees of the Department of Transportation employees or its contractors. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

TRANSPORTATION, DEPARTMENT OF Highway and Bridge Capital 0406

Initiative: Provides a one-time allocation to ensure the rules meet the required standards for corrosion mitigation.

HIGHWAY FUND	2023-24	2024-25
All Other	\$0	\$50,000
HIGHWAY FUND TOTAL	\$0	\$50,000

See title page for effective date.

CHAPTER 658

H.P. 1103 - L.D. 1714

An Act to Create a Sustainable Funding Source for Recovery Community Centers Using a Percentage of the Adult Use Cannabis Tax Revenue

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §20012 is enacted to read:

§20012. Recovery Community Centers Fund

The Recovery Community Centers Fund is established as a dedicated, nonlapsing fund within the Office of Behavioral Health for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Fund" means the Recovery Community Centers Fund established in this section.

B. "Independent, nonprofit organization" means a nonprofit organization that:

- (1) Operates its own agency that is a tax-exempt organization under 26 United States Code, Section 501(c)(3); or

(2) Has a fiscal agent with a fiduciary relationship between a recovery community center and another agency and:

(a) The fiscal agent is limited to managing assets and distributing funds to the recovery community center, free from conflicting self-interests, for the purpose of supporting the recovery community center's mission;

(b) The recovery community center is autonomous in its own decision making, program development, recovery services provided and advocacy efforts through the leadership of an executive board or advisory board consisting of at least 51% members who are individuals in recovery; and

(c) The fiscal agent uses no more than 4% of the revenue received from the fund for administrative purposes.

C. "Office" means the Office of Behavioral Health established in section 20011.

D. "Recovery community center" means an independent, nonprofit organization led and governed by representatives of local recovery communities with a primary focus on recovery from substance use disorder that provides nonclinical, peer recovery support services such as recovery support groups, recovery coaching, telephone recovery support, skill-building groups, harm reduction activities, recovery-focused outreach programs to engage people seeking recovery or in recovery and recovery-focused policy and advocacy activities.

2. Sources of funds. The State Controller shall credit to the fund:

A. Beginning July 1, 2025 and annually thereafter, a transfer of \$2,000,000 from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in Title 28-B, section 1101 for operational support for recovery community centers and to provide funding for capacity building for recently established or new recovery community centers;

B. All money from any other source, whether public or private, designated for deposit into or credited to the fund; and

C. Interest earned or other investment income on balances in the fund.

3. Uses of fund. Money credited to the fund pursuant to subsection 2 must be expended by the office to fund recovery community centers. Money distributed from the fund must supplement, and may not supplant, the level of state General Fund dollars received from the

State by a recovery community center in fiscal year 2022-23.

4. Application of fund to office expenses prohibited. Money in the fund may not be applied to any expenses incurred by the office in implementing, administering or enforcing this section.

Sec. 2. 28-B MRSA §1101, sub-§2, ¶C-1 is enacted to read:

C-1. Money credited to the fund must be expended to provide a transfer of \$2,000,000 by July 31st annually to the Recovery Community Centers Fund established pursuant to Title 5, section 20012 for operational support for recovery community centers and to provide funding for capacity building for recently established or new recovery community centers.

Sec. 3. 28-B MRSA §1101, sub-§2, ¶D, as enacted by PL 2023, c. 444, §1, is amended to read:

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C-1 must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF**

Recovery Community Centers Fund N445

Initiative: Provides allocation to allow expenditures for recovery community centers.

OTHER SPECIAL	2023-24	2024-25
REVENUE FUNDS		

All Other	\$0	\$500
OTHER SPECIAL REVENUE	\$0	\$500
FUNDS TOTAL		

See title page for effective date.

CHAPTER 659

H.P. 1193 - L.D. 1863

An Act to Facilitate the Provision of Medically Appropriate Levels of Care for Clients of Correctional Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §1402, sub-§5, as amended by PL 2021, c. 620, §4, is further amended to read:

5. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients. The commissioner shall establish a separate grievance process for addressing complaints by prisoners about their medical and mental health treatment as well as a separate grievance process for addressing complaints regarding compliance with the standards established pursuant to sections 1208, 1208-A and 1208-B. The commissioner shall track data for all grievances filed by prisoners about their medical or mental health treatment and shall publish monthly on the department's publicly accessible website the data tracked pursuant to this subsection in a manner that does not violate the confidentiality requirements of section 1216 or any other provision of state or federal law.

Sec. 2. 34-A MRSA §3036-A, sub-§10, as amended by PL 2023, c. 399, §1, is further amended to read:

10. Terminally ill or incapacitated prisoner. With the consent of the prisoner, the commissioner may transfer a prisoner committed to the department from a correctional facility to supervised community confinement without meeting the eligibility requirements of subsection 2, paragraphs B and C and without meeting the criteria or fulfilling the process provided for under subsection 2-A if the department's director of medical care has determined that the prisoner has a terminal or severely incapacitating medical condition or has a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and that care outside a correctional facility is medically appropriate. Except as set out in this subsection, the prisoner must live in a hospital or other appropriate care facility, such as a nursing facility, residential care facility or a facility that is a licensed hospice program pursuant to Title 22,

section 8622, approved by the commissioner. As approved by the commissioner, the prisoner may receive hospice services from an entity licensed pursuant to Title 22, chapter 1681, subchapter 1 or other care services provided by an entity approved by the commissioner and, subject to approval by the commissioner, may live at home while receiving these services. The commissioner may exempt a prisoner transferred to supervised community confinement pursuant to this subsection from any mandatory condition under subsection 3 that the commissioner determines to be inapplicable. The prisoner shall provide any information pertaining to the prisoner's medical condition or care that is requested by the commissioner at any time while the prisoner is on supervised community confinement. If the commissioner determines that the prisoner has failed to fully comply with a request or if at any time the department's director of medical care determines that the prisoner does not have a terminal or severely incapacitating medical condition or a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition or that care outside a correctional facility is not medically appropriate, the commissioner shall revoke the transfer to supervised community confinement.

Sec. 3. 34-A MRSA §3036-A, sub-§12, as enacted by PL 2021, c. 376, §6, is amended to read:

12. Information for prisoners. The department shall make available to all prisoners written information about supervised community confinement, including eligibility requirements, the application process and the criteria and process for determining whether a prisoner eligible for transfer to supervised community confinement may be approved for transfer. The department shall include information about the determination and approval process for prisoners who have a terminal or severely incapacitating medical condition or have a worsening prognosis that is likely to result in a terminal or severely incapacitating medical condition and for whom care outside a correctional facility is medically appropriate. The department shall publish this information on its publicly accessible website.

Sec. 4. 34-A MRSA §3036-A, sub-§13, as amended by PL 2023, c. 399, §2, is further amended to read:

13. Data tracking. The department shall track data for all prisoners who apply for supervised community confinement and approval, denial and, if approved, completion of the program. The department also shall track data for all prisoners who are transferred to supervised community confinement under subsection 10. Such data must include, but is not limited to, demographic data regarding race and ethnicity, gender, age and convictions leading to the prisoner's current incarceration. The department shall publish monthly on its publicly accessible website the data tracked pursuant to

this subsection in a manner that does not violate the confidentiality requirements of section 1216 or any other provision of state or federal law.

See title page for effective date.

CHAPTER 660

S.P. 799 - L.D. 1963

An Act Regarding the Future of Renewable Energy Transmission in Northern Maine

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA §685-B, sub-§2-D is enacted to read:

2-D. Transmission line or lines under Northern Maine Renewable Energy Development Program. A transmission line or lines developed under the Northern Maine Renewable Energy Development Program pursuant to Title 35-A, section 3210-I, subsection 2 and proposed within unorganized or deorganized areas of the State is reviewed and permits are issued by the Department of Environmental Protection under Title 38, section 489-A-1.

Sec. 2. 35-A MRSA §3201, sub-§8-C is enacted to read:

8-C. Employer and employee harmony agreement. "Employer and employee harmony agreement" means an agreement between an employer and one or more labor organizations representing or seeking to represent the employer's employees that includes:

A. A guarantee against strikes, lockouts and similar disruptions;

B. Mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work and safety and health; and

C. Mutually binding procedures for resolving labor disputes.

Sec. 3. 35-A MRSA §3210-I, sub-§1, ¶B, as enacted by PL 2021, c. 380, §1 and reallocated by RR 2021, c. 1, Pt. A, §38, is amended to read:

~~B. Develop Plan for and develop~~ the transmission infrastructure necessary for the State to expeditiously meet its renewable energy and climate goals using, to the extent practicable, renewable energy resources located in the State;

Sec. 4. 35-A MRSA §3210-I, sub-§1, ¶D, as enacted by PL 2021, c. 380, §1 and reallocated by RR 2021, c. 1, Pt. A, §38, is amended to read:

~~D. Promote energy equity, high-quality jobs and the development of a skilled workforce,~~ with particular consideration given to the economic circumstances and opportunities in the State's socially vulnerable counties and communities. For the purposes of this paragraph, "socially vulnerable counties and communities" means those counties and communities in the State containing populations that are disproportionately burdened by existing social inequities or lack the capacity to withstand new or worsening burdens; ~~and~~

Sec. 5. 35-A MRSA §3210-I, sub-§1, ¶E, as enacted by PL 2021, c. 380, §1 and reallocated by RR 2021, c. 1, Pt. A, §38, is amended to read:

E. Recognize that, in advancing the renewable energy and climate policies and goals of the State, the near-term development of the transmission and other infrastructure necessary to reduce greenhouse gas emissions is in the public interest; ~~and~~

Sec. 6. 35-A MRSA §3210-I, sub-§1, ¶F is enacted to read:

F. In collaboration with the Governor's Energy Office, established in Title 2, section 9, seek to partner with other states, governmental entities or utilities within New England in the development of requests for proposals and the evaluation of proposals received in response to a request for proposals for a transmission line or lines under subsection 2 and renewable energy generation projects under subsection 3.

Sec. 7. 35-A MRSA §3210-I, sub-§2, as enacted by PL 2021, c. 380, §1 and reallocated by RR 2021, c. 1, Pt. A, §38, is amended to read:

2. Request for proposals; generation connection transmission line or lines. The commission shall issue a request for proposals for the development and construction of a ~~345 kilovolt double circuit generation connection line, or, in the commission's discretion, a transmission line or lines of greater capacity, to connect~~ transmission line or lines necessary to connect at least 1,200 megawatts of renewable energy resources located in northern Maine and developed pursuant to subsection 3 with the electric grid operated by the New England independent system operator, referred to in this section as "the ISO-New England system." The commission may issue preliminary requests for information from utilities and private developers or release draft requests for proposals ~~or draft transmission services agreements~~ to gather information to inform the program.

A. The proposals must be required to cover a contract term of 30 years, except that the commission may, in its discretion, approve a contract term of a different duration, and must include provisions for the construction, development and subsequent commercial operation of the transmission line or lines described in this subsection.

A-1. The commission may coordinate with other states, governmental entities or utilities within New England in the development of a request for proposals pursuant to this subsection and in the evaluation of proposals received in response to a request for proposals. The commission shall allow the Governor's Energy Office and the Office of the Public Advocate to review the proposals submitted pursuant to this subsection. The Governor's Energy Office and the Office of the Public Advocate may provide input to the commission upon review of the proposals, which may include an assessment as to whether any proposals submitted are consistent with the goals of the program as described in this section. If a proposal includes confidential or proprietary information, trade secrets or similar matters as provided by the Maine Rules of Civil Procedure, Rule 26(c), the commission may issue appropriate protective orders in accordance with section 1311-A with respect to those portions of the proposal.

B. The commission shall evaluate the proposals received based, at a minimum, on the following factors: cost, economic benefit to northern Maine, the qualifications of the bidder or bidders, the long-term viability of each proposal and the anticipated contribution of each proposal toward the achievement by the State of its renewable energy goals under section 3210. The commission shall disqualify any proposal that, in the commission's determination, fails to demonstrate the bidder's technical and financial capacity to successfully construct, develop and operate the transmission line or lines described in this subsection and to pursue, negotiate and contract for its interconnection with the ISO-New England system.

B-1. The commission may consider proposals that include mechanisms to mitigate and allocate risks associated with development and operation of any transmission line or lines and renewable energy generation project under subsection 3 to be developed under the program.

C. The commission shall give preference to proposals that:

- (1) In the commission's determination, in the aggregate with proposals received under subsection 3, demonstrate the most cost-effective and efficient transmission access to renewable energy resources in northern Maine in a manner that best supports the achievement of the State's renewable energy goals under section 3210 and that maximize benefits to the State;
- (2) ~~Favor~~ Provide community engagement plans and favor use, where to the extent practicable, of existing utility and other rights-of-way and other existing transmission corridors

in the construction of the transmission line or lines described in this subsection; ~~and~~

(3) In the commission's determination, are likely to provide a reduction in transmission costs and costs to ratepayers for electricity over time as more energy is transmitted using the transmission line or lines described in this subsection-;

(4) Adequately demonstrate project viability within a commercially reasonable time frame; and

(5) Maximize federal tax credits by including agreements described in 29 United States Code, Section 158(f) and by committing to entering into an employer and employee harmony agreement with a labor organization seeking to represent the transmission line or lines operations and maintenance workers. An employer and employee harmony agreement must bind all contractors and subcontractors, other than employees who work on a temporary basis for the employer, to the terms of the agreement. The agreement must be designed to ensure that all work on the transmission line or lines, including but not limited to work performed in the manufacturing, fabrication or maintenance of the transmission line or lines or operations associated with the transmission line or lines, is uninterrupted, prompt and safe.

D. The commission may consider and, in accordance with the applicable provisions of this subsection and subsection 3, select a proposal or proposals that include both the development and construction of the transmission line or lines described in this subsection and the development and construction of one or more qualified renewable energy generation projects described in subsection 3.

D-1. The bidder that submits a proposal selected by the commission in accordance with this subsection must, upon the issuance by the commission of a certificate of public convenience and necessity in accordance with section 3132, be considered a transmission and distribution utility, except that the commission may limit the rights of the utility to the extent necessary to protect ratepayers from financial risks and such limitations must be specified in a contract executed pursuant to paragraph E.

~~E. No later than November 1, 2022, the~~ The commission shall approve a contract or contracts between one or more transmission and distribution utilities and the bidder of any proposal selected by the commission in accordance with this subsection, except that, if at the close of the competitive bidding process the commission determines that no proposal meets the requirements of this subsection

or that approval of a contract or contracts that otherwise meet the requirements of this subsection is not in the public interest, the commission may reject all proposals and may open a new competitive bidding process under this subsection.

Sec. 8. 35-A MRSA §3210-I, sub-§3, as enacted by PL 2021, c. 380, §1 and reallocated by RR 2021, c. 1, Pt. A, §38, is amended to read:

3. Request for proposals; renewable energy generation projects. The commission shall issue a request for proposals for the development and construction of qualified renewable energy generation projects in northern Maine designed to connect to and transmit generated power using the transmission line or lines to be constructed pursuant to subsection 2. The commission shall make every effort to ensure that the competitive bidding process directed by this subsection results in the approval of contracts pursuant to paragraph E ~~no later than November 1, 2022~~. As part of the request for proposals under this subsection, the commission shall make available to potential bidders any relevant information submitted to the commission by the bidder or bidders whose proposal or proposals were approved for contracting under subsection 2. Except as provided in paragraph B, subparagraph (2), renewable energy generation projects on which construction commenced prior to ~~September 30, 2022~~ July 31, 2024 are not qualified for the purposes of this subsection.

A. The proposals must be required to cover a contract term of 20 years, except that the commission may, in its discretion, approve a contract term of a different duration, and must include provisions for the construction, development and subsequent commercial operation of one or more qualified renewable energy generation projects in northern Maine that will be designed to connect to and transmit generated power using the transmission line or lines to be constructed pursuant to subsection 2. The commission may consider only proposals for the construction of Class I and Class IA resources, as defined in section 3210, subsection 2, and energy storage systems, except that the commission may not consider proposals for the construction of biomass generators fueled by landfill gas or by anaerobic digestion of agricultural products, by-products or waste, or waste-to-energy generation facilities fueled by municipal solid waste. For the purposes of this section, "energy storage system" means a commercially available technology that uses mechanical, chemical or thermal processes for absorbing energy and storing it for a period of time for use at a later time.

A-1. The commission may coordinate with other states, governmental entities or utilities within New England in the development of a request for proposals pursuant to this subsection and in the evaluation of proposals received in response to a request

for proposals. The commission shall allow the Governor's Energy Office and the Office of the Public Advocate to review the proposals submitted pursuant to this subsection. The Governor's Energy Office and the Office of the Public Advocate may provide input to the commission upon review of the proposals, which may include an assessment as to whether any proposals submitted are consistent with the goals of the program as described in this section. If a proposal includes confidential or proprietary information, trade secrets or similar matters as provided by the Maine Rules of Civil Procedure, Rule 26(c), the commission may issue appropriate protective orders in accordance with section 1311-A with respect to those portions of the proposal.

B. The commission may, in its discretion, consider and select in accordance with the applicable requirements of this subsection:

- (1) One or more contracts for capacity, renewable energy or renewable energy credits, or any combination thereof, from a qualified renewable energy generation project described in this subsection; or
- (2) One or more contracts for renewable energy generation projects on which construction commenced prior to ~~September 30, 2022~~ July 31, 2024, if the commission determines that:
 - (a) Such a project or projects otherwise meets the requirements of this subsection;
 - (b) Additional line capacity remains available on the transmission line or lines to be constructed pursuant to subsection 2; and
 - (c) There are no commercially viable proposals remaining for consideration for qualified renewable energy generation projects on which construction commenced or will commence on or after ~~September 30, 2022~~ July 31, 2024.

C. The commission shall evaluate the proposals received based, at a minimum, on the following factors: cost, economic benefit to northern Maine, the qualifications of the bidder or bidders and, as determined by the commission, the short-term, medium-term and long-term viability of the proposals.

C-1. The commission may consider proposals that include mechanisms to mitigate and allocate risks associated with development and operations of any transmission line or lines under subsection 2 and renewable energy generation project to be developed under the program.

D. The commission shall give greatest preference to proposals that, ~~in the commission's determination, in the aggregate with proposals received under subsection 2, demonstrate the most cost effective and efficient development of renewable energy resources in northern Maine in a manner that best supports the achievement of the State's renewable energy goals under section 3210 and maximize benefits to the State;~~

(1) In the commission's determination, in the aggregate with proposals received under subsection 2, demonstrate the most cost-effective and efficient development of renewable energy resources in northern Maine in a manner that best supports the achievement of the State's renewable energy goals under section 3210 and maximize benefits to the State; and

(2) Maximize federal tax credits by including agreements described in 29 United States Code, Section 158(f) and by committing to entering into an employer and employee harmony agreement with a labor organization seeking to represent the project's operations and maintenance workers. An employer and employee harmony agreement must bind all contractors and subcontractors, other than employees who work on a temporary basis for the employer, to the terms of the agreement. The agreement must be designed to ensure that all work on the renewable energy generation project, including but not limited to work performed in the manufacturing, fabrication or maintenance of the project or operations associated with the project, is uninterrupted, prompt and safe.

E. The commission shall approve a contract or contracts between one or more investor-owned transmission and distribution utilities and the bidder of any proposal selected by the commission in accordance with this subsection. If at the close of the competitive bidding process the commission determines that no proposal meets the requirements of this subsection, that additional line capacity remains available or that approval of a contract or contracts that otherwise meet the requirements of this subsection is not in the public interest, the commission may reject all proposals and may open a new competitive bidding process under this subsection.

F. In selecting contracts pursuant to this subsection, the commission shall make every effort to ensure that at least one such contract supports the construction and development in northern Maine of a biomass generator fueled by wood or wood waste. In considering any proposal under this subsection for a qualified renewable energy generation project that is a biomass generator fueled by wood or wood

waste, the commission shall consider the waste reduction benefits to the State's forest products industry associated with the operation of the biomass generator, including, but not limited to, the avoidance of methane emissions.

G. In selecting contracts pursuant to this subsection, the commission shall consider the effect of a contract or contracts selected on the viability of the transmission line or lines to be developed and constructed pursuant to subsection 2 and the effect on the success of the program.

Notwithstanding any provision of law to the contrary, the commission may in its discretion approve and order a contract or contracts under this subsection for the purchase, beginning on or after January 1, 2024, of capacity, renewable energy or renewable energy credits, or any combination thereof, in an amount that is at least 18% of the retail electric load in the State for the period from January 1, 2019 to December 31, 2019. To the extent practicable, the commission shall approve and order such contract or contracts on a staggered basis consistent with its expectations for the development during the years of 2024 to 2045 of beneficial electrification as defined in section 10102, subsection 3-A and climate mitigation activities in the State and shall ensure the purchase of capacity, renewable energy or renewable energy credits necessary to achieve beneficial electrification from facilities and technology that are located in the State.

Sec. 9. 35-A MRSA §3210-I, sub-§3-B is enacted to read:

3-B. Term sheet award; effect. Notwithstanding any provision of law that requires a developer of a proposed transmission line or lines under subsection 2 or a renewable energy generation project under subsection 3 to demonstrate title, right or interest before a permitting agency will accept and begin processing an application for any permit or approval required for such a project, a term sheet awarded by the commission to a bidder for such a project must be considered sufficient title, right or interest for the permitting agency to accept and begin processing the application. Nothing in this subsection may be construed to except a transmission line or lines or a renewable energy generation project awarded a term sheet by the commission from any requirement for title, right or interest necessary for the issuance of such a permit or approval or to deem such requirements for title, right or interest satisfied by the award of a term sheet.

In an order awarding a term sheet to a bidder selected under subsection 2, the commission shall provide an explanation of the commission's considerations and findings regarding the costs and benefits associated with the development and construction of the transmission line or lines.

Sec. 10. 35-A MRSA §3210-I, sub-§5 is enacted to read:

5. Public involvement and coordination. The commission and the Department of Environmental Protection shall ensure coordinated public notification and opportunities for public participation, including explanation of all public participation procedures, in connection with regulatory approvals and permitting under this Title and Title 38 for a transmission line or lines and renewable energy generation projects under the program.

Sec. 11. 38 MRSA §346, sub-§4, as repealed and replaced by PL 2011, c. 420, Pt. A, §34, is amended to read:

4. Appeal of decision. A judicial appeal of final action by the board or commissioner regarding an application for an expedited wind energy development, as defined in Title 35-A, section 3451, subsection 4, an application for a transmission line or lines developed pursuant to Title 35-A, section 3210-I, subsection 2 or a general permit pursuant to section 480-HH or section 636-A must be taken to the Supreme Judicial Court sitting as the Law Court. The Law Court has exclusive jurisdiction over request for judicial review of final action by the commissioner or the board regarding expedited wind energy developments, an application for a transmission line or lines developed pursuant to Title 35-A, section 3210-I, subsection 2 or a general permit pursuant to section 480-HH or section 636-A. These appeals to the Law Court must be taken in the manner provided in Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

Sec. 12. 38 MRSA §485-A, sub-§1-D is enacted to read:

1-D. Hearing required; transmission line. If an application for the development and construction of a transmission line or lines requiring approval under this article is received by the department, the department or the board, as applicable, shall hold a hearing in accordance with section 486-A and may not issue an order without a hearing.

Sec. 13. 38 MRSA §486-A, sub-§2-A is enacted to read:

2-A. Developer; route analysis; public participation. The department shall require an applicant who has submitted an application pursuant to section 485-A related to the development and construction of a transmission line or lines requiring approval under this article to demonstrate to the department that the applicant conducted one or more public meetings regarding the transmission line or lines prior to the submission of its application. The public meetings must include the presentation of information regarding the proposed transmission line or lines, including but not limited to proposed route information, and provide an opportunity

for public participation and comment. Information presented and public comments received at the public meetings must be made publicly available and be part of the record of any department or board proceeding.

See title page for effective date.

CHAPTER 661

S.P. 889 - L.D. 2096

An Act to Ensure Access to Pain Management Services in Health Insurance Plans

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 24-A MRSA §4311-A is enacted to read:

§4311-A. Access to pain management services

1. Access to pain management services. A carrier shall develop a plan to provide adequate coverage of and access to a broad spectrum of pain management services, including, but not limited to, nonopioid, nonnarcotic medication for pain management and non-medication pain management services that serve as alternatives to the prescribing of opioid or narcotic drugs in accordance with guidelines developed by the bureau.

2. Approval by bureau. A carrier shall file a plan required under subsection 1 with the bureau for approval. In its review, the bureau shall consider the adequacy of access to a broad spectrum of pain management services under the plan and whether any policies adopted by the carrier may create unduly preferential coverage of and access to prescribed opioids for pain management without consideration of other pain management services.

3. Information for enrollees. A carrier shall distribute educational materials to network providers about a pain management access plan under subsection 1 and post information about the pain management access plan on the carrier's publicly accessible website.

Sec. 2. Application. This Act applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in the State on or after January 1, 2026. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Insurance - Bureau of 0092

Initiative: Provides a one-time allocation for a consultant to develop guidance on pain management plans.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$25,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000

See title page for effective date.

**CHAPTER 662
S.P. 905 - L.D. 2112**

An Act to Replace the Money Transmitters Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 26 MRSA §879, sub-§3, ¶F, as enacted by PL 2017, c. 416, §4, is amended to read:

F. A money transmitter licensed under Title 32, chapter 80, ~~subchapter 4~~ 79-A; and

Sec. 2. 32 MRSA c. 79-A is enacted to read:

CHAPTER 79-A
MONEY TRANSMITTERS

SUBCHAPTER 1

SHORT TITLE AND PURPOSE

§6067. Short title

This chapter may be known and cited as "the Maine Money Transmission Modernization Act."

§6068. Purpose

It is the intent of the Legislature that the provisions of this Act accomplish the following:

1. Coordination. Ensure states can coordinate in all areas of regulation, licensing and supervision to eliminate unnecessary regulatory burden and more effectively use regulator resources;

2. Protection of public. Protect the public from financial crime;

3. Standardization. Standardize the types of activities that are subject to licensing or otherwise exempt from licensing; and

4. Modernization. Modernize safety and soundness requirements to ensure customer funds are protected in an environment that supports innovative and competitive business practices.

SUBCHAPTER 2
DEFINITIONS

§6071. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Acting in concert. "Acting in concert" means knowingly acting together with a common goal of jointly acquiring control of a licensee whether or not pursuant to an express agreement.

2. Administrator. "Administrator" means the Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation.

3. Authorized delegate. "Authorized delegate" means a person a licensee designates to engage in money transmission on behalf of the licensee.

4. Bank Secrecy Act. "Bank Secrecy Act" means the federal Bank Secrecy Act, 31 United States Code, Section 5311 et seq. and its implementing regulations.

5. Bureau. "Bureau" means the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection.

6. Closed loop stored value. "Closed loop stored value" means stored value that is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to the extent required by applicable law to be redeemable in cash for its cash value.

7. Control. "Control" means:

A. The power to vote, directly or indirectly, at least 25% of the outstanding voting shares or voting interests of a licensee or person in control of a licensee;

B. The power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee; or

C. The power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or person in control of a licensee.

A person is presumed to exercise a controlling influence when the person holds the power to vote, directly or indirectly, at least 10% of the outstanding voting shares or voting interests of a licensee or person in control of a licensee.

A person presumed to exercise a controlling influence pursuant to this subsection may rebut the presumption of control if the person is a passive investor.

For purposes of determining the percentage of a person controlled by any other person, the person's interest must be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, parents-in-law, children-in-

law and siblings-in-law, and any other person who shares that person's home.

8. Eligible rating. "Eligible rating" means a credit rating of any of the 3 highest rating categories provided by an eligible rating service, whereby each category may include rating category modifiers such as "plus" or "minus" for S&P Global Ratings or successor organization, or the equivalent from any other eligible rating service. Long-term credit ratings are considered eligible ratings if the rating is equal to or higher than "A-" by S&P Global Ratings or successor organization, or the equivalent from any other eligible rating service. Short-term credit ratings are considered eligible ratings if the rating is equal to or higher than "A-2" or "SP-2" by S&P Global Ratings or successor organization, or the equivalent from any other eligible rating service. If ratings differ among eligible rating services, the highest rating applies when determining whether a security bears an eligible rating.

9. Eligible rating service. "Eligible rating service" means a nationally recognized statistical rating organization recognized by the United States Securities and Exchange Commission and any other organization designated by the administrator by rule or order.

10. Federally insured depository financial institution. "Federally insured depository financial institution" means a bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank or industrial loan company organized under the laws of the United States or any state of the United States, when that bank, credit union, savings and loan association, trust company, savings association, savings bank, industrial bank or industrial loan company has federally insured deposits.

11. In this State. "In this State," for a transaction requested in person, means at a physical location within this State. For a transaction requested electronically or by telephone, "in this State" means that the person requesting the transaction is at a physical location within this State. For a transaction requested electronically or by telephone, the provider of money transmission may determine if the person requesting the transaction is in this State by relying on other information provided by the person regarding the location of the residential address, if an individual, or principal place of business, if a business entity, or other physical address location and any records associated with the person that the provider of money transmission may have that indicate the location, including but not limited to an address associated with an account.

12. Individual. "Individual" means a natural person.

13. Key individual. "Key individual" means an individual ultimately responsible for establishing or directing policies and procedures of a licensee, such as an executive officer, manager, director or trustee.

14. Licensee. "Licensee" means a person licensed under this Act.

15. Material litigation. "Material litigation" means litigation that, according to generally accepted accounting principles in the United States, is significant to a person's financial health and would be required to be disclosed in the person's annual audited financial statements, reports to shareholders or similar records.

16. Monetary value. "Monetary value" means a medium of exchange, whether or not redeemable in money.

17. Money. "Money" means a medium of exchange that is authorized or adopted by the United States or a foreign government. "Money" includes a monetary unit of account established by an intergovernmental organization or by agreement between 2 or more governments.

18. Money transmission. "Money transmission" means:

- A. Selling or issuing payment instruments to a person located in this State;
- B. Selling or issuing stored value to a person located in this State; or
- C. Receiving money for transmission from a person located in this State.

"Money transmission" does not include the provision solely of online or telecommunications services or network access.

19. MSB. "MSB" means a money services business as defined in 31 Code of Federal Regulations, Section 1010.100.

20. MSB accredited state. "MSB accredited state" means a state agency that is accredited by the Conference of State Bank Supervisors or successor organization and the Money Transmitter Regulators Association or successor organization for money transmission licensing and supervision.

21. Multistate licensing process. "Multistate licensing process" means an agreement entered into by and among state regulators relating to coordinated processing of applications for money transmission licenses, applications for the acquisition of control of a licensee, control determinations or notice and information requirements for a change of key individuals.

22. NMLS. "NMLS" means the nationwide multistate licensing system and registry developed by the Conference of State Bank Supervisors or successor organization and the American Association of Residential Mortgage Regulators or successor organization and owned and operated by the State Regulatory Registry LLC or successor organization, or any successor or affiliated entity, for the licensing and registration of persons in financial services industries.

23. Outstanding money transmission obligation. "Outstanding money transmission obligation" means:

A. A payment instrument or stored value issued or sold by a licensee to a person located in the United States or reported as sold by an authorized delegate of the licensee to a person that is located in the United States that has not yet been paid or refunded by or for the licensee, or escheated in accordance with applicable abandoned property laws; or

B. Money received for transmission by the licensee or an authorized delegate in the United States from a person located in the United States that has not been received by the payee or refunded to the sender or escheated in accordance with applicable abandoned property laws.

For purposes of this subsection, "in the United States" includes, to the extent applicable, a state, territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico; or a United States military installation that is located in a foreign country.

24. Passive investor. "Passive investor" means a person that:

A. Does not have the power to elect or appoint a majority of key individuals or executive officers, managers, directors, trustees or other persons exercising managerial authority of a person in control of a licensee;

B. Is not employed by and does not have any managerial duties of the licensee or person in control of a licensee;

C. Does not have the power to exercise, directly or indirectly, a controlling influence over the management or policies of a licensee or a person in control of a licensee; and

D. Either:

(1) Attests to paragraphs A to C in a form and in a medium prescribed by the administrator; or

(2) Commits to the passivity characteristics of paragraphs A to C in a written document.

25. Payment instrument. "Payment instrument" means a written or electronic check, draft, money order, traveler's check or other wire, electronic or written instrument, or written order for the transmission or payment of money or monetary value, whether or not negotiable. "Payment instrument" does not include stored value or an instrument that:

A. Is redeemable by the issuer only for goods or services provided by the issuer or its affiliate or franchisees of the issuer or its affiliate, except to

the extent required by applicable law to be redeemable in cash for its cash value; or

B. Is not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

26. Person. "Person" means an individual, general partnership, limited partnership, limited liability company, corporation, trust, association, joint stock corporation or other corporate entity identified by the administrator.

27. Receiving money for transmission. "Receiving money for transmission" or "money received for transmission" means the receipt of money or monetary value in the United States for transmission within or outside the United States by electronic or other means.

28. Stored value. "Stored value" means monetary value representing a claim against the issuer evidenced by an electronic or digital record and that is intended and accepted for use as a means of redemption for money or monetary value or payment for goods or services. "Stored value" includes, but is not limited to, pre-paid access as defined by 31 Code of Federal Regulations, Section 1010.100(w) but does not include a payment instrument, closed loop stored value or stored value not sold to the public but issued and distributed as part of a loyalty, rewards or promotional program.

29. Tangible net worth. "Tangible net worth" means the aggregate assets of a licensee excluding all intangible assets, less liabilities, as determined in accordance with generally accepted accounting principles in the United States.

SUBCHAPTER 3

EXEMPTIONS

§6074. Exemptions

This Act does not apply to:

1. Operator. An operator of a payment system to the extent that it provides processing, clearing or settlement services between or among persons exempted by this section or licensees in connection with wire transfers, credit card transactions, debit card transactions, stored-value transactions, automated clearinghouse transfers or similar funds transfers;

2. Agent. A person appointed as an agent of a payee to collect and process a payment from a payer to the payee for goods or services, other than money transmission itself, provided to the payer by the payee, as long as:

A. There exists a written agreement between the payee and the agent directing the agent to collect and process payments from payers on the payee's behalf;

B. The payee holds the agent out to the public as accepting payments for goods or services on the payee's behalf; and

C. Payment for the goods and services is treated as received by the payee upon receipt by the agent so that the payer's obligation is extinguished and there is no risk of loss to the payer if the agent fails to remit the funds to the payee;

3. Intermediary. A person that acts as an intermediary by processing payments between an entity that has directly incurred an outstanding money transmission obligation to a sender and the sender's designated recipient, as long as the entity:

A. Is properly licensed or exempt from licensing requirements under this Act;

B. Provides a receipt, electronic record or other written confirmation to the sender identifying the entity as the provider of money transmission in the transaction; and

C. Bears sole responsibility to satisfy the outstanding money transmission obligation to the sender, including the obligation to make the sender whole in connection with any failure to transmit the funds to the sender's designated recipient;

4. United States. The United States or a department, agency or instrumentality of the United States or its agent;

5. United States Postal Service. Money transmission by the United States Postal Service or by an agent of the United States Postal Service;

6. Agency. A state, county, municipal or other governmental agency or governmental subdivision or instrumentality of a state or its agent;

7. Financial institution. A federally insured depository financial institution, bank holding company, office of an international banking corporation, foreign bank that establishes a federal branch pursuant to the federal International Banking Act of 1978, 12 United States Code, Section 3102, corporation organized pursuant to the federal Bank Service Company Act, 12 United States Code, Sections 1861 to 1867 or corporation organized under the federal Edge Act, 12 United States Code, Sections 611 to 633;

8. Financial organization. A supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A, as long as the supervised financial organization does not engage in the business of issuing or selling payment instruments through an authorized delegate that is not a supervised financial organization;

9. Electronic funds transfer. Electronic funds transfer of governmental benefits for a federal, state, county or governmental agency by a contractor on behalf of the United States or a department, agency or instrumentality of the United States or on behalf of a state

or governmental subdivision, agency or instrumentality of the United States;

10. Board of trade. A board of trade designated as a contract market under the federal Commodity Exchange Act, 7 United States Code, Sections 1 to 25 or a person that, in the ordinary course of business, provides clearance and settlement services for a board of trade to the extent of its operation as or for such a board;

11. Futures commission merchant. A registered futures commission merchant under the federal commodities laws to the extent of its operation as such a merchant;

12. Securities broker-dealer. A person registered as a securities broker-dealer under federal or state securities laws to the extent of its operation as such a broker-dealer;

13. Employee. An individual employed by a licensee, authorized delegate or person exempted from the licensing requirements of this Act when acting within the scope of employment and under the supervision of the licensee, authorized delegate or exempted person as an employee and not as an independent contractor;

14. Service provider. A person expressly appointed as a 3rd-party service provider to or agent of an entity exempt under subsection 7, solely to the extent that:

A. The service provider or agent is engaging in money transmission on behalf of and pursuant to a written agreement with the exempt entity that sets forth the specific functions that the service provider or agent is to perform; and

B. The exempt entity assumes all risk of loss and all legal responsibility for satisfying the outstanding money transmission obligations owed to purchasers and holders of the outstanding money transmission obligations upon receipt of the purchaser's or holder's money or monetary value by the service provider or agent;

15. Payroll processor. A payroll processor licensed under Title 10, chapter 222; or

16. Regulation, rule or order. A person exempt by regulation, rule or order if the administrator finds the exemption to be in the public interest and that the regulation of the person is not necessary for the purposes of this Act.

§6075. Authority to require demonstration of exemption

The administrator may require that a person claiming to be exempt from licensing pursuant to section 6074 provide information and documentation to the administrator demonstrating that the person qualifies for a claimed exemption.

SUBCHAPTER 4
IMPLEMENTATION; CONFIDENTIALITY;
INVESTIGATIONS; RELATIONSHIP TO
FEDERAL LAW

§6078. Implementation

In order to carry out the purposes of this Act, the administrator may, subject to the provisions of section 6080, subsections 1 and 2:

1. Licensing. Require licensing under this Act through NMLS. The administrator is authorized to participate in the nationwide mortgage licensing system and registry;

2. Agreements. Enter into agreements or relationships with other government officials or federal and state regulatory agencies and regulatory associations in order to improve efficiencies and reduce regulatory burden by standardizing methods or procedures and sharing resources, records or related information obtained under this Act;

3. Examination and investigation. Use, hire, contract or employ analytical systems, methods or software to examine or investigate any person subject to this Act;

4. Reports. Accept from state or federal government agencies or officials licensing, examination or investigation reports made by those state or federal government agencies or officials; and

5. Audit reports. Accept audit reports made by an independent certified public accountant or other qualified 3rd-party auditor for an applicant or licensee and incorporate the audit report in a report of examination or investigation.

§6079. Administrative authority

The administrator has the authority to administer, interpret and enforce this Act, to adopt rules implementing this Act and to recover the cost of administering and enforcing this Act by imposing and collecting proportionate and equitable fees associated with applications, examinations, investigations and other actions required to achieve the purposes of this Act.

§6080. Confidentiality

Information confidentiality and disclosure is governed by this section.

1. Confidentiality and prohibited disclosure. Except as otherwise provided in subsection 2, all information or reports obtained by the administrator from an applicant for a license, licensee or authorized delegate and all information contained in or related to an examination, investigation, operating report or condition report prepared by, on behalf of or for the use of the administrator, or financial statements, balance sheets or authorized delegate information, are confidential and are not subject to disclosure under Title 1, chapter 13.

2. Authorized disclosure. The administrator may disclose information not otherwise subject to disclosure under subsection 1 to representatives of state or federal agencies who certify in a record that they will maintain the confidentiality of the information or if the administrator finds that the release is reasonably necessary for the protection and interest of the public.

3. Licensees. This section does not prohibit the administrator from disclosing to the public a list of all licensees or the aggregated financial or transactional data concerning those licensees.

4. Public information. Information contained in the records of the bureau that is not confidential and may be made available to the public either on the bureau's publicly accessible website, upon receipt by the bureau of a written request, or in NMLS includes:

- A. The name, business address, telephone number and unique identifier of a licensee;
- B. The business address of a licensee's registered agent for service;
- C. The name, business address and telephone number of each authorized delegate;
- D. The terms of or a copy of a bond filed by a licensee, as long as confidential information, including but not limited to prices and fees for that bond, is redacted;
- E. Copies of nonconfidential final orders of the bureau relating to a violation of this Act or rules implementing this Act; and
- F. Imposition of an administrative fine or penalty under this Act.

§6081. Investigations

Investigations by the administrator are governed by this section.

1. Examination. The administrator may conduct an examination or investigation of a licensee or authorized delegate or otherwise take independent action authorized by this Act or by a rule adopted or order issued under this Act as reasonably necessary or appropriate to administer and enforce this Act, rules implementing this Act and other applicable law, including the Bank Secrecy Act and the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, Public Law 107-56, 115 Stat. 272. The administrator may:

- A. Conduct an examination of a licensee's business either on-site or off-site as the administrator may reasonably require;
- B. Conduct an examination in conjunction with an examination conducted by representatives of agencies of the State or agencies of another state or of the Federal Government;

C. Accept the examination report of an agency of the State or an agency of another state or of the Federal Government or a report prepared by an independent accounting firm, which on being accepted is considered for all purposes as an official report of the administrator; and

D. Summon and examine under oath a key individual or employee of a licensee or authorized delegate and require a key individual or employee to produce records regarding any matter related to the condition and business of the licensee or authorized delegate.

2. Records. A licensee or authorized delegate shall provide, and the administrator may have full and complete access to, all records the administrator may reasonably require to conduct a complete examination. The records must be provided at the location and in the format specified by the administrator, and the administrator may use multistate record production standards and examination procedures when such standards and procedures will reasonably achieve the requirements of this subsection.

3. Costs. Unless otherwise directed by the administrator, a licensee shall pay all costs reasonably incurred in connection with an examination of the licensee or the licensee's authorized delegates.

§6082. Networked supervision

Networked supervision by the administrator is governed by this section.

1. Multistate supervision. To efficiently and effectively administer and enforce this Act and to minimize regulatory burden, the administrator is authorized to participate in multistate supervisory processes established between states and coordinated through the Conference of State Bank Supervisors, the Money Transmitter Regulators Association and affiliates or successors of the conference and association for all licensees that hold licenses in this State and other states. As a participant in multistate supervision, the administrator shall:

A. Cooperate, coordinate and share information with other state and federal regulators in accordance with section 6080;

B. Enter into written cooperation, coordination or information-sharing contracts or agreements with organizations whose memberships are made up of state or federal government agencies; and

C. Cooperate, coordinate and share information with organizations whose memberships are made up of state or federal government agencies, as long as the organizations agree in writing to maintain the confidentiality and security of the shared information in accordance with section 6080.

2. Enforcement authority. The administrator may not waive, and nothing in this section constitutes a waiver of, the administrator's authority to conduct an examination or investigation or otherwise take independent action authorized by this Act or by a rule adopted or order issued under this Act to enforce compliance with applicable state or federal law.

3. Joint examination. A joint examination or investigation or acceptance of an examination or investigation report does not waive an examination assessment provided for in this Act.

§6083. Relationship to federal law

State money transmission jurisdiction is governed by this section.

1. Governance. If state money transmission jurisdiction is conditioned on a federal law, any inconsistency between a provision of this Act and the federal law governing money transmission is governed by the applicable federal law to the extent of the inconsistency.

2. Guidance. If there is an inconsistency between this Act and a federal law that governs pursuant to subsection 1, the administrator may provide interpretive guidance that identifies the inconsistency and identifies the appropriate means of compliance with federal law.

§6084. Prohibited practices

It is a violation of this Act for a licensee, executive officer, responsible individual or other person subject to this Act in connection with money transmission to:

1. Defraud or mislead. Directly or indirectly employ any scheme, device or artifice to defraud or mislead any person, including but not limited to engaging in bait and switch advertising or sales practices;

2. Unfair acts. Directly or indirectly engage in any unfair, deceptive or abusive act or practice toward any person, including but not limited to any false or deceptive statement about fees or other terms of money transmission or currency exchange;

3. Fraud or misrepresentation. Directly or indirectly obtain property by fraud or misrepresentation;

4. False information. Make, publish or disseminate any false, deceptive or misleading information;

5. Property for personal use. Receive or take possession for personal use of property of a money transmission business, other than in payment for services rendered, and with intent to defraud or to omit to make or cause or direct to omit to make a full and true entry in the books and accounts of the money transmission business;

6. False entries. Make or concur in making any false entry or omit or concur in omitting any material entry in the books or accounts of a money transmission business;

7. False reports. Knowingly make or publish to the administrator or concur in making or publishing to the administrator any written report, exhibit or statement of a money transmission business's affairs or pecuniary condition containing any material statement that is false or omit or concur in omitting any statement required by law to be contained in such a written report, exhibit or statement; or

8. Failure to report. Fail to make any report or statement lawfully required by the administrator or other public official.

SUBCHAPTER 5

MONEY TRANSMISSION LICENSES

§6087. License required

A person may not engage in the business of money transmission or advertise, solicit or hold itself out as providing money transmission unless the person is licensed under this Act.

1. Exemption. This section does not apply to:

A. A person that is an authorized delegate of a person licensed under this Act acting within the scope of authority conferred by a written contract with the licensee; or

B. A person that is exempt pursuant to section 6074 and does not engage in money transmission outside the scope of such exemption.

2. Transfer or assignment. A license issued under section 6091 is not transferable or assignable.

§6088. Consistent state licensing

Consistent licensing between the State and other states is governed by this section.

1. Authorization. To establish consistent licensing between the State and other states, the administrator may:

A. Implement all licensing provisions of this Act in a manner that is consistent with other states that have adopted this Act; and

B. Participate in nationwide protocols for licensing cooperation and coordination among state regulators as long as such protocols are consistent with this Act.

2. Relationships and contracts. In order to fulfill the purposes of this Act, the administrator may establish relationships or contracts with NMLS or other entities designated by NMLS to enable the administrator to:

A. Collect and maintain records;

B. Coordinate multistate licensing processes and supervision processes;

C. Process fees; and

D. Facilitate communication between this State and licensees or other persons subject to this Act.

3. NMLS licensing. The administrator may use NMLS for all aspects of licensing in accordance with this Act, including but not limited to license applications, applications for acquisitions of control, surety bonds, reporting, criminal history background checks, credit checks, fee processing and examinations.

4. NMLS forms, processes and functionalities. The administrator may use NMLS forms, processes and functionalities in accordance with this Act. If NMLS does not provide forms, processes or functionality for a provision of this Act, the administrator may strive to implement the requirements in a manner that facilitates uniformity with respect to licensing, supervision, reporting and regulation of licensees that are licensed in multiple jurisdictions.

5. Waive or modify requirements. The administrator may waive or modify by rule any or all of the requirements, in whole or in part, and establish new requirements as reasonably necessary to participate in NMLS.

§6089. Application for license

License applications are governed by this section.

1. Forms. An applicant for a license shall apply in a form and in a medium as prescribed by the administrator. Each form must contain content as set forth by law or rule and additional content determined by the administrator to be necessary to properly evaluate an application. The administrator may change or update forms and media in accordance with applicable law to carry out the purposes of this Act and maintain consistency with NMLS licensing standards and practices. The application must state or contain, as applicable:

A. The legal name and residential and business addresses of the applicant and any fictitious or trade name used by the applicant in conducting its business;

B. A list of any criminal convictions of the applicant and any material litigation in which the applicant has been involved in the 10-year period preceding the submission of the application;

C. A description of any money transmission previously provided by the applicant and the money transmission that the applicant seeks to provide in the State;

D. A list of the applicant's proposed authorized delegates and the locations in this State where the applicant and its authorized delegates propose to engage in money transmission;

E. A list of other states in which the applicant is licensed to engage in money transmission and any

license revocations or suspensions or other disciplinary action taken against the applicant in another state;

F. Information concerning any bankruptcy or receivership proceedings affecting the applicant or a person in control of an applicant;

G. A sample form of contract for authorized delegates, if applicable;

H. A sample form of payment instrument or stored value, if applicable;

I. The name and address of any federally insured depository financial institution through which the applicant plans to conduct money transmission; and

J. Any other information the administrator or NMLS reasonably requires with respect to the applicant.

2. Corporation, limited liability company, partnership or other legal entity. If an applicant is a corporation, limited liability company, partnership or other legal entity, the applicant, in addition to the application information under subsection 1, shall provide:

A. The date of the applicant's incorporation or formation and state or country of incorporation or formation;

B. If applicable, a certificate of good standing from the state or country in which the applicant is incorporated or formed;

C. A brief description of the structure or organization of the applicant, including any parents or subsidiaries of the applicant, and whether any parents or subsidiaries are publicly traded;

D. The legal name, any fictitious or trade name, all business and residential addresses and the employment of each key individual and person in control of the applicant, as applicable, in the 10-year period preceding the submission of the application;

E. A list of any criminal convictions and material litigation in which a person in control of the applicant that is not an individual has been involved in the 10-year period preceding the submission of the application;

F. A copy of audited financial statements of the applicant for the most recent fiscal year and for the 2-year period preceding the submission of the application or, if determined to be acceptable to the administrator, certified unaudited financial statements for the most recent fiscal year or other period acceptable to the administrator;

G. A certified copy of unaudited financial statements of the applicant for the most recent fiscal quarter;

H. If the applicant is a publicly traded corporation, a copy of the most recent report filed with the United States Securities and Exchange Commission under Section 13 of the federal Securities Exchange Act of 1934, 15 United States Code, Section 78m;

I. If the applicant is a wholly owned subsidiary of:

(1) A corporation publicly traded in the United States, a copy of audited financial statements for the parent corporation for the most recent fiscal year or a copy of the parent corporation's most recent report filed under the federal Securities Exchange Act of 1934, 15 United States Code, Section 78m; or

(2) A corporation publicly traded outside the United States, a copy of similar documentation filed with the regulator of the parent corporation's domicile outside the United States;

J. The name and address of the applicant's registered agent in this State; and

K. Any other information the administrator reasonably requires with respect to the applicant.

3. Waiver. The administrator may waive one or more requirements of subsections 1 and 2 or permit an applicant to submit other information in lieu of the required information. A waiver under this subsection is limited to one licensing period.

§6090. Information requirements for certain individuals

Information requirements for certain individuals are governed by this section.

1. Required information. An individual in control of a licensee or applicant, an individual that seeks to acquire control of a licensee and a key individual shall furnish to the administrator through NMLS the following items:

A. The individual's fingerprints for submission to the Federal Bureau of Investigation and the administrator for purposes of a national criminal history record check unless the individual resides outside of the United States and has resided outside of the United States for the last 10 years; and

B. Personal history and experience in a form and in a medium prescribed by the administrator, to obtain the following:

(1) An independent credit report from a consumer reporting agency unless the individual does not have a social security number, in which case this requirement is waived;

(2) Information related to any criminal convictions or pending charges; and

(3) Information related to any regulatory or administrative action and any civil litigation involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty or breach of contract.

2. Foreign residence. If the individual under subsection 1 has resided outside of the United States at any time in the last 10 years, the individual shall also provide an investigative background report prepared by an independent search firm that meets the following requirements:

- A. At a minimum, the independent search firm:
 - (1) Must demonstrate that it has sufficient knowledge and resources and employs accepted and reasonable methodologies to conduct the research of the investigative background report; and
 - (2) May not be affiliated with or have an interest with the individual it is researching; and

B. At a minimum, the investigative background report must be written in the English language and contain the following:

- (1) If available in the individual's jurisdiction of residency, a comprehensive credit report, or any equivalent information obtained or generated by the independent search firm to develop the report, including a search of the court data in the countries, provinces, states, cities, towns and contiguous areas where the individual resided and worked;
- (2) Criminal records information for the past 10 years, including but not limited to felonies, misdemeanors or similar convictions for violations of law in the countries, provinces, states, cities, towns and contiguous areas where the individual resided and worked;
- (3) Employment history;
- (4) Media history, including an electronic search of national and local publications, wire services and business applications; and
- (5) Financial services-related regulatory history, including but not limited to money transmission, securities, banking, insurance and mortgage-related industries.

§6091. Issuance of license

License issuance is governed by this section.

1. Complete application. When an application for an original license appears to include all the items and address all of the matters that are required under this subchapter, the application is complete and the administrator shall promptly notify the applicant of the date on which the application was determined to be complete and:

A. The administrator shall approve or deny the application within 120 days after the completion date; or

B. If the application is not approved or denied within 120 days after the completion date:

- (1) The application is approved; and
- (2) The license takes effect as of the first business day after expiration of the 120-day period.

The administrator for good cause may extend the application period.

2. Completion determination. A determination by the administrator that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items, including the criminal history record check response from the Federal Bureau of Investigation, and address all of the matters that are required. The determination is not an assessment of the substance of the application or of the sufficiency of the information provided.

3. Investigation. When an application is filed and considered complete under this section, the administrator shall investigate the applicant's financial condition and responsibility, financial and business experience, competence, character and general fitness. The administrator may conduct an on-site investigation of the applicant, the reasonable cost of which the applicant must pay. The administrator shall issue a license to an applicant under this subsection if the administrator finds that the following conditions have been fulfilled:

A. The applicant has complied with sections 6089 and 6090; and

B. The financial condition and responsibility, financial and business experience, competence, character and general fitness of the applicant and the competence, experience, character and general fitness of the key individuals and persons in control of the applicant indicate that it is in the interest of the public to permit the applicant to engage in money transmission.

4. Multistate licensing process. If an applicant avails itself of or is otherwise subject to a multistate licensing process:

A. The administrator may accept the investigation results of a lead investigative state for the purposes of subsection 3 if the lead investigative state has sufficient staffing, expertise and minimum standards; or

B. If the State is a lead investigative state, the administrator may investigate the applicant pursuant to subsection 3 and the time frames established by agreement through the multistate licensing process, as long as the time frames are compliant with the application period in subsection 1, paragraph A.

5. Notice of denial. The administrator shall issue a formal written notice of the denial of a license application within 30 days of the decision to deny the application. The administrator shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the administrator under this subsection may request a hearing on the issue in accordance with Title 5, chapter 375, subchapter 4.

6. License term. Except as provided in subsection 1, paragraph B, the initial license term begins on the day the application is approved. A license expires on December 31st of the year in which the license term began, unless the initial license date is between November 1st and December 31st, in which case the initial license term runs through December 31st of the following year.

7. Requirements. An applicant for a money transmission license must demonstrate that it meets or will meet the requirements in sections 6100-R, 6100-S and 6100-T.

§6092. Renewal of license

License renewal is governed by this section.

1. Annual renewal. A license under this Act may be renewed annually. The renewal term is for a period of one year and begins on January 1st of each year after the initial license term and expires on December 31st of the year the renewal term begins.

2. Renewal report. A licensee must submit a renewal report with the renewal fee, in a form and in a medium prescribed by the administrator. The renewal report must state or contain a description of each material change in information submitted by the licensee in its original license application that has not been reported to the administrator.

3. Renewal extension. The administrator for good cause may grant an extension of the renewal date.

4. Processing license renewals. The administrator may use NMLS to process license renewals as long as the license renewals are consistent with the requirements of this section.

§6093. Maintenance of license

License maintenance is governed by this section.

1. Suspension and revocation. If a licensee does not continue to meet the qualifications or satisfy the requirements that apply to an applicant for a new money transmission license, the administrator may suspend or revoke the licensee's license in accordance with the procedures established by this Act or other applicable state law.

2. Requirements. A money transmission licensee must at all times meet the requirements in sections 6100-R, 6100-S and 6100-T.

SUBCHAPTER 6

ACQUISITION OF CONTROL AND CHANGE OF KEY INDIVIDUAL

§6096. Acquisition of control of a licensee

Acquisition of control of a licensee is governed by this section.

1. Approval. A person or group of persons acting in concert seeking to acquire control of a licensee shall obtain the written approval of the administrator prior to acquiring control. An individual does not acquire control of a licensee and is not subject to this section when that individual becomes a key individual in the ordinary course of business.

2. Application. A person or group of persons acting in concert seeking to acquire control of a licensee shall, in cooperation with the licensee, submit an application in a form and in a medium prescribed by the administrator.

3. NMLS use. Upon request, the administrator may permit a licensee or the person or group of persons acting in concert seeking to acquire control of a licensee to submit some or all information required by the administrator pursuant to subsection 2 without using NMLS.

4. Required information. The application required by subsection 2 must include information required by section 6090 for any new key individuals that have not previously completed the requirements of section 6090 for a licensee.

5. Completion. When an application for acquisition of control of a licensee appears to include all the items and address all of the matters that are required, the application is complete and the administrator shall promptly notify the applicant of the date on which the application was determined to be complete and:

A. The administrator shall approve or deny the application within 60 days after the completion date; or

B. If the application is not approved or denied within 60 days after the completion date:

(1) The application is approved; and

(2) The person or group of persons acting in concert is not prohibited from acquiring control of a licensee.

The administrator for good cause may extend the application period.

6. Completion determination. A determination by the administrator that an application is complete and is accepted for processing means only that the application, on its face, appears to include all of the items and address all of the matters that are required. The determination is not an assessment of the substance of the application or of the sufficiency of the information provided.

7. Investigation. When an application is filed and considered complete under subsection 6, the administrator shall investigate the financial condition and responsibility, financial and business experience, competence, character and general fitness of the person or group of persons acting in concert seeking to acquire control of a licensee. The administrator shall approve an acquisition of control if the administrator finds that the following conditions have been fulfilled:

- A. The requirements of subsections 2 and 4 have been met, as applicable; and
- B. The financial condition and responsibility, financial and business experience, competence, character and general fitness of the person or group of persons acting in concert seeking to acquire control of a licensee and the competence, experience, character and general fitness of the key individuals and persons that would be in control of the licensee after the acquisition of control indicate that it is in the interest of the public to permit the person or group of persons acting in concert to control the licensee.

8. Multistate licensing process. If an applicant avails itself or is otherwise subject to a multistate licensing process:

- A. The administrator may accept the investigation results of a lead investigative state for the purposes of subsection 7 if the lead investigative state has sufficient staffing, expertise and minimum standards; or
- B. If the State is a lead investigative state, the administrator may investigate the applicant pursuant to subsection 7 and the time frames established by agreement through the multistate licensing process.

9. Notice of denial. The administrator shall issue a formal written notice of the denial of an application to acquire control of a licensee within 30 days of the decision to deny the application. The administrator shall set forth in the notice of denial the specific reasons for the denial of the application. An applicant whose application is denied by the administrator under this subsection may request a hearing on the issue in accordance with Title 5, chapter 375, subchapter 4.

10. Exemptions. The requirements of subsections 1 and 2 do not apply to the following:

- A. A person that acts as a proxy for the sole purpose of voting at a designated meeting of the shareholders or holders of voting shares or voting interests of a licensee or person in control of a licensee;
- B. A person that acquires control of a licensee by devise or descent;
- C. A person that acquires control of a licensee as a personal representative, custodian, guardian, conservator or trustee or as an officer appointed by a

court of competent jurisdiction or by operation of law;

- D. A person that is exempt under section 6074, subsection 7;
- E. A person that the administrator determines is not subject to subsection 1 based on the public interest;
- F. A public offering of securities of a licensee or a person in control of a licensee; or
- G. An internal reorganization of a person in control of the licensee for which the ultimate person in control of the licensee remains the same.

11. Acquisition notification. Persons in subsection 10, paragraphs B, C, D, F and G in cooperation with the licensee shall notify the administrator within 15 days after the acquisition of control.

12. Streamlined acquisition of control. Acquisition of control of a licensee may be streamlined in accordance with this subsection.

A. The requirements of subsections 1 and 2 do not apply to a person that has complied with and received approval to engage in money transmission under this Act or was identified as a person in control of a licensee in a prior application filed with and approved by the administrator or by an MSB accredited state pursuant to a multistate licensing process, as long as:

- (1) The person has not had a license revoked or suspended or controlled a licensee that has had a license revoked or suspended while the person was in control of the licensee in the previous 5 years;
- (2) If the person is a licensee, the person is well-managed and has received at least a satisfactory rating for compliance at its most recent examination by an MSB accredited state if such rating was given;
- (3) The licensee to be acquired is projected to meet the requirements of sections 6100-R, 6100-S and 6100-T after the acquisition of control is completed and, if the person acquiring control is a licensee, that licensee is also projected to meet the requirements of sections 6100-R, 6100-S and 6100-T after the acquisition of control is completed;
- (4) The licensee to be acquired will not implement any material changes to its business plan as a result of the acquisition of control and, if the person acquiring control is a licensee, that licensee also will not implement any material changes to its business plan as a result of the acquisition of control; and

(5) The person provides notice of the acquisition in cooperation with the licensee and attests to subparagraphs (1) to (4) in a form and in a medium prescribed by the administrator.

B. If the notice under paragraph A, subparagraph (5) is not denied within 30 days of the date on which the notice is determined to be complete, the notice is deemed approved.

13. Determination. Before filing an application for approval to acquire control of a licensee, a person may request in writing a determination from the administrator as to whether the person would be considered a person in control of a licensee upon consummation of a proposed transaction. If the administrator determines that the person would not be a person in control of a licensee, the person and transaction are not subject to the requirements of subsections 1 and 2.

14. Multistate licensing process. If a multistate licensing process includes a determination pursuant to subsection 13 and an applicant avails itself or is otherwise subject to the multistate licensing process:

A. The administrator may accept the control determination of a lead investigative state with sufficient staffing, expertise and minimum standards for the purposes of subsection 13; or

B. If the State is a lead investigative state, the administrator may investigate the applicant pursuant to subsection 13 and the time frames established by agreement through the multistate licensing process.

§6097. Notice and information requirements for change of key individuals

Notice and information requirements for a change of key individuals is governed by this section.

1. Licensee adding or replacing key individual.

A licensee adding or replacing a key individual shall:

A. Provide notice in a manner prescribed by the administrator within 15 days of the effective date of the key individual's appointment; and

B. Provide information as required by section 6090 within 45 days of the effective date of the key individual's appointment.

2. Notice of disapproval. Within 90 days of the date on which the notice provided pursuant to subsection 1 is determined to be complete, the administrator may issue a notice of disapproval of a key individual if the competence, experience, character or integrity of the individual indicates that it would not be in the best interests of the public or the customers of the licensee to permit the individual to be a key individual of the licensee.

3. Basis of disapproval. A notice of disapproval must contain a statement of the basis for disapproval

and be sent to the licensee and the disapproved individual. An applicant whose application is denied by the administrator under this section may request a hearing on the issue in accordance with Title 5, chapter 375, subchapter 4.

4. Approval. If the notice provided pursuant to subsection 1 is not disapproved within 90 days of the date on which the notice is determined to be complete, the key individual is deemed approved.

5. Multistate licensing process. If a multistate licensing process includes a key individual notice review and disapproval process pursuant to this section and the licensee avails itself or is otherwise subject to the multistate licensing process:

A. The administrator may accept the determination of another state if the investigating state has sufficient staffing, expertise and minimum standards for the purposes of this section; or

B. If the State is a lead investigative state, the administrator may investigate the applicant pursuant to subsection 2 and the time frames established by agreement through the multistate licensing process.

SUBCHAPTER 7

REPORTING AND RECORDS

§6100. Report of condition

Condition reporting is governed by this section.

1. Report. A licensee shall submit a report of condition within 45 days of the end of each calendar quarter or within any extended time as the administrator may prescribe.

2. Required information. The report of condition must include:

A. Financial information at the licensee level;

B. Nationwide and state-specific money transmission transaction information in every jurisdiction in the United States where the licensee is licensed to engage in money transmission;

C. Permissible investments maintenance reporting pursuant to section 6100-U;

D. Transaction destination country reporting for money received for transmission, if applicable. The information required by this paragraph is required to be included only in a report of condition submitted within 45 days of the end of the 4th calendar quarter; and

E. Any other information the administrator reasonably requires with respect to the licensee. The administrator may use NMLS for the submission of the report required by this section and may change or update as necessary the requirements of this section to carry out the purposes of this Act and maintain consistency with NMLS reporting.

§6100-A. Audited financials

Audited financial filing is governed by this section.

1. Required filing. A licensee shall, within 90 days of the end of each fiscal year or within any extended time as the administrator may prescribe, file with the administrator:

A. An audited financial statement of the licensee for the fiscal year prepared in accordance with generally accepted accounting principles in the United States; and

B. Any other information as the administrator may reasonably require.

2. Filing preparation. The audited financial statements required by this section must be prepared by an independent certified public accountant or independent public accountant who is satisfactory to the administrator.

3. Certificate of opinion. The audited financial statements required by this section must include or be accompanied by a certificate of opinion of the independent certified public accountant or independent public accountant who prepared the statements that is satisfactory in form and content to the administrator. If the certificate of opinion is qualified, the administrator may order the licensee to take any action the administrator may find necessary to enable the independent certified public accountant or independent public accountant to remove the qualification.

§6100-B. Authorized delegate reporting

Authorized delegate reporting is governed by this section.

1. Authorized delegate reports. A licensee shall submit a report regarding its authorized delegates within 45 days of the end of each calendar quarter. The administrator may use NMLS for the submission of the report required by this section as long as the report submission is consistent with the requirements of this section.

2. Required information. The authorized delegate report must include, at a minimum, each authorized delegate's:

- A. Company's legal name;
- B. Taxpayer employer identification number;
- C. Principal provider of money transmission;
- D. Physical address;
- E. Mailing address;
- F. Business conducted in other states, if any;
- G. Fictitious or trade name, if any;
- H. Contact person's name, telephone number and e-mail address;

I. Start date acting as licensee's authorized delegate; and

J. End date acting as licensee's authorized delegate, if applicable.

The administrator may request any other information the administrator reasonably requires with respect to the authorized delegate.

§6100-C. Reports of certain events

Event reporting is governed by this section.

1. Events requiring report within one day. A licensee shall file a report with the administrator within one business day after the licensee has reason to know of the occurrence of any of the following events:

A. The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 United States Code, Sections 101 to 110 for bankruptcy or reorganization;

B. The filing of a petition by or against the licensee for receivership, the commencement of any other judicial or administrative proceeding for the licensee's dissolution or reorganization or the making of a general assignment for the benefit of the licensee's creditors; or

C. The commencement of a proceeding to revoke or suspend the licensee's license in a state or country in which the licensee engages in business or is licensed.

2. Events requiring report within 3 days. A licensee shall file a report with the administrator within 3 business days after the licensee has reason to know of the occurrence of any of the following events:

A. The filing of a civil or criminal action against the licensee or a key individual or person in control of the licensee by a state or federal agency; or

B. The filing of a civil or criminal action against an authorized delegate by a state or federal agency.

§6100-D. Bank Secrecy Act reports

A licensee and an authorized delegate shall file all reports required by federal currency reporting, record-keeping and suspicious activity reporting requirements as set forth in the Bank Secrecy Act and other federal and state laws pertaining to money laundering. The timely filing of a complete and accurate report required under this section with the appropriate federal agency is deemed compliant with the requirements of this section.

§6100-E. Records

Records maintenance is governed by this section.

1. Required records. A licensee shall maintain for at least 3 years the following records for determining its compliance with this Act:

- A. A record of each outstanding money transmission obligation sold;
- B. A general ledger posted at least monthly containing all asset, liability, capital, income and expense accounts;
- C. Bank statements and bank reconciliation records;
- D. Records of outstanding money transmission obligations;
- E. Records of each outstanding money transmission obligation paid within the 3-year period;
- F. A list of the last known names and addresses of all of the licensee's authorized delegates; and
- G. Any other records the administrator may reasonably require by rule.

2. Form of records. The items specified in subsection 1 may be maintained in any form of record as long as the records can be viewed without special equipment and can be copied using methods commonly used in business.

3. Records outside this State. Records specified in subsection 1 may be maintained outside this State if they are made accessible to the administrator on 7 business days' notice.

4. Inspection. All records maintained by the licensee as required in subsections 1 to 3 are open to inspection by the administrator pursuant to section 6081, subsection 1.

SUBCHAPTER 8

AUTHORIZED DELEGATES

§6100-H. Relationship between licensee and authorized delegate

The relationship between licensees and authorized delegates is governed by this section.

1. Definition. For the purposes of this section, "remit" means to make direct payments of money to a licensee or its representative authorized to receive money or to deposit money in a bank in an account specified by the licensee.

2. Authorized delegate. Before a licensee may conduct business through an authorized delegate or allows a person to act as the licensee's authorized delegate, the licensee shall:

- A. Adopt, and update as necessary, written policies and procedures reasonably designed to ensure that the licensee's authorized delegates comply with applicable state and federal law;
- B. Enter into a written contract that complies with subsection 4; and

C. Conduct a reasonable risk-based background investigation sufficient for the licensee to determine whether the authorized delegate has complied and will likely comply with applicable state and federal law.

3. Compliance. An authorized delegate shall operate in full compliance with this Act.

4. Contract. The written contract required by subsection 2, paragraph B must be signed by the licensee and the authorized delegate and, at a minimum, must:

- A. Appoint the person signing the contract as the licensee's authorized delegate with the authority to conduct money transmission on behalf of the licensee;
- B. Set forth the nature and scope of the relationship between the licensee and the authorized delegate and the respective rights and responsibilities of the parties;
- C. Require the authorized delegate to agree to fully comply with all applicable state and federal laws, rules and regulations pertaining to money transmission, including this Act and laws and rules implementing this Act and relevant provisions of the Bank Secrecy Act and the federal Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001, Public Law 107-56, 115 Stat. 272;
- D. Require the authorized delegate to remit and handle money and monetary value in accordance with the terms of the contract between the licensee and the authorized delegate;
- E. Impose a trust on money and monetary value net of fees received for money transmission for the benefit of the licensee;
- F. Require the authorized delegate to prepare and maintain records as required by this Act or rules implementing this Act, or as reasonably requested by the administrator;
- G. Acknowledge that the authorized delegate consents to examination or investigation by the administrator;
- H. State that the licensee is subject to regulation by the administrator and that, as part of that regulation, the administrator may suspend or revoke an authorized delegate designation or require the licensee to terminate an authorized delegate designation;
- I. Acknowledge receipt of the written policies and procedures required under subsection 2, paragraph A; and
- J. Acknowledge that neither the licensee nor the authorized delegate may authorize subdelegates without the written consent of the administrator.

5. Suspended, revoked, surrendered or expired license. If a licensee's license is suspended, revoked, surrendered or expired, the licensee, within 5 business days, shall provide documentation to the administrator that the licensee has notified all applicable authorized delegates of the licensee whose names are filed with the administrator of the suspension, revocation, surrender or expiration of a license. Upon suspension, revocation, surrender or expiration of a license, applicable authorized delegates shall immediately cease to provide money transmission as an authorized delegate of the licensee.

6. Fees. An authorized delegate of a licensee holds in trust for the benefit of the licensee all money net of fees received from money transmission. If an authorized delegate commingles any funds received from money transmission with any other funds or property owned or controlled by the authorized delegate, all commingled funds and other property are considered held in trust in favor of the licensee in an amount equal to the amount of money net of fees received from money transmission.

7. Subdelegates. An authorized delegate may not use a subdelegate to conduct money transmission on behalf of a licensee.

§6100-I. Unauthorized activities

A person may not engage in the business of money transmission on behalf of a person not licensed under this Act or not exempt pursuant to subchapter 3. A person that engages in the business of money transmission on behalf of such a person provides money transmission to the same extent as if the person were a licensee and is jointly and severally liable with the unlicensed or nonexempt person.

SUBCHAPTER 9

**TIMELY TRANSMISSION REFUNDS;
DISCLOSURES**

§6100-L. Transmission

Money received for transmission is governed by this section.

1. Money forwarding. A licensee shall forward all money received for transmission in accordance with the terms of the agreement between the licensee and the sender unless the licensee has a reasonable belief or a reasonable basis to believe that the sender may be a victim of fraud or that a crime or violation of law, rule or regulation has occurred, is occurring or may occur.

2. Failure to forward. If a licensee fails to forward money received for transmission in accordance with this section, the licensee shall respond to inquiries by the sender with the reason for the failure unless providing a response would violate a state or federal law, rule or regulation.

§6100-M. Refunds

Refunds are governed by this section.

1. Applicability. This section does not apply to:

A. Money received for transmission subject to 12 Code of Federal Regulations, Part 1005, Subpart B; or

B. Money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

2. Refunds. A licensee shall refund to the sender within 10 days of receipt of the sender's written request for a refund all money received for transmission unless any of the following occurs:

A. The money has been forwarded within 10 days of the date on which the money was received for transmission;

B. Instructions have been given committing an equivalent amount of money to the person designated by the sender within 10 days of the date on which the money was received for transmission;

C. The agreement between the licensee and the sender instructs the licensee to forward the money at a time that is beyond 10 days of the date on which the money was received for transmission. If funds have not yet been forwarded in accordance with the terms of the agreement between the licensee and the sender, the licensee shall issue a refund in accordance with the other provisions of this section;

D. The refund is requested for a transaction that the licensee has not completed based on a reasonable belief or a reasonable basis to believe that a crime or violation of law, rule or regulation has occurred, is occurring or may occur; or

E. The refund request does not enable the licensee to identify the sender's name and address or telephone number or identify the particular transaction to be refunded if the sender has multiple transactions outstanding.

§6100-N. Receipts

Receipts are governed by this section.

1. Application. This section does not apply to:

A. Money received for transmission subject to 12 Code of Federal Regulations, Part 1005, Subpart B; or

B. Money received for transmission pursuant to a written agreement between the licensee and payee to process payments for goods or services provided by the payee.

2. Electronic receipts. For a transaction conducted in person, the receipt may be provided electron-

ically if the sender requests or agrees to receive an electronic receipt. For a transaction conducted electronically or by phone, a receipt may be provided electronically. All electronic receipts must be provided in a retainable form.

3. Money transmission receipts. A licensee or its authorized delegate shall provide the sender a receipt for money received for transmission.

A. The receipt required by this section must contain the following information, as applicable:

- (1) The name of the sender;
- (2) The name of the designated recipient;
- (3) The date of the transaction;
- (4) The unique transaction or identification number;
- (5) The name of the licensee, the licensee's NMLS unique identifier, the licensee's business address and the licensee's customer service telephone number;
- (6) The amount of the transaction in United States dollars;
- (7) Any fees charged by the licensee to the sender for the transaction; and
- (8) Any taxes collected by the licensee from the sender for the transaction.

B. The receipt required by this section must be in English and in the language principally used by the licensee or authorized delegate to advertise, solicit or negotiate, either orally or in writing, for a transaction conducted in person, electronically or by phone, if other than English.

For purposes of this section, "receipt" means a paper receipt, electronic record or other written confirmation.

§6100-O. Notice of contact information

A licensee or authorized delegate shall include on a receipt or disclose on the licensee's publicly accessible website or mobile application the name and telephone number of the bureau and a statement that the licensee's customers may contact the bureau with questions or complaints about the licensee's money transmission services.

SUBCHAPTER 10

PRUDENTIAL STANDARDS

§6100-R. Net worth

Net worth requirements are governed by this section.

1. Tangible net worth. A licensee under this Act shall maintain at all times a tangible net worth of the greater of \$100,000 and 3% of total assets for the first

\$100,000,000, 2% of additional assets for \$100,000,000 to \$1,000,000,000 and 0.5% of additional assets for over \$1,000,000,000.

2. Financial statements. Tangible net worth must be demonstrated at initial application by the applicant's most recent audited or unaudited financial statements pursuant to section 6089, subsection 2, paragraph F.

3. Exemption. Notwithstanding the provisions of this section, the administrator may, for good cause shown, exempt, in whole or in part, from the requirements of this section any applicant or licensee.

§6100-S. Surety bond

Surety bond requirements are governed by this section.

1. Security. An applicant for a money transmission license shall provide, and a licensee at all times shall maintain, security consisting of a surety bond in a form satisfactory to the administrator or, with the administrator's approval, a deposit instead of a bond in accordance with this section.

2. Amount. The amount of the required security is \$100,000.

3. Exceeding maximum required bond amount. A licensee may exceed the maximum required bond amount pursuant to section 6100-T, subsection 1.

§6100-T. Maintenance of permissible investments

Permissible investment maintenance is governed by this section.

1. Investment requirements. A licensee shall maintain at all times permissible investments that have a market value computed in accordance with generally accepted accounting principles in the United States of not less than the aggregate amount of all of its outstanding money transmission obligations.

2. Investment limits. Except for permissible investments enumerated in section 6100-U, subsection 1, the administrator, with respect to any licensee, may by rule or order limit the extent to which a specific investment maintained by a licensee within a class of permissible investments may be considered a permissible investment, if the specific investment represents undue risk to customers, not reflected in the market value of investments.

3. Trusts. Permissible investments, even if commingled with other assets of the licensee, are held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations in the event of insolvency, the filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 United States Code, Sections 101 to 110 for bankruptcy or reorganization, the filing of a petition by or against the licensee for receivership or the com-

mencement of any other judicial or administrative proceeding for its dissolution or reorganization or in the event of an action by a creditor against the licensee who is not a beneficiary of this statutory trust. A permissible investment impressed with a trust pursuant to this section may not be subject to attachment, levy of execution or sequestration by order of any court, except for a beneficiary of this statutory trust.

4. Notice. Upon the establishment of a statutory trust in accordance with subsection 3 or when any funds are drawn on a letter of credit pursuant to section 6100-U, subsection 1, paragraph D, the administrator shall notify the applicable regulator of each state in which the licensee is licensed to engage in money transmission, if any, of the establishment of the trust or the funds drawn on the letter of credit, as applicable. Notice is deemed satisfied if performed pursuant to a multistate agreement or through NMLS. Funds drawn on a letter of credit, and any other permissible investments held in trust for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations, are deemed held in trust for the benefit of such purchasers and holders on a pro rata and equitable basis in accordance with statutes pursuant to which permissible investments are required to be held in this State, and other states, as applicable. A statutory trust established pursuant to this subsection is terminated upon extinguishment of all of the licensee's outstanding money transmission obligations.

5. Other investments. The administrator by rule or order may allow other types of investments that the administrator determines are of sufficient liquidity and quality to be a permissible investment. The administrator may participate in efforts with other state regulators to determine that other types of investments are of sufficient liquidity and quality to be a permissible investment.

§6100-U. Permissible investments

Permissible investments are governed by this section.

1. Types of permissible investments. The following investments are permissible under section 6100-T:

A. Cash, including demand deposits, savings deposits and funds in such accounts held for the benefit of the licensee's customers in a federally insured depository financial institution, and cash equivalents, including automated clearinghouse items in transit to the licensee and automated clearinghouse items or international wires in transit to a payee, cash in transit via armored car, cash in so-called smart safes, cash in licensee-owned locations, debit card or credit card-funded transmission receivables owed by any bank or money market mutual funds rated "AAA" by S&P Global Ratings

or successor organization, or the equivalent from any other eligible rating service;

B. Certificates of deposit or senior debt obligations of an insured depository institution, as defined in the Federal Deposit Insurance Act, 12 United States Code, Section 1813(c)(2) or as described under the Federal Credit Union Act, 12 United States Code, Section 1751 et seq.;

C. An obligation of the United States or a commission, agency or instrumentality of the United States; an obligation that is guaranteed fully as to principal and interest by the United States; or an obligation of a state or a governmental subdivision, agency or instrumentality of the United States; and

D. The full drawable amount of an irrevocable standby letter of credit, for which the stated beneficiary is the administrator, that stipulates that the beneficiary need only draw a sight draft under the letter of credit and present it to obtain funds up to the letter of credit amount within 7 days of presentation of the items required by subparagraph (3).

(1) The letter of credit:

(a) Must be issued by a federally insured depository financial institution, a foreign bank that is authorized under federal law to maintain a federal agency or federal branch office in a state or states or a foreign bank that is authorized under state law to maintain a branch in a state that bears an eligible rating or whose parent company bears an eligible rating and is regulated, supervised and examined by federal or state authorities in the United States having regulatory authority over banks, credit unions and trust companies;

(b) Must be irrevocable and unconditional and indicate that it is not subject to any condition or qualifications outside of the letter of credit;

(c) May not contain reference to any other agreements, documents or entities or otherwise provide for any security interest in the licensee; and

(d) Must contain an issue date and expiration date and expressly provide for automatic extension, without a written amendment, for an additional period of one year from any current or future expiration date, unless the issuer of the letter of credit notifies the administrator in writing by certified or registered mail or courier mail or other receipted means, at least 60 days

prior to the expiration date, that the irrevocable letter of credit will not be extended.

(2) If a notice of expiration or nonextension of a letter of credit is issued under subparagraph (1), division (d), the licensee shall demonstrate to the satisfaction of the administrator, 15 days prior to expiration, that the licensee maintains and will maintain permissible investments in accordance with section 6100-T, subsection 1 upon the expiration of the letter of credit. If the licensee is not able to do so, the administrator may draw on the letter of credit in an amount up to the amount necessary to meet the licensee's requirements to maintain permissible investments in accordance with section 6100-T, subsection 1. Such a draw must be offset against the licensee's outstanding money transmission obligations. The drawn funds must be held in trust by the administrator or the administrator's designated agent, to the extent authorized by law, as agent for the benefit of the purchasers and holders of the licensee's outstanding money transmission obligations.

(3) The letter of credit must state that the issuer of the letter of credit will honor, at sight, a presentation made by the beneficiary to the issuer of the following documents on or prior to the expiration date of the letter of credit:

(a) The original letter of credit, including any amendments; and

(b) A written statement from the beneficiary stating that any of the following events have occurred:

(i) The filing of a petition by or against the licensee under the United States Bankruptcy Code, 11 United States Code, Sections 101 to 110 for bankruptcy or reorganization;

(ii) The filing of a petition by or against the licensee for receivership or the commencement of any other judicial or administrative proceeding for the dissolution or reorganization of the licensee;

(iii) The seizure of assets of a licensee by an administrator pursuant to an emergency order issued in accordance with applicable law, on the basis of an action, violation or condition that has caused or is likely to cause the insolvency of the licensee; or

(iv) The beneficiary has received notice of expiration or nonextension of a letter of credit and the licensee

failed to demonstrate to the satisfaction of the beneficiary that the licensee will maintain permissible investments in accordance with section 6100-T, subsection 1 upon the expiration or nonextension of the letter of credit.

(4) The administrator may designate an agent to serve on the administrator's behalf as beneficiary to a letter of credit as long as the agent and letter of credit meet requirements established by the administrator. The administrator's agent may serve as agent for multiple licensing authorities for a single irrevocable letter of credit if the proceeds of the drawable amount for the purposes of this paragraph are assigned to the administrator.

(5) The administrator may participate in multistate processes designed to facilitate the issuance and administration of letters of credit, including but not limited to services provided by NMLS and the State Regulatory Registry LLC or successor organization.

2. Investment limits. Unless permitted by the administrator by rule or order to exceed the limit as set forth in this subsection, the following investments are permissible under section 6100-T to the extent specified.

A. Receivables that are payable to a licensee from its authorized delegates in the ordinary course of business that are less than 7 days old are permissible up to 50% of the aggregate value of the licensee's total permissible investments.

B. Of the receivables permissible under paragraph A, receivables that are payable to a licensee from a single authorized delegate in the ordinary course of business may not exceed 10% of the aggregate value of the licensee's total permissible investments.

C. The following investments are permissible up to 20% per category and combined up to 50% of the aggregate value of the licensee's total permissible investments:

(1) A short-term investment, up to 6 months in duration, bearing an eligible rating;

(2) Commercial paper bearing an eligible rating;

(3) A bill, note, bond or debenture bearing an eligible rating;

(4) United States tri-party repurchase agreements collateralized at 100% or more with United States government or agency securities, municipal bonds or other securities bearing an eligible rating;

(5) Money market mutual funds rated less than "AAA" and equal to or higher than "A-" by S&P Global Ratings or successor organization, or the equivalent from any other eligible rating service; and

(6) A mutual fund or other investment fund composed exclusively of one or more permissible investments listed in subsection 1, paragraphs A to C.

D. Cash, including demand deposits, savings deposits and funds in such accounts held for the benefit of the licensee's customers, at foreign depository institutions is permissible up to 10% of the aggregate value of the licensee's total permissible investments if the licensee has received a satisfactory rating in its most recent examination and the foreign depository institution:

(1) Has an eligible rating;

(2) Is registered under the federal foreign account tax compliance laws under the federal Hiring Incentives to Restore Employment Act, Title V, Subtitle A;

(3) Is not located in a country subject to sanctions from the United States Department of the Treasury, Office of Foreign Assets Control; and

(4) Is not located in a high-risk or noncooperative jurisdiction as designated by the Financial Action Task Force or successor organization.

SUBCHAPTER 11
ENFORCEMENT

§6100-X. Suspension and revocation

License suspension and revocation are governed by this section.

1. License suspension and revocation. The administrator may suspend or revoke a license or order a licensee to revoke the designation of an authorized delegate if:

A. The licensee violates this Act or a rule adopted or an order issued under this Act;

B. The licensee does not cooperate with an examination or investigation by the administrator;

C. The licensee engages in fraud, intentional misrepresentation or gross negligence;

D. An authorized delegate is convicted of a violation of a state or federal anti-money laundering statute or violates a rule adopted or an order issued under this Act as a result of the licensee's willful misconduct or willful blindness;

E. The competence, experience, character or general fitness of the licensee, authorized delegate, person in control of a licensee, key individual or responsible person of the authorized delegate indicates that it is not in the public interest to permit the person to provide money transmission;

F. The licensee engages in an unsafe or unsound practice;

G. The licensee is insolvent, suspends payment of its obligations or makes a general assignment for the benefit of its creditors; or

H. The licensee does not remove an authorized delegate after the administrator issues and serves upon the licensee a final order including a finding that the authorized delegate has violated this Act.

2. Determination. In determining whether a licensee is engaging in an unsafe or unsound practice under subsection 1, paragraph F, the administrator may consider the size and condition of the licensee's money transmission, the magnitude of the loss, the gravity of the violation of this Act and the previous conduct of the person involved.

§6100-Y. Suspension and revocation of authorized delegates

Authorized delegate suspension and revocation are governed by this section.

1. Designation suspension and revocation. The administrator may issue an order suspending or revoking the designation of an authorized delegate if the administrator finds that:

A. The authorized delegate violates this Act or a rule adopted or an order issued under this Act;

B. The authorized delegate does not cooperate with an examination or investigation by the administrator;

C. The authorized delegate engages in fraud, intentional misrepresentation or gross negligence;

D. The authorized delegate is convicted of a violation of a state or federal anti-money laundering statute;

E. The competence, experience, character or general fitness of the authorized delegate or a person in control of the authorized delegate indicates that it is not in the public interest to permit the authorized delegate to provide money transmission; or

F. The authorized delegate engages in an unsafe or unsound practice.

2. Determination. In determining whether an authorized delegate is engaging in an unsafe or unsound practice, the administrator may consider the size and condition of the authorized delegate's provision of money transmission, the magnitude of the loss, the

gravity of the violation of this Act or a rule adopted or order issued under this Act and the previous conduct of the authorized delegate.

3. Relief. An authorized delegate may apply for relief from a suspension or revocation of designation as an authorized delegate according to procedures prescribed by the administrator.

§6100-Z. Orders to cease and desist

Orders to cease and desist are governed by this section.

1. Order issuance. If the administrator determines that a violation of this Act or a rule adopted or an order issued under this Act by a licensee or authorized delegate is likely to cause immediate and irreparable harm to the licensee, its customers or the public as a result of the violation, or cause insolvency or significant dissipation of assets of the licensee, the administrator may issue an order requiring the licensee or authorized delegate to cease and desist from the violation. The order becomes effective upon its service upon the licensee or authorized delegate.

2. Authorized delegate. The administrator may issue an order against a licensee to cease and desist from providing money transmission through an authorized delegate that is the subject of a separate order by the administrator.

3. Administrative proceeding. An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to Title 5, chapter 375.

4. Petition. A licensee or an authorized delegate that is served with an order to cease and desist may petition the Superior Court for a judicial order setting aside, limiting or suspending the enforcement, operation or effectiveness of the order pending the completion of an administrative proceeding pursuant to Title 5, chapter 375.

5. Expiration. An order to cease and desist expires unless the administrator commences an administrative proceeding within 10 days after the order is issued.

§6100-AA. Consent agreements

The administrator may enter into a consent agreement at any time with a person to resolve a matter arising under this Act or a rule adopted or order issued under this Act. A consent agreement must be signed by the person to whom it is issued or by the person's authorized representative and must indicate agreement with the terms contained in the agreement. A consent agreement may contain a provision that it does not constitute an admission by a person that this Act or a rule adopted or order issued under this Act has been violated. A consent agreement may be entered into only with the consent of the applicant, licensee or registrant;

the administrator; and the Attorney General. A remedy, penalty or fine that is otherwise available by law, even if only in the jurisdiction of the Superior Court, may be achieved by consent agreement, including long-term suspension and permanent revocation of a license and revocation of a designation of an authorized delegate. A consent agreement is not subject to review or appeal and may be modified only by a writing executed by all parties to the original consent agreement. A consent agreement is enforceable by an action in Superior Court.

§6100-BB. Criminal penalties

Criminal penalties for violations of this Act are governed by this section.

1. False records. A person that intentionally makes a false statement, misrepresentation or false certification in a record filed or required to be maintained under this Act or that intentionally makes a false entry or omits a material entry in such a record is guilty of a Class D crime.

2. Unlicensed activity; no more than \$1,000 in compensation. A person that knowingly engages in an activity for which a license is required under this Act without being licensed under this Act and who receives no more than \$1,000 in compensation within a 30-day period from this activity is guilty of a Class D crime.

3. Unlicensed activity; more than \$1,000 but no more than \$10,000 in compensation. A person that knowingly engages in an activity for which a license is required under this Act without being licensed under this Act and that receives more than \$1,000 but no more than \$10,000 in compensation within a 30-day period from this activity is guilty of a Class C crime.

4. Unlicensed activity; more than \$10,000 in compensation. A person that knowingly engages in an activity for which a license is required under this Act without being licensed under this Act and that receives more than \$10,000 in compensation within a 30-day period from this activity is guilty of a Class B crime.

§6100-CC. Civil penalties

The administrator may assess a civil penalty against a person that violates this Act or a rule adopted or an order issued under this Act in an amount not to exceed \$1,000 per day for each day the violation is outstanding, plus this State's costs and expenses for the investigation and prosecution of the matter, including reasonable attorney's fees.

§6100-DD. Unlicensed persons

Orders to cease and desist for unlicensed persons are governed by this section.

1. Order. If the administrator has reason to believe that a person has violated or is violating section 6087, the administrator may issue an order to show cause why an order to cease and desist should not be

issued requiring that the person cease and desist from the violation.

2. Temporary restraining order. In an emergency, the administrator may petition the Superior Court for the issuance of a temporary restraining order ex parte pursuant to the Maine Rules of Civil Procedure.

3. Effective date. An order to cease and desist becomes effective upon its service upon the person.

4. Administrative proceeding. An order to cease and desist remains effective and enforceable pending the completion of an administrative proceeding pursuant to Title 5, chapter 375.

5. Petition. A person that is served with an order to cease and desist for violating section 6087 may petition the Superior Court for a judicial order setting aside, limiting or suspending the enforcement, operation or effectiveness of the order pending the completion of an administrative proceeding pursuant to Title 5, chapter 375.

6. Expiration. An order to cease and desist expires unless the administrator commences an administrative proceeding within 10 days after the order is issued.

§6100-EE. Expenses of investigations and administrative hearings

A licensee shall reimburse the administrator for costs involved in investigating suspected violations of this Act and in bringing administrative proceedings or actions in court to enforce the terms of this Act.

SUBCHAPTER 12

MISCELLANEOUS PROVISIONS

§6100-HH. Uniformity of application and construction

In applying and construing this Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§6100-II. Adoption of rules

Rules adopted by the administrator pursuant to this Act are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

§6100-JJ. Treatment of fees

The administrator may set the fees under this Act by rule up to a maximum of \$2,500 for an initial license, \$1,000 for a license renewal and \$1,000 for the designation of an authorized delegate.

The aggregate of fees, examination expense reimbursements and other payments made under this Act is appropriated for the use of the administrator. Any balances of funds do not lapse but must be carried forward

to be expended for the same purposes in the following fiscal year.

§6100-KK. Multiple licenses

A person licensed under this Act is not required to obtain a separate license to engage in either the cashing of checks or the exchange of foreign currency in the State.

§6100-LL. Giving notice

When the giving of notice is required by this Act, for persons licensed in this State through NMLS or applying for licensing through NMLS, notice is considered complete when posted to the licensee's or applicant's site on NMLS.

SUBCHAPTER 13

VIRTUAL CURRENCY

§6100-OO. Definitions

For the purposes of this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Asymmetric cryptosystem. "Asymmetric cryptosystem" means an algorithm or series of algorithms that provide a secure key pair, a public key and a private key.

2. Control of virtual currency. "Control of virtual currency," when used in reference to a transaction or relationship involving virtual currency, means the power to execute unilaterally or prevent indefinitely a virtual currency transaction.

3. Digital signature. "Digital signature" means an electronic signature that transforms a message by using an asymmetric cryptosystem.

4. Exchange. "Exchange" means to assume control of virtual currency from or on behalf of a person, at least momentarily, to sell, trade or convert:

A. Virtual currency for money, bank credit or one or more forms of virtual currency; or

B. Money or bank credit for one or more forms of virtual currency.

5. Private key. "Private key" means the key of a key pair used to verify a digital signature.

6. Public key. "Public key" means the key of a key pair used to create a digital signature.

7. Transfer. "Transfer" means to assume control of virtual currency from or on behalf of a person and to:

A. Credit the virtual currency to the account of another person;

B. Move the virtual currency from one account of a person to another account of the same person; or

C. Relinquish control of virtual currency to another person.

8. Unhosted wallet. "Unhosted wallet" means a wallet that is owned, held or controlled by an individual owner other than a 3rd party or a custodian. "Unhosted wallet" also means a wallet that is not owned, held or controlled by a licensee or a supervised financial organization as defined in Title 9-A, section 1-301, subsection 38-A.

9. United States dollar equivalent of virtual currency. "United States dollar equivalent of virtual currency" means the equivalent value of a particular virtual currency in United States dollars shown on a virtual currency exchange based in the United States for a particular date or period specified in this Act.

10. Virtual currency. "Virtual currency" means a digital representation of value that:

- A. Is used as a medium of exchange, unit of account or store of value; and
- B. Is not money, whether or not denominated in money.

"Virtual currency" does not include a transaction in which a merchant grants, as part of an affinity or rewards program, value that cannot be taken from or exchanged with the merchant for money, bank credit or virtual currency or a digital representation of value issued by or on behalf of a game publisher and used solely within an online game, game platform or family of games sold by the same publisher or offered on the same game platform.

11. Virtual currency administration. "Virtual currency administration" means issuing virtual currency with the authority to redeem the currency for money, bank credit or other virtual currency.

12. Virtual currency business activity. "Virtual currency business activity" means:

- A. Exchanging, transferring or storing virtual currency or engaging in virtual currency administration, whether directly or through an agreement with a virtual currency control-services vendor;
- B. Holding electronic precious metals or electronic certificates representing interests in precious metals on behalf of another person or issuing shares or electronic certificates representing interests in precious metals; or
- C. Exchanging one or more digital representations of value used within one or more online games, game platforms or family of games for:

 - (1) Virtual currency offered by or on behalf of the same game publisher from which the original digital representation of value was received; or

(2) Money or bank credit outside the online game, game platform or family of games offered by or on behalf of the same game publisher from which the original digital representation of value was received.

13. Virtual currency control-services vendor. "Virtual currency control-services vendor" means a person that has control of virtual currency solely under an agreement with a person that, on behalf of another person, assumes control of virtual currency.

14. Wallet. "Wallet" means a physical device, a writing, a receipt or any digital or electronic technology that allows an individual owner or a custodian the ability to directly or indirectly control a private key for a digital signature for the purpose of money transmission.

§6100-PP. Scope

The application of this subchapter is governed by this section.

1. Application. This subchapter does not apply to the exchange, transfer or storage of virtual currency or to virtual currency administration to the extent the federal Electronic Fund Transfer Act, 15 United States Code, Sections 1693 to 1693r, the federal Securities Exchange Act of 1934, 15 United States Code, Sections 78a to 78oo or the federal Commodity Exchange Act, 7 United States Code, Sections 1 to 27f govern the activity.

2. Exempt activity. This subchapter does not apply to activity by:

- A. A person that:

 - (1) Contributes only connectivity software or computing power to a decentralized virtual currency or to a protocol governing transfer of the digital representation of value;
 - (2) Provides only data storage or security services for a business engaged in virtual currency business activity and does not otherwise engage in virtual currency business activity on behalf of another person; or
 - (3) Provides only to a person otherwise exempt from this Act virtual currency as one or more enterprise solutions used solely between each other and has no agreement or relationship with a person that is an end user of virtual currency;
- B. A person using virtual currency, including creating, investing, buying or selling or obtaining virtual currency as payment for the purchase or sale of goods or services, solely:

 - (1) On the person's own behalf;
 - (2) For personal, family or household purposes; or

(3) For academic purposes;

C. A person whose virtual currency business activity with or on behalf of persons is reasonably expected to be valued, in the aggregate, on an annual basis at \$5,000 or less, measured by the United States dollar equivalent of virtual currency;

D. An attorney to the extent the attorney is providing escrow account services to a person;

E. A title insurance company to the extent the company is providing escrow account services to a person;

F. A securities intermediary, as defined in Title 11, section 8-1102, subsection (1), paragraph (n), or a commodity intermediary, as defined in Title 11, section 9-1102, subsection (17), that:

(1) Does not engage in the ordinary course of business in virtual currency business activity with or on behalf of a person in addition to maintaining securities accounts or commodities accounts and is regulated as a securities intermediary or commodity intermediary under federal law, law of this State other than this Act or the law of another state; and

(2) Affords a person protections comparable to those set forth in section 6100-SS;

G. A secured creditor under Title 11, article 9-A or creditor with a judicial lien or lien arising by operation of law on collateral that is virtual currency, if the virtual currency business activity of the creditor is limited to enforcement of the security interest or lien in compliance with the applicable law;

H. A virtual currency control-services vendor; or

I. A person that:

(1) Does not receive compensation from a person for providing virtual currency products or services or conducting virtual currency business activity; or

(2) Is engaged in testing products or services with the person's own funds.

3. Exemption determination. The administrator may determine that a person or class of persons, given facts particular to the person or class, is exempt from this Act, regardless of whether the person or class is covered by requirements imposed under federal law on an MSB.

§6100-QQ. License required for engaging in virtual currency business activity

Licensing for virtual currency business activity is governed by this section.

1. Licensing. A person may not engage in virtual currency business activity, or hold itself out as being

able to engage in virtual currency business activity, with or on behalf of another person unless the person is:

A. Licensed in this State by the administrator pursuant to section 6091; or

B. Exempt from licensing under section 6074.

2. Requirements. A person that is licensed to engage in virtual currency business activity is engaged in the business of money transmission and is subject to the requirements of this Act.

§6100-RR. Required disclosures

Licensee disclosures are governed by this section.

1. Licensee disclosures. A licensee that engages in virtual currency business activity shall provide to a person that uses the licensee's products or services the disclosures required by subsection 2 and any additional disclosure the administrator by rule determines reasonably necessary for the protection of persons. The administrator shall determine by rule the time and form required for disclosure. A disclosure required by this section must be made separately from any other information provided by the licensee and in a clear and conspicuous manner in a format the person may keep. A licensee may propose for the administrator's approval alternate disclosures as more appropriate for its virtual currency business activity with or on behalf of persons.

2. Relationship disclosures. Before establishing a virtual currency business activity relationship with a person, a licensee shall disclose, to the extent applicable to the virtual currency business activity the licensee will undertake with the person:

A. A schedule of fees and charges the licensee may assess, the manner by which fees and charges will be calculated if they are not set in advance and disclosed and the timing of the fees and charges;

B. Whether the product or service provided by the licensee is covered by:

(1) A form of insurance or is otherwise guaranteed against loss by an agency of the United States up to the full United States dollar equivalent of virtual currency purchased from the licensee or for control of virtual currency by the licensee as of the date of the placement or purchase, including the maximum amount provided by insurance under the Federal Deposit Insurance Corporation or otherwise available from the Securities Investor Protection Corporation or successor organization or, if not provided at the full United States dollar equivalent of virtual currency purchased from the licensee or for control of virtual currency by the licensee, the maximum amount of coverage for each person expressed in the United States dollar equivalent of the virtual currency; or

(2) Private insurance against theft or loss, including theft involving a computer or networked device or theft by other means;

C. The irrevocability of a transfer or exchange and any exception to irrevocability;

D. A description of:

(1) Liability for an unauthorized, mistaken or accidental transfer or exchange;

(2) The person's responsibility to provide notice to the licensee of the transfer or exchange;

(3) The basis for any recovery by the person from the licensee;

(4) General error-resolution rights applicable to the transfer or exchange; and

(5) The method for the person to update the person's contact information with the licensee;

E. That the date or time when a transfer or exchange is made and the person's account is debited may differ from the date or time when the person initiates the instruction to make the transfer or exchange;

F. Whether the person has a right to stop a preauthorized payment or revoke authorization for a transfer and the procedure to initiate a stop-payment order or revoke authorization for a subsequent transfer;

G. The person's right to receive a receipt, trade ticket or other evidence of a transfer or exchange;

H. The person's right to at least 30 days' prior notice of a change in the licensee's fee schedule, other terms and conditions of operating its virtual currency business activity with the person and the policies applicable to the person's account; and

I. That virtual currency is not money.

3. Transaction confirmation. Except as otherwise provided in subsection 4, at the conclusion of a virtual currency transaction with or on behalf of a person, a licensee shall provide the person a confirmation in a record that contains:

A. The name and contact information of the licensee, including information the person may need to ask a question or file a complaint;

B. The type, value, date, precise time and amount of the transaction; and

C. The fee charged for the transaction, including any charge for conversion of virtual currency to money, bank credit or other virtual currency.

4. Daily confirmation. If a licensee discloses that it will provide a daily confirmation in the initial disclosure under subsection 3, the licensee may elect to provide a single, daily confirmation for all transactions

with or on behalf of a person on that day instead of a per transaction confirmation.

§6100-SS. Property interests and entitlements to virtual currency

Property interests and entitlements to virtual currency are governed by this section.

1. Control. A licensee that has control of virtual currency for one or more persons shall maintain control of virtual currency in each type of virtual currency sufficient to satisfy the aggregate entitlements of the persons to the type of virtual currency.

2. Violation. If a licensee violates subsection 1, the property interests of the persons in the virtual currency are pro rata property interests in the type of virtual currency to which the persons are entitled, without regard to the time the persons became entitled to the virtual currency or the licensee obtained control of the virtual currency.

3. Virtual currency. The virtual currency referred to in this section is:

A. Held for the persons entitled to the virtual currency;

B. Not property of the licensee;

C. Not subject to the claims of creditors of the licensee; and

D. A permissible investment under this Act.

§6100-TT. Additional requirements for virtual currency business activities

Additional requirements for virtual currency business activities are governed by this section.

1. Compliance. A licensee engaged in virtual currency business activities shall comply with all provisions of this Act to the extent applicable to the licensee's activities.

2. Tangible net worth calculation. A licensee engaged in virtual currency business activities may include in its calculation of tangible net worth virtual currency, measured by the average value of the virtual currency in United States dollar equivalent of virtual currency over the prior 6 months, excluding control of virtual currency for a person entitled to the protections pursuant to section 6100-SS.

3. Records. A licensee shall maintain, for all virtual currency business activity with or on behalf of a person 5 years after the date of the activity, a record of:

A. Each transaction of the licensee with or on behalf of the person or for the licensee's account in this State, including:

(1) The identity of the person;

(2) The form of the transaction;

(3) The amount, date and payment instructions given by the person; and

(4) The account number, name and United States Postal Service address of the person and, to the extent feasible, other parties to the transaction;

B. The aggregate number of transactions and aggregate value of transactions by the licensee with or on behalf of the person and for the licensee's account in this State, expressed in United States dollar equivalent of virtual currency for the previous 12 calendar months;

C. Each transaction in which the licensee exchanges one form of virtual currency for money or another form of virtual currency with or on behalf of the person;

D. All assets, liabilities, capital, income and expenses of the licensee, as a monthly general ledger;

E. Each business call report the licensee is required to create or provide to the Department of Professional and Financial Regulation or NMLS;

F. Bank statements and bank reconciliation records for the licensee and the name, account number and United States Postal Service address of each bank the licensee uses in the conduct of its virtual currency business activity with or on behalf of the person;

G. A report of any dispute with the person; and

H. A report of any virtual currency business activity transaction with or on behalf of a person that the licensee was unable to complete.

4. Form of records. A licensee shall maintain records required by subsection 3 in a form that enables the administrator to determine whether the licensee is in compliance with this Act, a court order, a federal law and a law of this State other than this Act.

§6100-UU. Requirements for unhosted wallets

A licensee shall identify the recipient of virtual currency or monetary value transferred to an unhosted wallet. If the sender claims that it is also the recipient of the transferred virtual currency or monetary value, attestation by the sender alone is not sufficient to meet this identification requirement.

Sec. 3. 32 MRSA c. 80, headnote is amended to read:

CHAPTER 80

MONEY TRANSMITTERS AND CHECK CASHERS AND CASH-DISPENSING MACHINES

Sec. 4. 32 MRSA c. 80, sub-c. 1, as amended, is repealed.

Sec. 5. 32 MRSA §6132, sub-§5, ¶C, as enacted by PL 1997, c. 155, Pt. A, §2, is amended to read:

C. A licensee under the Maine Money Transmitters Transmission Modernization Act; or

Sec. 6. 32 MRSA §6132, sub-§6, ¶B, as enacted by PL 1997, c. 155, Pt. A, §2, is amended to read:

B. A licensee under the Maine Money Transmitters Transmission Modernization Act; or

Sec. 7. Transition. A person that immediately prior to the effective date of this Act is licensed pursuant to the Maine Revised Statutes, Title 32, chapter 80, subchapter 1 to engage in the business of money transmission is not subject to the provisions of the Maine Money Transmission Modernization Act to the extent that those provisions conflict with or establish requirements not imposed under the law in effect immediately prior to the effective date of this Act until the person renews the person's license on or after the effective date of this Act. The person is required to amend its authorized delegate contracts to comply with the Maine Money Transmission Modernization Act only for contracts entered into or amended on or after the effective date of this Act. Nothing in this section may be construed as limiting an authorized delegate's obligations to operate in full compliance with the Maine Money Transmission Modernization Act as required by Title 32, section 6100-H, subsection 3.

See title page for effective date.

CHAPTER 663

S.P. 908 - L.D. 2115

An Act to Prohibit Unfair Practices Related to the Collection of Medical Debt

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA §11002, sub-§7-A is enacted to read:

7-A. Medical debt. "Medical debt" means debt arising from health care services, including dental services, or health care goods, including products, devices, durable medical equipment and prescription drugs. "Medical debt" does not include debt arising from services provided by a veterinarian; debt charged to a credit card unless the credit card is issued under an open-end or closed-end credit plan offered solely for the payment of health care services; debt charged to a home equity or general purpose line of credit; or secured debt.

Sec. 2. 32 MRSA §11013, sub-§2, ¶O, as enacted by PL 1985, c. 702, §2, is amended to read:

O. The false representation or implication that documents are not legal process forms or do not require action by the consumer; ~~or~~

Sec. 3. 32 MRSA §11013, sub-§2, ¶P, as amended by PL 2013, c. 588, Pt. C, §17, is further amended to read:

P. The false representation or implication that a debt collector operates or is employed by a consumer reporting agency, as defined by Title 10, section 1308, subsection 3;

Sec. 4. 32 MRSA §11013, sub-§2, ¶Q is enacted to read:

Q. The false, deceptive or misleading representation or implication that interest will accumulate on the debt principal when the debt collector or collection agency is attempting to collect debt that the debt collector or collection agency knows is medical debt or to obtain information about a consumer in relation to an attempt to collect medical debt;

Sec. 5. 32 MRSA §11013, sub-§2, ¶R is enacted to read:

R. The false, deceptive or misleading representation or implication that a fee will be charged in connection with the debt when the debt collector or collection agency is attempting to collect debt that the debt collector or collection agency knows is medical debt or to obtain information about a consumer in relation to an attempt to collect medical debt; or

Sec. 6. 32 MRSA §11013, sub-§2, ¶S is enacted to read:

S. The false, deceptive or misleading representation or implication that the debt collector or collection agency will pursue litigation to compel payment of the debt when attempting to collect debt that the debt collector or collection agency knows is medical debt or to obtain information about a consumer in relation to an attempt to collect medical debt.

Sec. 7. 32 MRSA §11013, sub-§3, ¶M, as enacted by PL 1985, c. 702, §2, is amended to read:

M. Engaging in the business of lending money to any person or contacting any person for the purpose of securing a loan for any person with which to pay any claim left with it for collection, or recommending any person or persons as a source of funds to pay any such claim; ~~or~~

Sec. 8. 32 MRSA §11013, sub-§3, ¶N, as repealed and replaced by PL 2009, c. 245, §8, is amended to read:

N. Threatening to bring legal action in the debt collector's own name or instituting a suit on behalf of others or furnishing legal advice, except that a debt

collector who is also an attorney may bring an action under this paragraph in the name of the creditor in any division or county permitted by 15 United States Code, Section 1692i and may furnish legal advice to the creditor with respect to a debt;

Sec. 9. 32 MRSA §11013, sub-§3, ¶O is enacted to read:

O. Notwithstanding paragraph A, charging any interest on debt that the debt collector knows is medical debt;

Sec. 10. 32 MRSA §11013, sub-§3, ¶P is enacted to read:

P. Notwithstanding paragraph A, charging any fee in connection with the collection of debt that the debt collector knows is medical debt; or

Sec. 11. 32 MRSA §11013, sub-§3, ¶Q is enacted to read:

Q. Pursuing litigation to compel payment of medical debt without providing proof that the consumer was sent a written notice indicating that litigation may not be pursued when the debt collector or collection agency knows the consumer's household income is not more than 300% of the federal poverty guidelines, as defined by the federal Office of Management and Budget and revised annually, and the debt collector or collection agency provided the consumer with at least 30 days to provide evidence that the consumer's household income is not more than 300% of the federal poverty guidelines.

See title page for effective date.

CHAPTER 664

H.P. 1361 - L.D. 2137

An Act to Join the Dentist and Dental Hygienist Compact

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 32 MRSA c. 143, sub-c. 6 is enacted to read:

SUBCHAPTER 6

DENTIST AND DENTAL HYGIENIST COMPACT

§18431. Short title

This subchapter may be known and cited as "the Dentist and Dental Hygienist Compact."

§18432. Purpose and objectives

1. Purpose. The purpose of the compact is to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental

hygiene services by providing dentists and dental hygienists who are licensed in a participating state the ability to practice in participating states in which they are not licensed by establishing a pathway for dentists and dental hygienists who are licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists, through the state's authority to regulate the practice of dentistry and dental hygiene in the state.

2. Objectives. The compact is designed to achieve the following objectives:

A. Enable dentists and dental hygienists who qualify for a compact privilege to practice in participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states;

B. Promote mobility and address workforce shortages through each participating state's acceptance of a compact privilege to practice in that state;

C. Increase public access to qualified, licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states;

D. Enhance the ability of participating states to protect the public's health and safety;

E. Operate without interfering with licensure requirements established by participating states;

F. Facilitate the sharing of licensure and disciplinary information among participating states;

G. Require dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state;

H. Extend the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege;

I. Promote the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states; and

J. Facilitate the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

§18433. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Active military member. "Active military member" means an individual with full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders.

2. Adverse action. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a dental or dental hygienist license, license application or privilege to practice, such as a license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.

3. Alternative program. "Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed, including, but not limited to, programs to which licensees with substance use disorder or addiction issues are referred in lieu of adverse action.

4. Clinical assessment. "Clinical assessment" means an examination or process, required for licensure as a dentist or dental hygienist as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

5. Commissioner. "Commissioner" means the individual appointed by a participating state to serve as the member of the commission for that participating state.

6. Compact. "Compact" means the Dentist and Dental Hygienist Compact enacted in this subchapter.

7. Compact privilege. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a dentist or dental hygienist in a remote state.

8. Continuing professional development. "Continuing professional development" means a requirement, as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

9. Criminal background check. "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 Code of Federal Regulations, Section 20.3(d), from the state's criminal history record repository, as defined in 28 Code of Federal Regulations, Section 20.3(f).

10. Data system. "Data system" means the commission's repository of information about licensees, including, but not limited to, examination, licensure, investigative, compact privilege, adverse action and alternative program information.

11. Dental hygienist. "Dental hygienist" means an individual who is licensed by a state licensing authority to practice dental hygiene.

12. Dentist. "Dentist" means an individual who is licensed by a state licensing authority to practice dentistry.

13. Dentist and Dental Hygienist Compact Commission. "Dentist and Dental Hygienist Compact Commission" or "commission" means a joint government agency established by this compact comprised of each state that has enacted the compact and a national administrative body comprised of a commissioner from each state that has enacted the compact.

14. Encumbered license. "Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program.

15. Executive board. "Executive board" means the chair, vice-chair, secretary and treasurer and any other commissioners as may be determined by commission rules or bylaws.

16. Jurisprudence requirement. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

17. License. "License" means the current authorization by a state other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice dentistry or dental hygiene, as applicable, in a state.

18. Licensee. "Licensee" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.

19. Licensing board. "Licensing board" means any state entity authorized to license and otherwise regulate dentists or dental hygienists, as applicable, in a state.

20. Model compact. "Model compact" means the model for the Dentist and Dental Hygienist Compact on file with the Council of State Governments, or its successor organization, or other entity designated by the commission.

21. Participating state. "Participating state" means a state that has enacted the compact and been admitted to the commission in accordance with this subchapter and commission rules.

22. Qualifying license. "Qualifying license" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.

23. Remote state. "Remote state" means a participating state where a licensee who is not licensed as a

dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

24. Rule. "Rule" means a regulation promulgated by an entity that has the force of law.

25. Scope of practice. "Scope of practice" means the procedures, actions and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law and other processes available to the state licensing board or other government agency.

26. Significant investigative information. "Significant investigative information" means information, records and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue adverse action against the licensee.

27. State. "State" means any state, commonwealth, district or territory of the United States of America that regulates the practices of dentistry and dental hygiene.

28. State licensing authority. "State licensing authority" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.

§18434. State participation in the compact

1. Participation requirements. To participate in the compact, a state shall:

A. Enact a compact that is not materially different from the model compact as determined in accordance with commission rules;

B. Participate fully in the commission's data system;

C. Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants;

D. Notify the commission, in compliance with the terms of the compact and commission rules, of any adverse action or the availability of significant investigative information regarding a licensee and license applicant;

E. Fully implement a criminal background check requirement, within a time frame established by commission rule, by receiving the results of a qualifying criminal background check;

F. Comply with the commission rules applicable to a participating state;

G. Accept the national board examinations of the Joint Commission on National Dental Examinations or another examination accepted by commission rule as a licensure examination;

H. Accept for licensure that applicants for a dentist license graduate from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree;

I. Accept for licensure that applicants for a dental hygienist license graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs;

J. Require for licensure that applicants successfully complete a clinical assessment;

K. Have continuing professional development requirements as a condition for license renewal; and

L. Pay a participation fee to the commission as established by commission rule.

2. Alternative pathway for licensure. Providing an alternative pathway for an individual to obtain an unrestricted license does not disqualify a state from participating in the compact.

3. Criminal background check. When conducting a criminal background check, a state licensing authority shall:

A. Consider that information in making a licensure decision;

B. Maintain documentation of completion of the criminal background check and background check information to the extent allowed by state and federal law; and

C. Report to the commission whether the licensing authority has completed the criminal background check and whether the individual was granted or denied a license.

4. Remote state issuance of compact privilege. A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state must be issued a compact privilege in a remote state in accordance with the terms of the compact and commission rules. If a remote state has a jurisprudence requirement, a compact privilege may not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

§18435. Compact privilege

1. Requirements. To obtain and exercise a compact privilege, a licensee must:

A. Have a qualifying license as a dentist or dental hygienist in a participating state;

B. Be eligible for a compact privilege in any remote state in accordance with this subchapter;

C. Submit to an application process whenever the licensee is seeking a compact privilege;

D. Pay any applicable commission and remote state fees for a compact privilege in the remote state;

E. Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege;

F. Have passed a national board examination of the Joint Commission on National Dental Examinations or its successor organization or another examination accepted by commission rule;

G. For a dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs, leading to the doctor of dental surgery or doctor of dental medicine degree;

H. For a dental hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the United States Department of Education for the accreditation of dentistry and dental hygiene education programs;

I. Have successfully completed a clinical assessment for licensure;

J. Report to the commission adverse action taken by any nonparticipating state when applying for a compact privilege and, otherwise, within 30 days from the date the adverse action is taken;

K. Report to the commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the commission any change in the address of the licensee's primary residence; and

L. Consent to accept service of process by mail at the licensee's primary residence on record with the commission with respect to any action brought against the licensee by the commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the commission with respect to any action brought or investigation conducted by the commission or a participating state.

2. Compliance. The licensee must comply with all of the requirements of subsection 1 to maintain the compact privilege in a remote state. If those requirements are met, the compact privilege continues as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees.

3. Scope of practice. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority.

4. Revocation or limitation of compact privilege by remote state. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is revoked or removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for revocation or removal of the compact privilege has passed and all encumbrance requirements are satisfied.

5. Encumbered license. If a license in a participating state is an encumbered license, the licensee loses the compact privilege in a remote state and is not eligible for a compact privilege in any remote state until the license is no longer encumbered.

A. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of subsection 1 to obtain a compact privilege in a remote state.

B. If a licensee's compact privilege in a remote state is revoked or removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until the following occur:

- (1) The specific period of time for which the compact privilege was revoked or removed has ended; and
- (2) All conditions for revocation or removal of the compact privilege have been satisfied.

C. Once the requirements of paragraph B have been met, the licensee must meet the requirements in subsection 1 to obtain a compact privilege in a remote state.

§18436. Active military member and that member's spouse

An active military member and that member's spouse may not be required to pay to the commission for a compact privilege the fee otherwise charged by the commission. If a remote state chooses to charge a fee for a compact privilege, the remote state may choose to charge a reduced fee or no fee to an active military member and that member's spouse for a compact privilege.

§18437. Adverse actions

1. Participating state authority. A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

2. Adverse action based on remote state findings. A participating state may take adverse action based on the significant investigative information of a remote state as long as the participating state follows its own procedures for taking the adverse action.

3. Alternative program in lieu of adverse action. Nothing in this compact overrides a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

4. Investigation by participating state. Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

5. Remote state authority. A remote state has the authority, in accordance with existing state due process law, to:

A. Take adverse action against a licensee's compact privilege within that state;

B. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay

any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located; and

C. Recover from the licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.

6. Joint investigations. In addition to the authority granted to a participating state by its respective state dentist or dental hygienist licensure act or other applicable state law, any participating state may jointly investigate with other participating states. Participating states shall share any significant investigative information or litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

7. Continuation of investigation. After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state. If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as if it was significant investigative information.

§18438. Establishment of commission

1. Commission established. The participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the compact. The commission is an instrumentality of the compact states acting jointly and is not an instrumentality of any one state. The commission comes into existence on or after the effective date of the compact as set forth in section 18442.

2. Membership, voting and meetings. Membership, voting and meetings are governed by this subsection.

A. Each participating state has and is limited to one commissioner selected by that participating state's licensing board or, if the state has more than one licensing board, selected collectively by the participating state's licensing boards.

B. The commissioner must be a member or designee of a participating state's licensing boards.

C. The commission may by rule establish a term of office for commissioners and may by rule or by-law establish term limits.

D. The commission may recommend to a state licensing board or boards, as applicable, that a commissioner be removed or suspended as a participating state's commissioner.

E. The participating state licensing board or boards, as applicable, shall fill any vacancy of its

commissioner on the commission within 60 days of the vacancy.

F. Each commissioner is entitled to one vote on all matters that are voted on by the commission.

G. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunication, videoconference or other means of communication.

H. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in this compact and the bylaws. The commission may meet by telecommunication, videoconferencing or other similar electronic means.

3. Powers and duties. The commission has the following powers and duties:

A. Establish a code of ethics for the commission;

B. Establish the fiscal year of the commission;

C. Adopt rules and bylaws;

D. Maintain its financial records in accordance with the bylaws;

E. Meet and take actions that are consistent with the provisions of this compact, commission rules and the bylaws;

F. Initiate and conclude legal proceedings or actions in the name of the commission, as long as the standing of any state licensing board to sue or be sued under applicable law is not affected;

G. Maintain and certify records and information provided to a participating state as the authenticated business records of the commission and designate a person to do so on the commission's behalf;

H. Purchase and maintain insurance and bonds;

I. Borrow, accept or contract for services of personnel, including, but not limited to, employees of a participating state;

J. Conduct an annual financial review;

K. Hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

L. Charge a fee, as provided in commission rules, to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by commission rule, charge the licensee a compact privilege renewal fee for each renewal period in

which that licensee exercises or intends to exercise the compact privilege in that remote state. This paragraph may not be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege;

M. Accept appropriate gifts, donations, grants of money or other sources of revenue or supplies, materials and services and receive, utilize and dispose of the same, as long as at all times the commission avoids any appearance of impropriety or conflict of interest;

N. Lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed, or any undivided interest therein;

O. Sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

P. Establish a budget and make expenditures;

Q. Borrow money;

R. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

S. Provide and receive information from, and cooperate with, law enforcement agencies;

T. Elect a chair, vice-chair, secretary and treasurer and such other officers of the commission as provided in the bylaws;

U. Establish and elect an executive board;

V. Determine whether a state's enacted compact legislation is materially different from the model compact language such that a state would not qualify for participation in the compact;

W. Adopt and provide to the participating states an annual report; and

X. Perform any other functions as may be necessary or appropriate to achieve the purposes of this compact.

4. Meetings of the commission. Meetings of the commission are governed by this subsection.

A. Except as provided in paragraphs B and C, all meetings must be open to the public, and public notice of meetings must be posted on the commission's publicly accessible website at least 30 days prior to a public meeting.

B. The commission may convene a public meeting for any of the reasons it may dispense with notice

of proposed rulemaking under section 18440 by providing at least 24 hours' notice on the commission's publicly accessible website and by any other means described in the rules.

C. The commission may convene in a closed, non-public meeting or convene in a closed meeting for part of an otherwise public meeting to receive legal advice or to discuss:

(1) Noncompliance of a participating state with its obligations under the compact;

(2) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(3) Current or threatened discipline of a licensee or compact privilege holder by the commission or by a participating state's licensing authority;

(4) Current, threatened or reasonably anticipated litigation;

(5) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(6) Accusing any person of a crime or formally censuring any person;

(7) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(8) Disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(9) Disclosure of investigative records compiled for law enforcement purposes;

(10) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(11) Legal advice;

(12) Matters specifically exempted from disclosure by federal or participating state statute; or

(13) Other matters as promulgated by commission rule.

D. If a meeting, or portion of a meeting, is closed pursuant to paragraph B, the presiding officer of the meeting shall state that the meeting is closed and shall reference each relevant exempting provision and that reference must be recorded in the minutes.

E. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

5. Financing of the commission. Financing of the commission is governed by this subsection.

A. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

B. The commission may receive revenue from any appropriate sources and accept donations and grants of money, equipment, supplies, materials and services.

C. The commission may levy on and collect an annual assessment from each participating state or impose compact privilege fees on licensees of participating states to whom a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states must be allocated based upon a formula to be determined by commission rule.

D. The commission may not incur obligations of any kind prior to securing the funds adequate to meet those obligations, and the commission may not pledge the credit of any of the participating states, except by and with the authority of the participating state.

E. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the commission.

6. Executive board. The establishment of an executive board is governed by this subsection.

A. The executive board has the power to act on behalf of the commission according to the terms of this compact and commission rules.

B. The executive board is composed of up to 7 members:

(1) The chair, vice-chair, secretary and treasurer of the commission and any other members of the commission who serve on the executive board are voting members of the executive board; and

(2) Other than the chair, vice-chair, secretary and treasurer, the commission may elect up to 3 voting members from the current membership of the commission.

C. The commission may remove any member of the executive board as provided in the bylaws.

D. The executive board shall meet at least once annually.

E. The executive board shall:

(1) Oversee the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules and bylaws;

(2) Recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to participating states, fees charged to licensees and other fees;

(3) Ensure compact administration services are appropriately provided, including by contract;

(4) Prepare and recommend the budget;

(5) Maintain financial records on behalf of the commission;

(6) Monitor compact compliance of participating states and provide compliance reports to the commission;

(7) Establish additional committees as necessary;

(8) Exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending commission rules or bylaws, or exercising any other powers and duties exclusively reserved to the commission by the commission's rules or bylaws; and

(9) Perform other duties as provided in rules or bylaws.

7. Qualified immunity, defense and indemnification. Qualified immunity, defense and indemnification are governed by this subsection.

A. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or

that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted under this subsection.

B. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to prohibit that person from retaining that person's own counsel, and as long as the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

C. Notwithstanding paragraph A, if any member, officer, executive director, employee or representative of the commission is held liable for the amount of any settlement or judgment arising out of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, the commission shall indemnify and hold harmless that individual as long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

D. This subsection may not be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

E. This compact may not be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act or any other state or federal antitrust or anticompetitive law or regulation.

F. This compact may not be construed to be a waiver of sovereign immunity by the participating states or by the commission.

§18439. Data system

1. Data and reporting system. The commission shall provide for the development, maintenance, operation and utilization of a coordinated data and reporting system containing licensure, adverse action and the reporting of any significant investigative information on all licensees and applicants for a license in participating states.

2. Uniform dataset submission. Notwithstanding any provision of state law to the contrary, a participating state shall submit a uniform dataset to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

A. Identifying information;

B. Licensure data;

C. Adverse actions against a licensee, license applicant or compact privilege and any related information;

D. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

E. Any denial of application for licensure and the reasons for that denial, excluding the reporting of any criminal history record information when prohibited by law;

F. The existence of significant investigative information; and

G. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

4. Significant investigative information availability. Significant investigative information pertaining to a licensee in any participating state may be made available only to other participating states.

5. Adverse action information. It is the responsibility of the participating states to monitor the data system to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state must be available to any other participating state.

6. Confidential information. Participating states contributing information to the data system may, in accordance with state or federal law, designate information that may not be shared with the public without the express permission of the contributing state.

7. Information expungement. Any information submitted to the data system that is subsequently required to be expunged pursuant to federal law or by the laws of the participating state contributing the information must be removed from the data system.

§18440. Rulemaking

1. Promulgation. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer this compact and achieve its purpose. A commission is invalid and has no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

2. Rule conflict with law. The rules of the commission have the force of law in each participating state, except that when the rules of the commission conflict with the laws of the participating state that establish the scope of practice as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

3. Powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments become binding as of the date specified in each rule or amendment.

4. Rule rejection. If a majority of the legislatures of the participating states rejects a rule or a portion of a commission rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then that rule has no further force and effect in any participating state or to any state applying to participate in the compact.

5. Rule adoption procedure. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

6. Public comment. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

7. Notice of proposed rule. Prior to adoption of a proposed rule, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

- A. On the publicly accessible website of the commission or other publicly accessible platform;
- B. To persons who have requested notice of the commission's notices of proposed rulemaking; and
- C. In any other ways the commission may specify by rule.

8. Notice requirements. The notice of proposed rulemaking must include:

- A. The time, date and location of the public hearing in which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting in which the

commission will consider and vote upon the proposed rule;

B. If the hearing is held via telecommunication, videoconference or other electronic means, the commission shall include the mechanism for access to the hearing;

C. The text of the proposed rule and the reason for the proposed rule;

D. A request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

E. The manner in which interested persons may submit written comments.

9. Hearings. All hearings must be recorded. A copy of the recording and all written comments and documents received in response to the proposed rule-making must be made available to the public. Nothing in this section may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

10. Final action. The commission shall, by majority vote of all members, take final action on the proposed rule based on the rule-making record.

A. The commission may adopt changes to the proposed rule as long as the changes do not enlarge the original purpose of the proposed rule.

B. The commission shall provide on its publicly accessible website an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

C. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 13, the effective date of the rule may not be sooner than 30 days after the commission issued the notice that it adopted the rule.

11. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, without the opportunity for comment or hearing, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare;

B. Prevent a loss of commission funds or participating state funds;

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

D. Protect public health and safety.

12. Rule revisions. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

13. Application of participating state requirements. Notwithstanding any provision of law to the contrary, a participating state's rulemaking requirements do not apply under this compact.

§18441. Oversight, dispute resolution and enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive, legislative and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

B. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this paragraph affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any similar matter.

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and has standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process renders a judgment or order in such proceeding void as to the commission, this compact, or commission rules.

2. Default and technical assistance. Default and technical assistance are governed by this subsection.

A. If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall:

(1) Provide written notice to the defaulting state and other participating states. The notice must describe the default, the proposed means of curing the default and any other action that the commission may take; and

(2) Offer remedial training and specific technical assistance regarding the default.

3. Termination from compact. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

4. Termination regulation. Termination of participation in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing boards and to the licensing boards of each of the participating states.

5. Responsibilities after termination. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

6. Costs. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

7. Appeal. The defaulting state may appeal its termination from the compact by the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees.

8. Notice of termination to licensees. Upon the termination of a state's participation in the compact, the state shall immediately provide notice to all licensees within that state and licensees of other participating states who have been issued a compact privilege within that state, of such termination that licensees who have been granted a compact privilege in that state retain the compact privilege for 180 days following the effective date of such termination.

9. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating and nonparticipating states.

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

10. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions of the compact and rules of the commission.

B. By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices, against a participating state in default to enforce compliance with the provisions of this compact and the commission's promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.

C. The remedies herein must not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

11. Legal action against the commission. Legal action against the commission is governed by this subsection.

A. A participating state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.

B. No individual or entity other than a participating state may enforce this compact against the commission.

§18442. Effective date; withdrawal; amendment

1. Effective date. The compact takes effect on the date the compact statute is enacted into law in the 7th participating state.

A. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, referred to in this section as "the charter participating states," to determine if the statute enacted by each charter participating state is materially different than the model compact.

(1) A charter participating state whose enactment is found to be materially different from the model compact is entitled to the default process set forth in section 18441, subsection 2.

(2) If any participating state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact must remain in effect even if the number of participating states is less than 7.

B. Participating states enacting the compact subsequent to the charter participating states are subject to the process set forth in section 18438, subsection 3, paragraph V to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

C. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence must be considered to be actions of the commission unless specifically repudiated by the commission.

2. Subsequent member states. Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

3. Withdrawal. Any participating state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

A. A participating state's withdrawal does not take effect until 180 days after enactment of the repealing statute.

B. Withdrawal does not affect the continuing requirement of the state licensing board or boards of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

C. Upon the enactment of a statute withdrawing a state from this compact, the state shall immediately

provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

4. Other agreements or arrangements. Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this compact.

5. Amendment. This compact may be amended by the participating states. An amendment to this compact does not become effective and binding upon any participating state until it is enacted into the laws of all participating states.

§18443. Construction and severability

1. Construction. This compact and the commission's rule-making authority must be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rule-making authority solely for those purposes.

2. Severability. The provisions of this compact are severable and, if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance may not be affected.

3. Denial of participation. Notwithstanding this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of section 18441, terminate a participating state's participation in the compact if it determines that a constitutional requirement of a participating state is a material departure from the compact. Otherwise, if this compact is held to be contrary to the constitution of any participating state, the compact remains in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

§18444. Consistent effect and conflict with other state laws

1. Enforcement. Nothing in this subchapter prevents or inhibits the enforcement of any law of a participating state that is not inconsistent with the compact.

2. Conflict. Any laws, rules or other legal requirements in a participating state in conflict with the compact are superseded to the extent of the conflict.

3. Binding agreements. All permissible agreements between the commission and the participating states are binding in accordance with the terms of the agreement.

§18445. Legislative intent

This compact is the Maine enactment of the Dentist and Dental Hygienist Compact. The form, format and text of the compact have been changed minimally so as to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this compact be interpreted as substantively the same as the Dentist and Dental Hygienist Compact that is enacted by other participating states.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates ongoing funds for the STA-CAP, service center support and technology costs associated with implementing the compact for licensing dentists and dental hygienists.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$9,236
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$9,236

Office of Professional and Occupational Regulation 0352

Initiative: Allocates funds for one Comprehensive Health Planner II position and one Health Services Consultant position and related All Other costs to manage increased responsibilities, including application review for compact privilege, compact compliance, compact reporting and joint investigations.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNCIL	0.000	2.000
Personal Services	\$0	\$191,292
All Other	\$0	\$13,060
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$204,352

Office of Professional and Occupational Regulation 0352

Initiative: Allocates funds for the STA-CAP and rule-making costs associated with implementing the compact for licensing dentists and dental hygienists.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$5,753
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,753
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$219,341
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$219,341

See title page for effective date.

CHAPTER 665

H.P. 1376 - L.D. 2152

An Act to Allow Equitable Compensation of Certain Board Members

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12002-D, as enacted by PL 1985, c. 732, §1, is amended to read:

§12002-D. ~~Expenses~~ Compensation and expenses of boards excluded by definition boards

Sections 12002-A, 12002-B and 12002-C governing the payment of compensation and reimbursement of expenses to boards subject to this chapter do not apply to boards that are excluded from this chapter, as ~~defined~~ described in section 12002, subsection 1, paragraphs A to F ~~G. Reimbursement~~ Compensation and reimbursement of expenses of boards excluded by ~~the definition~~ in section 12002, subsection 1, ~~shall be~~ are governed by this section.

~~Any boards~~ The members of a board excluded from the definition of a board subject to this chapter who are not otherwise compensated for their time serving on the board by their employer or the entity they represent may be compensated in an amount not to exceed the legislative per diem for their time and reimbursed for expenses, including meals and refreshments provided during the meeting of the board, to the extent that the department or agency of State Government with which the board is associated has sufficient money in the budget of the department or agency to provide the compensation and reimburse the expenses. The associated department or agency shall determine the amount and manner of compensation provided to members of the board.

See title page for effective date.

CHAPTER 666

H.P. 1423 - L.D. 2218

An Act to Remove the Age-related Statutory Prerequisite for Sealing Criminal History Record Information

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §2262, sub-§4, as enacted by PL 2021, c. 674, §1, is amended to read:

4. Convictions in another jurisdiction. The person has not been convicted of a crime in another jurisdiction since the time at which the person fully satisfied each of the sentencing alternatives imposed under Title 17-A, section 1502, subsection 2 for the person's most recent eligible criminal conviction up until the time of the order; ~~and~~

Sec. 2. 15 MRSA §2262, sub-§5, as enacted by PL 2021, c. 674, §1, is amended to read:

5. Pending criminal charges. The person does not have any presently pending criminal charges in this State or in another jurisdiction; ~~and~~

Sec. 3. 15 MRSA §2262, sub-§6, as enacted by PL 2021, c. 674, §1, is repealed.

See title page for effective date.

CHAPTER 667

S.P. 975 - L.D. 2258

An Act to Create an Income Tax Credit for Investments in a Team's Qualified Minor League Baseball Facility to Keep the Team in the State

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §191, sub-§2, ¶UUU is enacted to read:

UUU. The disclosure to the joint standing committee of the Legislature having jurisdiction over taxation matters pursuant to section 5219-BBB, subsection 4, paragraph C of the revenue loss, including the loss due to refundable credits, attributable to each taxpayer claiming the tax credit for investment in qualified professional baseball facilities in the State provided under section 5219-BBB.

Sec. 3. 36 MRSA §5219-BBB is enacted to read:

§5219-BBB. Credit for investment in qualified professional baseball facilities in the State

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified applicant" means a qualified applicant that has received a certificate of approval from the commissioner pursuant to subsection 2.

B. "Commissioner" means the Commissioner of Economic and Community Development.

C. "Full-time" means an average of at least 36 hours weekly during the period of measurement.

D. "Qualified applicant" means an applicant that, at the time the application for a certificate of approval is submitted pursuant to subsection 2, operates a qualified professional baseball facility.

E. "Qualified investment" means an expenditure made directly by a qualified applicant between October 1, 2023 and November 30, 2026 of at least \$1,000,000 to design, permit, construct, modify, equip or expand a qualified professional baseball facility. The expenditures of a qualified applicant and other entities, whether or not incorporated, that are part of a single business enterprise must be aggregated to determine whether a qualified investment has been made.

F. "Qualified professional baseball facility" means real and personal property in the State, including one or more structures and the equipment, machinery, fixtures and personal property located in, on, over, under and adjacent to those structures, used for the operation of a minor league baseball team that is recognized by a national organization of major or minor league baseball teams.

2. Procedures for application; certificate of approval. This subsection governs the procedures for applying for and obtaining a certificate of approval.

A. An applicant may apply to the commissioner for a certificate of approval. An applicant shall submit to the commissioner information demonstrating that the applicant is a qualified applicant. Such information must include an agreement by the applicant that all employees and subcontractors of the applicant are provided fair minimum wages and benefits at a rate specified in Title 26, section 1306 or the minimum wage required by the municipality, whichever is greater.

B. Within 30 days of receipt of an application for a certificate of approval submitted pursuant to paragraph A, the commissioner shall determine whether the applicant is a qualified applicant and shall issue either a certificate of approval as a certified applicant or a written denial indicating why the applicant is not qualified. A certificate of approval issued by the commissioner must describe the qualified investment and specify the total

amount of qualified investment approved under the certificate of approval.

C. A certified applicant shall apply to the commissioner for a certificate of completion. If the commissioner determines that the certified applicant has made a qualified investment, the commissioner shall issue a certificate of completion to the certified applicant as soon as is practicable. The certificate of completion must state the amount of qualified investment made by the certified applicant. A certified applicant and other entities, whether or not incorporated, that are part of a single business enterprise may receive only one certificate of completion pursuant to this subsection.

D. If a certified applicant intends to transfer the qualified professional baseball facility prior to completion of the qualified investment, the certified applicant must obtain approval from the commissioner to transfer the certificate of approval or, if the certified applicant has obtained a certificate of completion, that certificate of completion to the transferee. The commissioner shall approve the transfer of the certificate of approval or the certificate of completion only if at least one of the following conditions is satisfied:

(1) The transferee is a member of the certified applicant's unitary affiliated group at the time of the transfer; or

(2) The commissioner finds that the transferee will, and has the capacity to, maintain operations of the qualified professional baseball facility in a manner that meets the minimum qualifications for continued eligibility for the tax credit under this section after the transfer occurs.

If the commissioner approves the transfer of the certificate of approval or the certificate of completion, the transferee, from the date of the transfer, must be treated as the certified applicant and as eligible to claim any remaining tax credit under the certificate of approval or the certificate of completion that has not been previously claimed by the original certified applicant as long as the transferee meets the same eligibility requirements and conditions for the tax credit as applied to the original certified applicant.

3. Refundable tax credit allowed. Beginning with the tax year during which a certificate of completion is issued under subsection 2, paragraph C but not before a tax year beginning in 2025, and for each of the following 14 tax years, a certified applicant is allowed a credit against the tax otherwise due under this Part for the taxable year in an amount equal to 1.33% of the certified applicant's qualified investment. A credit under this section for a certified applicant may not exceed

\$133,000 per year and \$1,995,000 in cumulative total. The credit allowed under this section is refundable.

4. Reporting required. A certified applicant, the commissioner and the assessor are required to make reports pursuant to this subsection.

A. On or before March 1st of each year, beginning in 2025, a certified applicant shall file a report with the commissioner for the tax year ending during the immediately preceding calendar year, referred to in this subsection as "the report year," containing the following information:

- (1) The incremental amount of qualified investment made by the certified applicant in the report year;
- (2) The number of full-time employees based in this State of the certified applicant on the last day of the report year;
- (3) The total number of any additional full-time employees in the State added by the certified applicant since the date a certificate of approval was issued pursuant to subsection 2, paragraph B and since the last annual report;
- (4) The average and median wages of all full-time employees of the certified applicant; and
- (5) The percentage and number of full-time employees of the certified applicant who have access to retirement benefits and health benefits.

The commissioner may prescribe forms for the annual report described in this paragraph. The commissioner shall provide copies of the report to the assessor and to the joint standing committee of the Legislature having jurisdiction over taxation matters at the time the report is received.

B. On or before April 1st of each year, beginning in 2025, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters aggregate data on qualified investment amounts of each certified applicant for each year that the certified applicant claimed a tax credit under this section.

C. On or before December 31st of each year, beginning in 2025, the assessor shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters the revenue loss during the report year as a result of this section for each taxpayer claiming the tax credit and, if necessary, shall include updated revenue loss amounts for any previous tax year. For purposes of this paragraph, "revenue loss" means the tax credit claimed by the taxpayer and allowed pursuant to this section, consisting of the amount of the credit used to reduce the tax liability of the taxpayer and the

amount of the credit refunded to the taxpayer, stated separately.

Notwithstanding any provision of law to the contrary, the reports provided under this subsection are public records as defined in Title 1, section 402, subsection 3.

5. Recapture. If the qualified investment forming the basis of the credit is not used as a qualified professional baseball facility by the certified applicant or a transferee approved pursuant to subsection 2, paragraph D, the following provisions apply.

A. During the first 60 months following the receipt of the certificate of completion, if the certified applicant or transferee fails to use the qualified investment forming the basis of the credit as a qualified professional baseball facility for the entire 60-month period, the credit allowed under this section must be fully recaptured to the extent claimed by the taxpayer. The credit must be recaptured by adding to the tax imposed on the certified applicant or transferee for the taxable year in which the qualified investment is no longer used as a qualified professional baseball facility by the certified applicant or transferee an amount equal to the total amount of credit authorized minus the amount of credit not yet taken.

B. If the qualified investment forming the basis of the credit is not used as a qualified professional baseball facility by the certified applicant or a transferee following the first 60 months following the receipt of the certificate of completion, the certified applicant or transferee is not eligible for the credit for that tax year and the certified applicant or transferee is not eligible for the credit for any tax year thereafter that the certified applicant or transferee fails to use the qualified investment as a qualified professional baseball facility.

6. Rules. The commissioner and the assessor may jointly adopt rules to implement this section, including, but not limited to, rules for determining and certifying eligibility. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

7. Evaluation. The tax credit provided under this section is subject to ongoing legislative review in accordance with Title 3, chapter 37. In developing evaluation parameters to perform the review, the Office of Program Evaluation and Government Accountability, the joint legislative committee established to oversee program evaluation and government accountability matters and the joint standing committee of the Legislature having jurisdiction over taxation matters shall consider:

A. The amount of qualified investment made by each certified applicant during the period being reviewed and measures of fiscal impact;

B. Employment measures taken by each certified applicant, including:

(1) The number of any additional full-time employees in the State added by each certified applicant since that applicant was issued a certificate of approval pursuant to subsection 2, paragraph B;

(2) The average and median wages paid to full-time employees of each certified applicant; and

(3) The percentage and number of full-time employees of each certified applicant for whom health benefits and retirement benefits are available; and

C. The overall economic impact to the State and to the regions in which certified applicants are located.

See title page for effective date.

**CHAPTER 668
H.P. 1463 - L.D. 2276**

An Act to Increase Funding for the Snowmobile Trail Fund and the ATV Recreational Management Fund

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §2903-D, sub-§2, as amended by PL 2019, c. 452, §14, is further amended to read:

2. Snowmobiles. Of total gasoline tax revenues, ~~0.9045%~~ 1.0068% is distributed among the following agencies in the following manner:

A. The Commissioner of Inland Fisheries and Wildlife receives ~~44.93%~~ 13.41% of that amount, to be used by the commissioner for the purposes set forth in Title 12, section 1893, subsection 3, section 10206, subsection 2, section 13104, subsections 2 to ~~42~~ 10 and section 13105, subsection 1; and

B. The Snowmobile Trail Fund of the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands, described in Title 12, section 1893, subsection 3, receives ~~85.07%~~ 86.59% of that amount.

Sec. 2. 36 MRSA §2903-D, sub-§3, as amended by PL 2019, c. 501, §29, is further amended to read:

3. All-terrain vehicles. Of total gasoline tax revenues, ~~0.1525%~~ 0.4593% is distributed among the following agencies in the following manner:

A. The ATV Enforcement Grant and Aid Program established in Title 12, section 10322 receives ~~50%~~ 16.60% of that amount; and

B. The ATV Recreational Management Fund, established in Title 12, section 1893, subsection 2 receives ~~50%~~ 83.40% of that amount.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Off-Road Recreational Vehicles Program Z224

Initiative: Provides allocations for grants to municipalities and all-terrain vehicle clubs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$786,605
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$786,605

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$786,605
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$786,605

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

ATV Enforcement Fund Z276

Initiative: Change in revenue from increasing the percentage of gasoline tax allocated to snowmobile and all-terrain vehicle purposes.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$13)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$13)

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	(\$13)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$13)

MUNICIPAL BOND BANK, MAINE

TransCap Trust Fund Z064

Initiative: Reduction in allocations from reducing the amount of gasoline taxes transferred from the Highway Fund to the TransCap Trust Fund.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	(\$80,620)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$80,620)
MUNICIPAL BOND BANK, MAINE		
DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	(\$80,620)
DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$80,620)
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$0	\$705,972
SECTION TOTAL - ALL FUNDS	\$0	\$705,972

See title page for effective date.

**CHAPTER 669
H.P. 59 - L.D. 91**

**An Act to Adopt the National
2022 Amendments to the
Uniform Commercial Code**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 11 MRSA §1-1201, sub-§(10), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(10). "Conspicuous," with reference to a term, means so written, displayed or presented that, based on the totality of the circumstances, a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~Conspicuous terms include the following:~~

(a). ~~A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font or color to the surrounding text of the same or lesser size; and~~

(b). ~~Language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font or color to the surrounding text of the same size, or set off from surrounding text of~~

~~the same size by symbols or other marks that call attention to the language.~~

Sec. A-2. 11 MRSA §1-1201, sub-§(15), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(15). "Delivery," with respect to an electronic document of title, means voluntary transfer of control and, with respect to an instrument, a tangible document of title or an authoritative tangible copy of a record evidencing chattel paper, means voluntary transfer of possession.

Sec. A-3. 11 MRSA §1-1201, sub-§(16-A) is enacted to read:

(16-A). "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

Sec. A-4. 11 MRSA §1-1201, sub-§(21), ¶(c), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(c). The person in control, other than pursuant to section 7-1106, of a negotiable electronic document of title.

Sec. A-5. 11 MRSA §1-1201, sub-§(24), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(24). "Money" means a medium of exchange that is currently authorized or adopted by a domestic or foreign government and is not in an electronic form. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between 2 or more countries.

Sec. A-6. 11 MRSA §1-1201, sub-§(27), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(27). "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency or instrumentality, ~~public corporation~~ or any other legal or commercial entity. "Person" includes a protected series, however denominated, of an entity if the protected series is established under law other than the Uniform Commercial Code that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.

Sec. A-7. 11 MRSA §1-1201, sub-§(36), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(36). "Send," in connection with a ~~writing~~, record or ~~notice~~ notification, means:

(a). To deposit in the mail or deliver for transmission or transmit by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none, addressed to any address reasonable under the circumstances; or

(b). In any other way to cause to be received any the record or notice notification to be received within the time it would have arrived been received if properly sent under paragraph (a).

Sec. A-8. 11 MRSA §1-1201, sub-§(37), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is repealed.

Sec. A-9. 11 MRSA §1-1201, sub-§(37-A) is enacted to read:

(37-A). "Sign" means, with present intent to authenticate or adopt a record:

- (a). To execute or adopt a tangible symbol; or
- (b). To attach to or logically associate with the record an electronic symbol, sound or process.

"Signed," "signing" and "signature" have corresponding meanings.

Sec. A-10. 11 MRSA §1-1204, first ¶, as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

Except as otherwise provided in Articles 3-A, 4 and 5-A and 12, a person gives value for rights if the person acquires them:

Sec. A-11. 11 MRSA §1-1301, sub-§(3), as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

(3). If one of the following provisions of the Uniform Commercial Code specifies the applicable law that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

- (a). Section 2-402;
- (b). Sections 2-1105 and 2-1106;
- (c). Section 4-102;
- (d). Section 4-1507;
- (e). Section 5-1116;
- (f). Section 8-1110; and
- (g). Sections 9-1301 to 9-1307; and
- (h). Section 12-107.

Sec. A-12. 11 MRSA §1-1306, as enacted by PL 2009, c. 325, Pt. A, §2 and affected by §4, is amended to read:

§1-1306. Waiver or renunciation of claim or right after breach

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated a signed record.

Sec. A-13. 11 MRSA §2-102 is repealed and the following enacted in its place:

§2-102. Scope; certain security and other transactions excluded from this Article

(1). Unless the context otherwise requires, and except as provided in subsection (3), this Article applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2).

(2). In a hybrid transaction:

(a). If the aspects of the transaction that relate to the sale of goods do not predominate, only the provisions of this Article that relate primarily to those aspects of the transaction apply and the provisions that relate primarily to the transaction as a whole do not apply.

(b). If the aspects of the transaction that relate to the sale of goods predominate, this Article applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction that do not relate to the sale of goods.

(3). This Article does not:

(a). Apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b). Impair or repeal a statute regulating sales to consumers, farmers or other specified classes of buyers.

Sec. A-14. 11 MRSA §2-106 is amended by amending the section headnote to read:

§2-106. Definitions: "contract"; "agreement"; "contract for sale"; "sale"; "present sale"; "conforming" to contract; "termination"; "cancellation"; "hybrid transaction"

Sec. A-15. 11 MRSA §2-106, sub-§(5) is enacted to read:

(5). **Hybrid transaction.** "Hybrid transaction" means a single transaction involving a sale of goods and:

- (a). The provision of services;
- (b). A lease of other goods; or
- (c). A sale, lease or license of property other than goods.

Sec. A-16. 11 MRSA §2-201, sub-§(1) is amended to read:

(1). Except as otherwise provided in this section, a contract for the sale of goods for the price of \$500 or more is not enforceable by way of action or defense unless there is ~~some writing~~ a record sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~his~~ the party's authorized agent or broker. A writing record is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this subsection beyond the quantity of goods shown in ~~such writing~~ the record.

Sec. A-17. 11 MRSA §2-201, sub-§(2) is amended to read:

(2). Between merchants if within a reasonable time a writing record in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against ~~such~~ the party unless ~~written~~ notice in a record of objection to its contents is given within 10 days after it is received.

Sec. A-18. 11 MRSA §2-202, as amended by PL 2009, c. 325, Pt. B, §5 and affected by §27, is further amended to read:

§2-202. Final ~~written~~ expression: parol or extrinsic evidence

Terms with respect to which the confirmatory memoranda of the parties agree or ~~which that~~ are otherwise set forth in a writing record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(1). By course of performance, course of dealing or usage of trade (section 1-1303); and

(2). By evidence of consistent additional terms unless the court finds the writing record to have been intended also as a complete and exclusive statement of the terms of the agreement.

Sec. A-19. 11 MRSA §2-203 is amended to read:

§2-203. Seals inoperative

The affixing of a seal to a writing record evidencing a contract for sale or an offer to buy or sell goods does not ~~constitute~~ render the writing record a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

Sec. A-20. 11 MRSA §2-205 is amended to read:

§2-205. Firm offers

An offer by a merchant to buy or sell goods in a signed ~~writing which record that~~ by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed 3 months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

Sec. A-21. 11 MRSA §2-209, sub-§(2) is amended to read:

(2). A signed agreement ~~which that~~ excludes modification or rescission except by a signed writing ~~cannot or other signed record may not~~ be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

Sec. A-22. 11 MRSA §2-1102, as enacted by PL 1991, c. 805, §4, is repealed and the following enacted in its place:

§2-1102. Scope

1. This Article applies to any transaction, regardless of form, that creates a lease and, in the case of a hybrid lease, it applies to the extent provided in subsection (2).

2. In a hybrid lease:

(a). If the aspects of the lease that relate to the lease of goods do not predominate:

(i) Only the provisions of this Article that relate primarily to those aspects of the transaction apply and the provisions that relate primarily to the transaction as a whole do not apply;

(ii) Section 2-1209 applies if the lease is a finance lease; and

(iii) Section 2-1407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b). If the aspects of the lease that relate to the lease of goods predominate, this Article applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the lease that do not relate to the lease of goods.

Sec. A-23. 11 MRSA §2-1103, sub-§(1), ¶(h-1) is enacted to read:

(h-1). "Hybrid lease" means a single transaction involving a lease of goods and:

(i) The provision of services;

(ii) A sale of other goods; or

(iii) A sale, lease or license of property other than goods.

Sec. A-24. 11 MRSA §2-1103, sub-§(3), as amended by PL 2009, c. 325, Pt. B, §7 and affected by §27, is further amended to read:

(3). The following definitions in other Articles apply to this Article:

- "Account." Section 9-1102, subsection (2).
- "Between merchants." Section 2-104, subsection (3).
- "Buyer." Section 2-103, subsection (1), paragraph (a).
- "Chattel paper." Section 9-1102, subsection (44) (11-A).
- "Consumer goods." Section 9-1102, subsection (23).
- "Document." Section 9-1102, subsection (30).
- "Entrusting." Section 2-403, subsection (3).
- "General intangible." Section 9-1102, subsection (42).
- "Instrument." Section 9-1102, subsection (47).
- "Merchant." Section 2-104, subsection (1).
- "Mortgage." Section 9-1102, subsection (55).
- "Pursuant to commitment." Section 9-1102, subsection (60).
- "Receipt." Section 2-103, subsection (1), paragraph (c).
- "Sale." Section 2-106, subsection (1).
- "Sale on approval." Section 2-326.
- "Sale or return." Section 2-326.
- "Seller." Section 2-103, subsection (1), paragraph (d).

Sec. A-25. 11 MRSA §2-1107, as enacted by PL 1991, c. 805, §4, is amended to read:

§2-1107. Waiver or renunciation of claim or right after default

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~written~~ waiver or renunciation in a signed and record delivered by the aggrieved party.

Sec. A-26. 11 MRSA §2-1201, sub-§(1), ¶(b), as enacted by PL 1991, c. 805, §4, is amended to read:

- (b). There is a writing record, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

Sec. A-27. 11 MRSA §2-1201, sub-§(3), as enacted by PL 1991, c. 805, §4, is amended to read:

- (3). A writing record is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subsection (1),

paragraph (b) beyond the lease term and the quantity of goods shown in the writing record.

Sec. A-28. 11 MRSA §2-1201, sub-§(5), ¶(a), as enacted by PL 1991, c. 805, §4, is amended to read:

- (a). If there is a writing record signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

Sec. A-29. 11 MRSA §2-1202, as enacted by PL 1991, c. 805, §4, is amended to read:

§2-1202. Final ~~written~~ expression; parol or extrinsic evidence

Terms with respect to which the confirmatory memoranda of the parties agree or ~~which that~~ are otherwise set forth in a writing record intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

- (1). By course of dealing or usage of trade or by course of performance; and
- (2). By evidence of consistent additional terms unless the court finds the writing record to have been intended also as a complete and exclusive statement of the terms of the agreement.

Sec. A-30. 11 MRSA §2-1203, as enacted by PL 1991, c. 805, §4, is amended to read:

§2-1203. Seals inoperative

The affixing of a seal to a writing record evidencing a lease contract or an offer to enter into a lease contract does not render the writing record a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

Sec. A-31. 11 MRSA §2-1205, as enacted by PL 1991, c. 805, §4, is amended to read:

§2-1205. Firm offers

An offer by a merchant to lease goods to or from another person in a signed writing record that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed 3 months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

Sec. A-32. 11 MRSA §2-1208, sub-§(2), as enacted by PL 1991, c. 805, §4, is amended to read:

- (2). A signed lease agreement that excludes modification or rescission except by a signed writing record may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a

form supplied by a merchant must be separately signed by the other party.

Sec. A-33. 11 MRSA §3-1104, sub-§(1), ¶(c), as enacted by PL 1993, c. 293, Pt. A, §2, is amended to read:

(c). Does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain:

- (i) An undertaking or power to give, maintain or protect collateral to secure payment;
- (ii) An authorization or power to the holder to confess judgment or realize on or dispose of collateral; ~~or~~
- (iii) A waiver of the benefit of any law intended for the advantage or protection of an obligor; ~~;~~
- (iv) A term that specifies the law that governs the promise or order; or
- (v) An undertaking to resolve in a specified forum a dispute concerning the promise or order.

Sec. A-34. 11 MRSA §3-1105, sub-§(1), as enacted by PL 1993, c. 293, Pt. A, §2, is repealed and the following enacted in its place:

- (1). "Issue" means:**
 - (a). The first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person; or
 - (b). If agreed to by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depository bank to collect the item by transferring or presenting under federal law an electronic check.

Sec. A-35. 11 MRSA §3-1401, as corrected by RR 2011, c. 1, §13, is amended by amending the section headnote to read:

§3-1401. Signature necessary for liability on instrument

Sec. A-36. 11 MRSA §3-1401, sub-§(2), as enacted by PL 1993, c. 293, Pt. A, §2, is repealed.

Sec. A-37. 11 MRSA §3-1604, sub-§(1), ¶(b), as enacted by PL 1993, c. 293, Pt. A, §2, is amended to read:

(b). By agreeing not to sue or otherwise renouncing rights against the party by a signed ~~writing~~ record.

Sec. A-38. 11 MRSA §3-1604, sub-§(1) as enacted by PL 1993, c. 293, Pt. A, §2, is amended by

enacting at the end a new first blocked paragraph to read:

The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.

Sec. A-39. 11 MRSA §4-1103, sub-§(1), ¶(a), as enacted by PL 1991, c. 812, §2, is amended to read:

(a). "Payment order" means an instruction of a sender to a receiving bank, transmitted orally, ~~electronically or in writing~~ or in a record, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if:

- (i) The instruction does not state a condition to payment to the beneficiary other than time of payment;
- (ii) The receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender; and
- (iii) The instruction is transmitted by the sender directly to the receiving bank or to an agent, funds transfer system or communication system for transmittal to the receiving bank;

Sec. A-40. 11 MRSA §4-1201, last ¶, as enacted by PL 1991, c. 812, §2, is amended to read:

A security procedure may impose an obligation on the receiving bank or the customer and may require the use of; algorithms or other codes; identifying words ~~or~~, numbers, symbols or sounds; biometric identifiers; encryption; callback procedures; or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer or requiring a payment order to be sent from a known e-mail address, Internet protocol address or telephone number is not by itself a security procedure.

Sec. A-41. 11 MRSA §4-1202, sub-§(2), ¶(b), as enacted by PL 1991, c. 812, §2, is amended to read:

(b). The bank proves that it accepted the payment order in good faith and in compliance with the bank's obligations under the security procedure and any ~~written~~ agreement or instruction of the customer, evidenced by a record, restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates ~~a written~~ an agreement with the customer, evidenced by a record, or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

Sec. A-42. 11 MRSA §4-1202, sub-§(3), ¶(b), as enacted by PL 1991, c. 812, §2, is amended to read:

(b). The customer expressly agreed in ~~writing~~ a record to be bound by any payment order, whether or not authorized, issued in its name and accepted by the bank in compliance with the bank's obligations under the security procedure chosen by the customer.

Sec. A-43. 11 MRSA §4-1203, sub-§(1), ¶(a), as enacted by PL 1991, c. 812, §2, is amended to read:

(a). By express ~~written~~ agreement, evidenced by a record, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

Sec. A-44. 11 MRSA §4-1207, sub-§(3), ¶(b), as enacted by PL 1991, c. 812, §2, is amended to read:

(b). If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a writing record stating the information to which the notice relates.

Sec. A-45. 11 MRSA §4-1208, sub-§(2), ¶(b), as enacted by PL 1991, c. 812, §2, is amended to read:

(b). If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by paragraph (a), as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed a writing record stating the information to which the notice relates.

Sec. A-46. 11 MRSA §4-1210, sub-§(1), as enacted by PL 1991, c. 812, §2, is amended to read:

(1). A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally, ~~electronically~~ or in writing a record. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, any means complying with the agreement is reasonable and any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

Sec. A-47. 11 MRSA §4-1211, sub-§(1), as enacted by PL 1991, c. 812, §2, is amended to read:

(1). A communication of the sender of a payment order cancelling or amending the order may be transmitted to the receiving bank orally, ~~electronically~~ or in writing a record. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

Sec. A-48. 11 MRSA §4-1305, sub-§(3), as enacted by PL 1991, c. 812, §2, is amended to read:

(3). In addition to the amounts payable under subsections (1) and (2), damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank, evidenced by a record.

Sec. A-49. 11 MRSA §4-1305, sub-§(4), as enacted by PL 1991, c. 812, §2, is amended to read:

(4). If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank, evidenced by a record, but are not otherwise recoverable.

Sec. A-50. 11 MRSA §5-1104, as enacted by PL 1997, c. 429, Pt. A, §2 and affected by §4, is amended to read:

§5-1104. Formal requirements

A letter of credit, confirmation, advice, transfer, amendment or cancellation may be issued in any form that is a signed record ~~and is authenticated by a signature or in accordance with the agreement of the parties~~

~~or the standard practice referred to in section 5-1108, subsection (5).~~

Sec. A-51. 11 MRSA §5-1116, sub-§(1), as enacted by PL 1997, c. 429, Pt. A, §2 and affected by §4, is amended to read:

(1). The liability of an issuer, nominated person or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~or otherwise authenticated~~ by the affected parties ~~in the manner provided in section 5-1104~~ or by a provision in the person's letter of credit, confirmation or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

Sec. A-52. 11 MRSA §5-1116, sub-§(2), as enacted by PL 1997, c. 429, Pt. A, §2 and affected by §4, is amended to read:

(2). Unless subsection (1) applies, the liability of an issuer, nominated person or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued. For the purpose of jurisdiction, choice of law and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under ~~this~~ subsection (2-A).

Sec. A-53. 11 MRSA §5-1106, sub-§(2-A) is enacted to read:

(2-A). A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

Sec. A-54. 11 MRSA §7-1102, sub-§(1), ¶(j), as enacted by PL 2009, c. 324, Pt. A, §2 and affected by §4, is repealed.

Sec. A-55. 11 MRSA §7-1102, sub-§(1), ¶(k), as enacted by PL 2009, c. 324, Pt. A, §2 and affected by §4, is repealed.

Sec. A-56. 11 MRSA §7-1106, as enacted by PL 2009, c. 324, Pt. A, §2 and affected by §4, is amended to read:

§7-1106. Control of electronic document of title

(1). A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(2). A system satisfies subsection (1), and a person ~~is deemed to have~~ has control of an electronic document of title, if the document is created, stored and ~~assigned~~ transferred in ~~such~~ a manner that:

(a). A single authoritative copy of the document exists that is unique, identifiable and, except as otherwise provided in paragraphs (d), (e) and (f), unalterable;

(b). The authoritative copy identifies the person asserting control as:

(i) The person to which the document was issued; or

(ii) If the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(c). The authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(d). Copies or amendments that add or change an identified ~~assignee transferee~~ of the authoritative copy can be made only with the consent of the person asserting control;

(e). Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f). Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(3). A system satisfies subsection (1), and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy or a system in which the electronic copy is recorded:

(a). Enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b). Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(c). Gives the person exclusive power, subject to subsection (4), to:

(i) Prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(ii) Transfer control of each authoritative electronic copy.

(4). Subject to subsection (5), a power is exclusive under subsection (3), paragraph (c), subparagraphs (i) and (ii) even if:

(a). The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(b). The power is shared with another person.

(5). A power of a person is not shared with another person under subsection (4), paragraph (b) and the person's power is not exclusive if:

(a). The person can exercise the power only if the power also is exercised by the other person; and

(b). The other person:

(i) Can exercise the power without exercise of the power by the person; or

(ii) Is the transferor to the person of an interest in the document of title.

(6). If a person has the powers specified in subsection (3), paragraph (c), subparagraphs (i) and (ii), the powers are presumed to be exclusive.

(7). A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(a). Has control of the document and acknowledges that it has control on behalf of the person; or

(b). Obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(8). A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(9). If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9-A otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Sec. A-57. 11 MRSA §8-1102, sub-§(1), ¶(f), as enacted by PL 1997, c. 429, Pt. B, §2, is amended by amending subparagraph (i) to read:

(i) Send a signed ~~writing~~ record; or

Sec. A-58. 11 MRSA §8-1102, sub-§(2), as enacted by PL 1997, c. 429, Pt. B, §2, is amended to read:

(2). ~~Other~~ The following definitions applying to in this Article and the sections in which they appear are other Articles apply to this Article:

Appropriate person	Section 8-1107
Control	Section 8-1106

Controllable account	Section 9-1102
Controllable electronic record	Section 12-102
Controllable payment intangible	Section 9-1102
Delivery	Section 8-1301
Investment company security	Section 8-1103
Issuer	Section 8-1201
Overissue	Section 8-1210
Protected purchaser	Section 8-1303
Securities account	Section 8-1501

Sec. A-59. 11 MRSA §8-1103, sub-§(8) is enacted to read:

(8). A controllable account, controllable electronic record or controllable payment intangible is not a financial asset unless section 8-1102, subsection (1), paragraph (i), subparagraph (iii) applies.

Sec. A-60. 11 MRSA §8-1106, sub-§(4), ¶(c), as enacted by PL 1999, c. 699, Pt. B, §21 and affected by §28, is amended to read:

~~(c). Another person has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser, other than the transferor to the purchaser of an interest in the security entitlement:~~

(i) Has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(ii) Obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

Sec. A-61. 11 MRSA §8-1106, sub-§(8) is enacted to read:

(8). A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

Sec. A-62. 11 MRSA §8-1106, sub-§(9) is enacted to read:

(9). If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this Article or Article 9-A otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgment to any other person.

Sec. A-63. 11 MRSA §8-1110, sub-§(7) is enacted to read:

(7). The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (1) or (2) even if the matter or transaction does not bear any relation to the jurisdiction.

Sec. A-64. 11 MRSA §8-1303, sub-§(2), as enacted by PL 1997, c. 429, Pt. B, §2, is amended to read:

(2). ~~In addition to acquiring the rights of a purchaser, a~~ protected purchaser also acquires its interest in the security free of any adverse claim.

Sec. A-65. 11 MRSA §9-1102, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected §4, is amended to read:

(2). "Account," except as used in "account for," "account statement," "account to," "commodity account" in subsection (14), "customer's account," "deposit account" in subsection (29), "on account of" and "statement of account," means a right to payment of a monetary obligation, whether or not earned by performance:

- (a). For property that has been or is to be sold, leased, licensed, assigned or otherwise disposed of;
- (b). For services rendered or to be rendered;
- (c). For a policy of insurance issued or to be issued;
- (d). For a secondary obligation incurred or to be incurred;
- (e). For energy provided or to be provided;
- (f). For the use or hire of a vessel under a charter or other contract;
- (g). Arising out of the use of a credit or charge card or information contained on or for use with the card; or
- (h). As winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state or person licensed or authorized to operate the game by a state or governmental unit of a state.

"Account" includes controllable accounts and health-care-insurance receivables. "Account" does not include: ~~rights to payment evidenced by chattel paper or an instrument;~~ commercial tort claims; deposit accounts; investment property; letter-of-credit rights or letters of credit; ~~or~~ rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card; or rights to payment evidenced by an instrument.

Sec. A-66. 11 MRSA §9-1102, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). "Account debtor" means a person obligated on an account, chattel paper or general intangible. "Account debtor" does not include persons obligated to pay a negotiable instrument, even if the negotiable instrument constitutes part of evidences chattel paper.

Sec. A-67. 11 MRSA §9-1102, sub-§(4), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (a). ~~Authenticated~~ Signed by a secured party;

Sec. A-68. 11 MRSA §9-1102, sub-§(7), as corrected by RR 2013, c. 1, §21, is repealed.

Sec. A-69. 11 MRSA §9-1102, sub-§(7-A) is enacted to read:

(7-A). "Assignee," except as used in "assignee for benefit of creditors," means a person:

(a). In whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding; or

(b). To which an account, chattel paper, payment intangible or promissory note has been sold. "Assignee" includes a person to which a security interest has been transferred by a secured party.

Sec. A-70. 11 MRSA §9-1102, sub-§(7-B) is enacted to read:

(7-B). "Assignor" means a person that:

(a). Under a security agreement creates or provides for a security interest that secures an obligation; or

(b). Sells an account, chattel paper, payment intangible or promissory note.

"Assignor" includes a secured party that has transferred a security interest to another person.

Sec. A-71. 11 MRSA §9-1102, sub-§(11), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed.

Sec. A-72. 11 MRSA §9-1102, sub-§(11-A) is enacted to read:

(11-A). "Chattel paper" means:

(a). A right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(b). A right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods, and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(i) The right to payment and lease agreement are evidenced by a record; and

(ii) The predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

"Chattel paper" does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

Sec. A-73. 11 MRSA §9-1102, sub-§(27-A) is enacted to read:

(27-A). "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 12-105 of the controllable electronic record.

Sec. A-74. 11 MRSA §9-1102, sub-§(27-B) is enacted to read:

(27-B). "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under section 12-105 of the controllable electronic record.

Sec. A-75. 11 MRSA §9-1102, sub-§(31), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed.

Sec. A-76. 11 MRSA §9-1102, sub-§(42), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(42). "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas or other minerals before extraction. "General intangible" includes controllable electronic records, payment intangibles and software.

Sec. A-77. 11 MRSA §9-1102, sub-§(47), as enacted by PL 1999, c. 699, Pt. A, §2 and affected §4, is amended to read:

(47). "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease and is of a type that in the ordinary course of business is transferred by delivery with any necessary indorsement or assignment. "Instrument" does not include:

- (a). Investment property;
- (b). Letters of credit; ~~or~~
- (c). Writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card; or
- (d). Writings that evidence chattel paper.

Sec. A-78. 11 MRSA §9-1102, sub-§(54-A) is enacted to read:

(54-A). "Money" has the same meaning as in section 1-1201, subsection (24), but does not include a deposit account.

Sec. A-79. 11 MRSA §9-1102, sub-§(61), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(61). "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. "Payment intangible" includes a controllable payment intangible.

Sec. A-80. 11 MRSA §9-1102, sub-§(66), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by, §4, is amended to read:

(66). "Proposal" means a record ~~authenticated signed~~ by a secured party that includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 9-1620, 9-1621 and 9-1622.

Sec. A-81. 11 MRSA §9-1102, sub-§(74), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed.

Sec. A-82. 11 MRSA §9-1102, sub-§(78), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is repealed.

Sec. A-83. 11 MRSA §9-1102, sub-§(80), ¶(d), as amended by PL 2013, c. 317, Pt. A, §8, is further amended by amending the first blocked paragraph to read:

"Control" as provided in section 7-1106 and the following definitions in other Articles apply to this Article:

"Applicant"	Section 5-1102.
"Beneficiary"	Section 5-1102.
"Broker"	Section 8-1102.
"Certificated security"	Section 8-1102.
"Check"	Section 3-1104.
"Clearing corporation"	Section 8-1102.
"Contract for sale"	Section 2-106.
" <u>Controllable electronic record</u> "	<u>Section 12-102.</u>
"Customer"	Section 4-104.
"Entitlement holder"	Section 8-1102.
"Financial asset"	Section 8-1102.
"Holder in due course"	Section 3-1302.
"Issuer" (with respect to a letter of credit or letter-of-credit right)	Section 5-1102.
"Issuer" (with respect to a security)	Section 8-1201.
"Issuer" (with respect to documents of title)	Section 7-1102.
"Lease"	Section 2-1103.
"Lease agreement"	Section 2-1103.
"Lease contract"	Section 2-1103.
"Leasehold interest"	Section 2-1103.
"Lessee"	Section 2-1103.
"Lessee in ordinary course of business"	Section 2-1103.
"Lessor"	Section 2-1103.
"Lessor's residual interest"	Section 2-1103.
"Letter of credit"	Section 5-1102.
"Merchant"	Section 2-104.
"Negotiable instrument"	Section 3-1104.
"Nominated person"	Section 5-1102.

"Note"	Section 3-1104.
"Proceeds of a letter of credit"	Section 5-114.
"Protected purchaser"	Section 8-1303.
"Prove"	Section 3-1103.
"Qualifying purchaser"	Section 12-102.
"Sale"	Section 2-106.
"Securities account"	Section 8-1501.
"Securities intermediary"	Section 8-1102.
"Security"	Section 8-1102.
"Security certificate"	Section 8-1102.
"Security entitlement"	Section 8-1102.
"Uncertificated security"	Section 8-1102.

Sec. A-84. 11 MRSA §9-1104, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). A secured party has control of a deposit account if:

- (a). The secured party is the bank with which the deposit account is maintained;
- (b). The debtor, secured party and bank have agreed in ~~an authenticated~~ a signed record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ~~or~~
- (c). The secured party becomes the bank's customer with respect to the deposit account; ~~or~~
- (d). Another person, other than the debtor:
 - (i) Has control of the deposit account and acknowledges that it has control on behalf of the secured party; or
 - (ii) Obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

Sec. A-85. 11 MRSA §9-1105, as amended by PL 2013, c. 317, Pt. A, §§9 to 11, is repealed.

Sec. A-86. 11 MRSA §9-1105-A is enacted to read:

§9-1105-A. Control of electronic copy of record evidencing chattel paper

- (1). A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.
- (2). A system satisfies subsection (1) if the record or records evidencing the chattel paper are created, stored and assigned in a manner such that:
 - (a). A single authoritative copy of the record or records exists that is unique, identifiable and,

except as otherwise provided in paragraphs (d), (e) and (f), unalterable;

(b). The authoritative copy identifies the purchaser as the assignee of the record or records;

(c). The authoritative copy is communicated to and maintained by the purchaser or its designated custodian;

(d). Copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;

(e). Each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f). Any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(3). A system satisfies subsection (1), and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy or a system in which the electronic copy is recorded:

(a). Enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b). Enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as the assignee of the authoritative electronic copy; and

(c). Gives the purchaser exclusive power, subject to subsection (4), to:

(i) Prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

(ii) Transfer control of the authoritative electronic copy.

(4). Subject to subsection (5), a power is exclusive under subsection (3), paragraph (c), subparagraphs (i) and (ii) even if:

(a). The authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(b). The power is shared with another person.

(5). A power of a purchaser is not shared with another person under subsection (4), paragraph (b) and the purchaser's power is not exclusive if:

(a). The purchaser can exercise the power only if the power also is exercised by the other person; and

(b). The other person:

(i) Can exercise the power without exercise of the power by the purchaser; or

(ii) Is the transferor to the purchaser of an interest in the chattel paper.

(6). If a purchaser has the powers specified in subsection (3), paragraph (c), subparagraphs (i) and (ii), the powers are presumed to be exclusive.

(7). A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(a). Has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(b). Obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.

Sec. A-87. 11 MRSA §9-1107-A is enacted to read:

§9-1107-A. Control of controllable electronic record, controllable account or controllable payment intangible

(1). A secured party has control of a controllable electronic record as provided in section 12-105.

(2). A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

Sec. A-88. 11 MRSA §9-1107-B is enacted to read:

§9-1107-B. No requirement to acknowledge or confirm; no duties

(1). A person that has control under section 9-1104 or 9-1105-A is not required to acknowledge that it has control on behalf of another person.

(2). If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

Sec. A-89. 11 MRSA §9-1203, sub-§(2), ¶(c), as amended by PL 2009, c. 324, Pt. B, §29 and affected by §48, is further amended to read:

(c). One of the following conditions is met:

(i) The debtor has ~~authenticated~~ signed a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(ii) The collateral is not a certificated security and is in the possession of the secured party under section 9-1313 pursuant to the debtor's security agreement;

(iii) The collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under section ~~8-1302~~ 8-1301 pursuant to the debtor's security agreement; ~~or~~

(iv) The collateral is controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights or electronic documents, and the secured party has control under ~~sections~~ section 7-1106, 9-1104, ~~9-1105~~ 9-1105-A, 9-1106 or, 9-1107 or 9-1107-A pursuant to the debtor's security agreement; or

(v) The collateral is chattel paper and the secured party has possession and control under section 9-1314-A pursuant to the debtor's security agreement.

Sec. A-90. 11 MRSA §9-1204, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). A Subject to subsection (2-A), a security interest does not attach under a term constituting an after-acquired property clause to:

(a). Consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within 10 days after the secured party gives value; or

(b). A commercial tort claim.

Sec. A-91. 11 MRSA §9-1204, sub-§(2-A) is enacted to read:

(2-A). Subsection (2) does not prevent a security interest from attaching:

(a). To consumer goods as proceeds under section 9-1315, subsection (1) or commingled goods under section 9-1336, subsection (3);

(b). To a commercial tort claim as proceeds under section 9-1315, subsection (1); or

(c). Under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

Sec. A-92. 11 MRSA §9-1207, sub-§(3), as amended by PL 2009, c. 324, Pt. B, §30 and affected by §48, is further amended to read:

(3). Except as otherwise provided in subsection (4), a secured party having possession of collateral or control of collateral under section 7-1106, 9-1104, ~~9-1105~~ 9-1105-A, 9-1106 ~~or~~, 9-1107 or 9-1107-A:

- (a). May hold as additional security any proceeds, except money or funds, received from the collateral;
- (b). Shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and
- (c). May create a security interest in the collateral.

Sec. A-93. 11 MRSA §9-1208, sub-§(2), as amended by PL 2009, c. 324, Pt. B, §31-33 and affected by §48, is further amended to read:

(2). Within 20 days after receiving ~~an authenticated~~ a signed demand by the debtor:

- (a). A secured party having control of a deposit account under section 9-1104, subsection (1), paragraph (b) shall send to the bank with which the deposit account is maintained ~~an authenticated statement~~ a signed record that releases the bank from any further obligation to comply with instructions originated by the secured party;
- (b). A secured party having control of a deposit account under section 9-1104, subsection (1), paragraph (c) shall:
 - (i) Pay the debtor the balance on deposit in the deposit account; or
 - (ii) Transfer the balance on deposit into a deposit account in the debtor's name;

~~(c). A secured party, other than a buyer, having control of electronic chattel paper under section 9-1105 shall:~~

- ~~(i) Communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~
- ~~(ii) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~
- ~~(iii) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy that~~

~~add or change an identified assignee of the authoritative copy without the consent of the secured party;~~

(c-1). A secured party, other than a buyer, having control under section 9-1105-A of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to the debtor or a person designated by the debtor;

(d). A secured party having control of investment property under section 8-1106, subsection (4), paragraph (b) or 9-1106, subsection (2) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~an authenticated~~ a signed record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(e). A secured party having control of a letter-of-credit right under section 9-1107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~an authenticated~~ a signed release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~and~~

~~(f). A secured party having control of an electronic document shall:~~

- ~~(1) Give control of the electronic document to the debtor or its designated custodian;~~
- ~~(2) If the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~
- ~~(3) Take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy that add or change an identified assignee of the authoritative copy without the consent of the secured party.~~

(f-1). A secured party having control under section 7-1106 of an authoritative electronic copy of an electronic document shall transfer control of the electronic copy to the debtor or a person designated by the debtor; and

(g). A secured party having control under section 12-105 of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control

of the controllable electronic record to the debtor or a person designated by the debtor.

Sec. A-94. 11 MRSA §9-1209, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). Within 20 days after receiving ~~an authenticated~~ a signed demand by the debtor, a secured party shall send to an account debtor that has received notification under section 9-1406, subsection (1) or section 12-106, subsection (2) of an assignment to the secured party as assignee ~~under section 9-1406, subsection (1) an authenticated~~ a signed record that releases the account debtor from any further obligation to the secured party.

Sec. A-95. 11 MRSA §9-1210, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

§9-1210. Request for accounting; request regarding list of collateral or statement of account

(1). In this section:

(a). "Request" means a record of a type described in paragraph (b), (c) or (d);

(b). "Request for an accounting" means a record ~~authenticated~~ signed by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request;

(c). "Request regarding a list of collateral" means a record ~~authenticated~~ signed by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request; and

(d). "Request regarding a statement of account" means a record ~~authenticated~~ signed by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(2). Subject to subsections (3), (4), (5) and (6), a secured party, other than a buyer of accounts, chattel paper, payment intangibles or promissory notes or a consignor, shall comply with a request within 20 days after receipt:

(a). In the case of a request for an accounting, by ~~authenticating~~ signing and sending to the debtor an accounting; and

(b). In the case of a request regarding a list of collateral or a request regarding a statement of

account, by ~~authenticating~~ signing and sending to the debtor an approval or correction.

(3). A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~an authenticated~~ a signed record including a statement to that effect within 20 days after receipt.

(4). A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request and claimed an interest in the collateral at an earlier time shall comply with the request within 20 days after receipt by sending to the debtor ~~an authenticated~~ a signed record:

(a). Disclaiming any interest in the collateral; and

(b). If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's security interest in the collateral.

(5). A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request and claimed an interest in the obligations at an earlier time shall comply with the request within 20 days after receipt by sending to the debtor ~~an authenticated~~ a signed record:

(a). Disclaiming any interest in the obligations; and

(b). If known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

(6). A debtor is entitled without charge to one response to a request under this section during any 6-month period. The secured party may require payment of a charge not exceeding \$25 for each additional response.

Sec. A-96. 11 MRSA §9-1301, first ¶, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

Except as otherwise provided in sections 9-1303 ~~through 9-1306~~ to 9-1306-B, the following rules determine the law governing perfection, the effect of perfection or nonperfection and the priority of a security interest in collateral.

Sec. A-97. 11 MRSA §9-1301, sub-§(3), as amended by PL 2009, c. 324, Pt. B, §34 and affected by §48, is further amended to read:

(3). Except as otherwise provided in subsection (4), while ~~tangible~~ negotiable tangible documents, goods, instruments, or money ~~or tangible chattel paper~~ is located in a jurisdiction, the local law of that jurisdiction governs:

(a). Perfection of a security interest in the goods by filing a fixture filing;

(b). Perfection of a security interest in timber to be cut; and

(c). The effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

Sec. A-98. 11 MRSA §9-1304, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection and the priority of a security interest in a deposit account maintained with that bank even if the transaction does not bear any relation to the bank's jurisdiction.

Sec. A-99. 11 MRSA §9-1305, sub-§(2), ¶(f) is enacted to read:

(f). Paragraphs (b), (c) and (e) apply even if the transaction does not bear any relation to the jurisdiction.

Sec. A-100. 11 MRSA §9-1306-A is enacted to read:

§9-1306-A. Law governing perfection and priority of security interests in chattel paper

(1). Except as provided in subsection (4), if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(2). The following rules determine the chattel paper's jurisdiction under this section.

(a). If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(b). If paragraph (a) does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this Article or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(c). If paragraphs (a) and (b) do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly

provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(d). If paragraphs (a), (b) and (c) do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(e). If paragraphs (a) to (d) do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(3). If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(a). Perfection of a security interest in the chattel paper by possession under section 9-1314-A; and

(b). The effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(4). The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

Sec. A-101. 11 MRSA §9-1306-B is enacted to read:

§9-1306-B. Law governing perfection and priority of security interests in controllable accounts, controllable electronic records and controllable payment intangibles

(1). Except as provided in subsection (2), the local law of the controllable electronic record's jurisdiction specified in section 12-107, subsection 3, paragraphs (c) and (d) governs perfection, the effect of perfection or nonperfection and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(2). The local law of the jurisdiction in which the debtor is located governs:

(a). Perfection of a security interest in a controllable account, controllable electronic record or controllable payment intangible by filing; and

(b). Automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

Sec. A-102. 11 MRSA §9-1310, sub-§(2), ¶(h), as amended by PL 2009, c. 324, Pt. B, §36 and affected by §48, is further amended to read:

(h). In controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, ~~electronic chattel paper,~~ electronic documents, investment property or letter-of-credit rights that is perfected by control under section 9-1314;

Sec. A-103. 11 MRSA §9-1310, sub-§(2), ¶(h-1) is enacted to read:

(h-1). In chattel paper that is perfected by possession and control under section 9-1314-A;

Sec. A-104. 11 MRSA §9-1312, as amended by PL 2009, c. 324, Pt. B, §37 and affected by §48, is further amended by amending the section headnote to read:

§9-1312. Perfection of security interests in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, negotiable documents, goods covered by documents, instruments, investment property, letter-of-credit rights and money; perfection by permissive filing; temporary perfection without filing or transfer of possession

Sec. A-105. 11 MRSA §9-1312, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). A security interest in chattel paper, ~~negotiable documents~~ controllable accounts, controllable electronic records, controllable payment intangibles, instruments ~~or,~~ investment property or negotiable documents may be perfected by filing.

Sec. A-106. 11 MRSA §9-1312, sub-§(5), as amended by PL 2009, c. 324, Pt. B, §37 and affected by §48, is further amended to read:

(5). A security interest in certificated securities, negotiable documents or instruments is perfected without filing or the taking of possession or control for a period of 20 days from the time it attaches to the extent that it arises for new value given under ~~an authenticated~~ a signed security agreement.

Sec. A-107. 11 MRSA §9-1313, sub-§(1), as amended by PL 2009, c. 324, Pt. B, §38 and affected by §48, is further amended to read:

(1). Except as otherwise provided in subsection (2), a secured party may perfect a security interest in ~~tangible negotiable documents,~~ goods, instruments, negotiable tangible documents or money or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under section 8-1301.

Sec. A-108. 11 MRSA §9-1313, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(a). The person in possession ~~authenticates~~ signs a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(b). The person takes possession of the collateral after having ~~authenticated~~ signed a record acknowledging that it will hold possession of the collateral for the secured party's benefit.

Sec. A-109. 11 MRSA §9-1313, sub-§(4), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(4). If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~no~~ not earlier than the time the secured party takes possession and continues only while the secured party retains possession.

Sec. A-110. 11 MRSA §9-1314, as amended by PL 2009, c. 324, Pt. B, §§39 and 40 and affected by §48, is further amended to read:

§9-1314. Perfection by control

(1). A security interest in ~~investment property, deposit accounts, letter of credit rights, electronic chattel paper or electronic documents~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, investment property or letter-of-credit rights may be perfected by control of the collateral under section 7-1106, 9-1104, ~~9-1105,~~ 9-1106 ~~or,~~ 9-1107 or 9-1107-A.

(2). A security interest in ~~deposit accounts, electronic chattel paper, letter of credit rights or electronic documents~~ controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents or letter-of-credit rights is perfected by control under section 7-1106, 9-1104, ~~9-1105 or~~ 9-1107 ~~when or~~ 9-1107-A not earlier than the time the secured party obtains control and remains perfected by control only while the secured party retains control.

(3). A security interest in investment property is perfected by control under section 9-1106 ~~from~~ not earlier than the time the secured party obtains control and remains perfected by control until:

- (a). The secured party does not have control; and
- (b). One of the following occurs:

- (i) If the collateral is a certificated security, the debtor has or acquires possession of the security certificate;
- (ii) If the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or
- (iii) If the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

Sec. A-111. 11 MRSA §9-1314-A is enacted to read:

§9-1314-A. Perfection by possession and control of chattel paper

(1). A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(2). A security interest is perfected under subsection (1) not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (1) only while the secured party retains possession and control.

(3). Section 9-1313, subsections (3) and (6) to (9) apply to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

Sec. A-112. 11 MRSA §9-1316, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). A security interest perfected pursuant to the law of the jurisdiction designated in section 9-1301, subsection (1) or section 9-1305, subsection (3), section 9-1306-A, subsection (4) or section 9-1306-B, subsection (2) remains perfected until the earliest of:

- (a). The time perfection would have ceased under the law of that jurisdiction;
- (b). The expiration of 4 months after a change of the debtor's location to another jurisdiction;
- (c). The expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction; or
- (d). The expiration of one year after a new debtor located in another jurisdiction becomes bound under section 9-1203, subsection (4).

Sec. A-113. 11 MRSA §9-1316, sub-§(6), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(6). A security interest in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, letter-of-credit rights or investment property that is

perfected under the law of the chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

- (a). The time the security interest would have become unperfected under the law of that jurisdiction; or
- (b). The expiration of 4 months after a change of the applicable jurisdiction to another jurisdiction.

Sec. A-114. 11 MRSA §9-1317, sub-§(2), as amended by PL 2013, c. 317, Pt. A, §15, is further amended to read:

(2). Except as otherwise provided in subsection (5), a buyer, other than a secured party, of ~~tangible chattel paper, tangible documents,~~ goods, instruments, tangible documents or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

Sec. A-115. 11 MRSA §9-1317, sub-§(4), as amended by PL 2013, c. 317, Pt. A, §16, is further amended to read:

(4). A Subject to subsections (6) to (9), a licensee of a general intangible or a buyer, other than a secured party, of collateral other than ~~tangible chattel paper, tangible documents,~~ goods, instruments, tangible documents or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

Sec. A-116. 11 MRSA §9-1317, sub-§(6) is enacted to read:

(6). A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

- (a). Receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and
- (b). If each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under section 9-1105-A, obtains control of each authoritative electronic copy.

Sec. A-117. 11 MRSA §9-1317, sub-§(7) is enacted to read:

(7). A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer

gives value and, if each authoritative electronic copy of the document can be subjected to control under section 7-1106, obtains control of each authoritative electronic copy.

Sec. A-118. 11 MRSA §9-1317, sub-§(8) is enacted to read:

(8). A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

Sec. A-119. 11 MRSA §9-1317, sub-§(9) is enacted to read:

(9). A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

Sec. A-120. 11 MRSA §9-1323, sub-§(4), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(4). Except as otherwise provided in subsection (5), a buyer of goods ~~other than a buyer in ordinary course of business~~ takes free of a security interest to the extent that it secures advances made after the earlier of:

- (a). The time the secured party acquires knowledge of the buyer's purchase; or
- (b). Forty-five days after the purchase.

Sec. A-121. 11 MRSA §9-1323, sub-§(6), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(6). Except as otherwise provided in subsection (7), a lessee of goods, ~~other than a lessee in ordinary course of business~~, takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

- (a). The time the secured party acquires knowledge of the lease; or
- (b). Forty-five days after the lease contract becomes enforceable.

Sec. A-122. 11 MRSA §9-1324, sub-§(2), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(b). The purchase-money secured party sends ~~an authenticated~~ a signed notification to the holder of the conflicting security interest;

Sec. A-123. 11 MRSA §9-1324, sub-§(4), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(b). The purchase-money secured party sends ~~an authenticated~~ a signed notification to the holder of the conflicting security interest;

Sec. A-124. 11 MRSA §9-1326-A is enacted to read:

§9-1326-A. Priority of security interest in controllable account, controllable electronic record and controllable payment intangible

A security interest in a controllable account, controllable electronic record or controllable payment intangible held by a secured party having control of the account, electronic record or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

Sec. A-125. 11 MRSA §9-1330, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). A purchaser of chattel paper has priority over a security interest in the chattel paper that is claimed merely as proceeds of inventory subject to a security interest if:

(a). In good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ~~and~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~or~~ and obtains control ~~of~~ under section 9-1105-A of each authoritative electronic copy of the record evidencing the chattel paper ~~under section 9-1105~~; and

(b). The ~~chattel paper does~~ authoritative copies of the record evidencing the chattel paper do not indicate that ~~it~~ the chattel paper has been assigned to an identified assignee other than the purchaser.

Sec. A-126. 11 MRSA §9-1330, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). A purchaser of chattel paper has priority over a security interest in the chattel paper that is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~and~~ takes possession of each authoritative tangible copy of the record evidencing the chattel paper ~~or~~ and obtains control ~~of~~ under section 9-1105-A of each authoritative electronic copy of the record evidencing the chattel paper ~~under section 9-1105~~ in good faith, in the ordinary course of the purchaser's business and without knowledge that the purchase violates the rights of the secured party.

Sec. A-127. 11 MRSA §9-1330, sub-§(6), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(6). For purposes of subsections (2) and (4), if ~~the~~ authoritative copies of the record evidencing chattel

paper or an instrument ~~indicates~~ indicate that ~~it~~ the chattel paper or instrument has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

Sec. A-128. 11 MRSA §9-1331, as amended by PL 2001, c. 471, Pt. B, §4 and affected by §5, is further amended to read:

§9-1331. Priority of rights of purchasers of instruments, controllable accounts, controllable electronic records, controllable payment intangibles, documents, instruments and securities under other Articles; priority of interests in financial assets and security entitlements and protection against assertion of claim under Article 8 and Articles 8-A and 12

(1). This Article does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated or a protected purchaser of a security or a qualifying purchaser of a controllable account, controllable electronic record or controllable payment intangible. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Articles 3-A, ~~7~~ 7-A, 8-A and § 12.

(2). This Article does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Article 8-A or 12.

(3). Filing under this Article does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (1) and (2).

Sec. A-129. 11 MRSA §9-1332, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

§9-1332. Transfer of money; transfer of funds from deposit account

(1). A transferee of money takes the money free of a security interest ~~unless the transferee acts if the transferee receives possession of the money without acting~~ in collusion with the debtor in violating the rights of the secured party.

(2). A transferee of funds from a deposit account takes the funds free of a security interest in the deposit account ~~unless the transferee acts if the transferee receives the funds without acting~~ in collusion with the debtor in violating the rights of the secured party.

Sec. A-130. 11 MRSA §9-1334, sub-§(6), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(a). The encumbrancer or owner has, in ~~an authenticated~~ a signed record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

Sec. A-131. 11 MRSA §9-1338, sub-§(2), as amended by PL 2009, c. 324, Pt. B, §43 and affected by §48, is repealed and the following enacted in its place:

(2). A purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and:

(a). In the case of tangible documents, goods, instruments or a security certificate, receives possession or delivery of the collateral and:

(b). In the case of chattel paper, takes possession of each authoritative tangible copy of the record evidencing the chattel paper and obtains control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

Sec. A-132. 11 MRSA §9-1341, first ¶, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

Except as otherwise provided in section 9-1340, subsection (3), and unless the bank otherwise agrees in ~~an authenticated~~ a signed record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended or modified by:

Sec. A-133. 11 MRSA §9-1403, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). In this section, "value" has the meaning provided in section ~~3-303~~ 3-1303, subsection (1).

Sec. A-134. 11 MRSA §9-1403, sub-§(2), ¶(d), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(d). Without notice of a defense or claim in recoupment of the type that may be asserted against a person entitled to enforce a negotiable instrument under section ~~3-305~~ 3-1305, subsection (1).

Sec. A-135. 11 MRSA §9-1403, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). Subsection (2) does not apply to defenses of a type that may be asserted against a holder in due course of a negotiable instrument under section ~~3-305~~ 3-1305, subsection (2).

Sec. A-136. 11 MRSA §9-1404, sub-§(1), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(b). Any other defense or claim of the account debtor against the assignor that accrues before the

account debtor receives a notification of the assignment ~~authenticated~~ signed by the assignor or the assignee.

Sec. A-137. 11 MRSA §9-1406, as amended by PL 2013, c. 317, Pt. A, §18, is further amended to read:

§9-1406. Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective

(1). Subject to subsections (2) ~~through (9)~~ to (10), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~authenticated~~ signed by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(2). Subject to ~~subsection (8)~~ subsections (8) and (10), notification is ineffective under subsection (1):

- (a). If it does not reasonably identify the rights assigned;
- (b). To the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or
- (c). At the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:
 - (i) Only a portion of the account, chattel paper or payment intangible has been assigned to that assignee;
 - (ii) A portion has been assigned to another assignee; or
 - (iii) The account debtor knows that the assignment to that assignee is limited.

(3). Subject to ~~subsection (8)~~ subsections (8) and (10), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (1).

(4). Except as otherwise provided in subsection (5) and sections 2-1303 and 9-1407, and subject to subsection (8), a term in an agreement between an

account debtor and an assignor or in a promissory note is ineffective to the extent that it:

- (a). Prohibits, restricts or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in, the account, chattel paper, payment intangible or promissory note; or
- (b). Provides that the assignment or transfer or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the account, chattel paper, payment intangible or promissory note.

For the purposes of this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper.

(5). Subsection (4) does not apply to the sale of a payment intangible or promissory note other than a sale pursuant to a disposition under section 9-1610 or an acceptance of collateral under section 9-1620.

(6). Except as otherwise provided in sections 2-1303 and 9-1407 and subject to subsections (8) and (9), a rule of law, statute, or regulation that prohibits, restricts or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute or regulation:

- (a). Prohibits, restricts or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection or enforcement of a security interest in the account or chattel paper; or
- (b). Provides that the assignment or transfer or the creation, attachment, perfection or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination or remedy under the account or chattel paper.

(7). Subject to ~~subsection (8)~~ subsections (8) and (10), an account debtor may not waive or vary its option under subsection (2), paragraph (c).

(8). This section is subject to law other than this Article that establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family or household purposes.

(9). This section does not apply to an assignment of a health-care-insurance receivable.

(10). Subsections (1), (2), (3) and (7) do not apply to a controllable account or controllable payment intangible.

Sec. A-138. 11 MRSA §9-1408, sub-§(5) is enacted to read:

(5). For the purposes of this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

Sec. A-139. 11 MRSA §9-1509, sub-§(1), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(a). The debtor authorizes the filing in ~~an authenticated~~ a signed record or pursuant to subsection (2) or (3); or

Sec. A-140. 11 MRSA §9-1509, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). By ~~authenticating~~ signing or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(a). The collateral described in the security agreement; and

(b). Property that becomes collateral under section 9-1315, subsection (1), paragraph (b), whether or not the security agreement expressly covers proceeds.

Sec. A-141. 11 MRSA §9-1513, sub-§(2), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(b). If earlier, within 20 days after the secured party receives ~~an authenticated~~ a signed demand from a debtor.

Sec. A-142. 11 MRSA §9-1513, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). In cases not governed by subsection (1), within 20 days after a secured party receives ~~an authenticated~~ a signed demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(a). Except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation or otherwise give value;

(b). The financing statement covers accounts or chattel paper that has been sold but as to which the

account debtor or other person obligated has discharged its obligation;

(c). The financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(d). The debtor did not authorize the filing of the initial financing statement.

Sec. A-143. 11 MRSA §9-1601, sub-§(2), as amended by PL 2009, c. 324, Pt. B, §44 and affected by §48, is further amended to read:

(2). A secured party in possession of collateral or control of collateral under section 7-1106, 9-1104, ~~9-1105~~ 9-1105-A, 9-1106 ~~or~~, 9-1107 ~~or~~ 9-1107-A has the rights and duties provided in section 9-1207.

Sec. A-144. 11 MRSA §9-1605, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

§9-1605. Unknown debtor or secondary obligor

A Except as provided in this section, a secured party does not owe a duty based on its status as secured party:

(1). To a person that is a debtor or obligor unless the secured party knows:

(a). That the person is a debtor or obligor;

(b). The identity of the person; and

(c). How to communicate with the person; or

(2). To a secured party or lienholder that has filed a financing statement against a person unless the secured party knows:

(a). That the person is a debtor; and

(b). The identity of the person.

A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later, the person is a debtor or obligor and the secured party knows that the information in subsection (1), paragraph (a), (b) or (c) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral or the system in which the collateral is re-corded.

Sec. A-145. 11 MRSA §9-1608, sub-§(1), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended by amending subparagraph (iii) to read:

(iii) The satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the

collection or enforcement is made if the secured party receives ~~an authenticated~~ a signed demand for proceeds before distribution of the proceeds is completed.

Sec. A-146. 11 MRSA §9-1611, sub-§(1), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(a). A secured party sends to the debtor and any secondary obligor ~~an authenticated~~ a signed notification of disposition; or

Sec. A-147. 11 MRSA §9-1611, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). Except as otherwise provided in subsection (4), a secured party that disposes of collateral under section 9-1610 shall send to the persons specified in subsection (3) a reasonable ~~authenticated~~ signed notification of disposition.

Sec. A-148. 11 MRSA §9-1611, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). To comply with subsection (2), the secured party shall send ~~an authenticated~~ a signed notification of disposition to:

- (a). The debtor;
- (b). Any secondary obligor; and
- (c). If the collateral is other than consumer goods:
 - (i) Any other person from which the secured party has received, before the notification date, ~~an authenticated~~ a signed notification of a claim of an interest in the collateral;
 - (ii) Any other secured party or lienholder that, 10 days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:
 - (A) Identified the collateral;
 - (B) Was indexed under the debtor's name as of that date; and
 - (C) Was filed in the appropriate office in which to file a financing statement against the debtor covering the collateral as of that date; and
 - (iii) Any other secured party that, 10 days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation or treaty described in section 9-1311, subsection (1).

Sec. A-149. 11 MRSA §9-1611, sub-§(5), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and

affected by §4, is amended by amending subparagraph (ii) to read:

(ii) Received a response to the request for information and sent ~~an authenticated~~ a signed notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

Sec. A-150. 11 MRSA §9-1613, sub-§(5), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(5). The following form of notification or the form appearing in section 9-1614, subsection (3), when completed, in accordance with the instructions in subsection (6) and section 9-1614, subsection (3-A), each provides sufficient information:

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: _____ {Name of debtor, obligor or other person to which the notification is sent}

From: _____ {Name, address, and telephone number of secured party}

Name of Debtor(s): _____ {Include only if debtor(s) not addressee}

~~{For a public disposition:}~~

~~We will sell [or lease or license, as applicable] the [describe collateral] [to the highest qualified bidder] in public as follows:~~

~~Day and Date: _____~~

~~Time: _____~~

~~Place: _____~~

~~{For a private disposition:}~~

~~We will sell [or lease or license, as applicable] the [describe collateral] privately sometime after [day and date].~~

~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell [or lease or license, as applicable] [for a charge of \$]. You may request an accounting by calling us at [telephone number].~~

~~{End of Form}~~

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: (Name of debtor, obligor or other person to which the notification is sent)

From: (Name, address and telephone number of secured party)

{1} Name of any debtor that is not an addressee: (Name of each debtor)

{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.

{5} If you request an accounting you must pay a charge of \$ (amount).

{6} You may request an accounting by calling us at (telephone number).

[End of Form]

Sec. A-151. 11 MRSA §9-1613, sub-§(6) is enacted to read:

(6). The following instructions apply to the form of notification in subsection (5).

(a). The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (5). Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(b). Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names.

(c). Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.

(d). Include and complete items {4} and {6}.

(e). Include and complete item {5} only if the sender will charge the recipient for an accounting.

Sec. A-152. 11 MRSA §9-1614, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). The following form of notification, when completed in accordance with the instructions in subsection (3-A), provides sufficient information.

~~{Name and or addresses of intended recipient}~~

~~{Date}~~

~~NOTICE OF OUR PLAN TO SELL PROPERTY~~

~~{Name and address of any obligor who is also a debtor}~~

~~Subject: {Identification of Transaction}~~

~~We have your {describe collateral} because you broke promises in our agreement.~~

~~{For a public disposition:}~~

~~We will sell {describe collateral} at public sale. A sale could include a lease or license. The sale will be held as follows.~~

~~Date: _____~~

~~Time: _____~~

~~Place: _____~~

~~You may attend the sale and bring bidders if you want.~~

~~{For a private disposition:}~~

~~We will sell {describe collateral} at private sale some-time after {date}. A sale could include a lease or license.~~

~~The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you [will or will not, as applica-ble] still owe us the difference. If we get more money than you owe, you will get the extra money unless we must pay it to someone else.~~

~~You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at {telephone number}.~~

~~If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at {telephone number} [or write us at {secured party's ad-dress}] and request a written explanation.~~

If you need more information about the sale, call us at {telephone number} [or write us at {secured party's address}].

We are sending this notice to the following other people who have an interest in {describe collateral} or who owe money under your agreement.

{Names of all other debtors and obligors, if any}

{End of Form}

(Name and address of secured party)

(Date)

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral), because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or

contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

{8} We will charge you \$ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

{9} If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

[End of Form]

Sec. A-153. 11 MRSA §9-1614, sub-§(3-A) is enacted to read:

(3-A). The following instructions apply to the form of notification in subsection (3).

(a). The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (3). Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(b). Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(c). Include and complete items {3}, {4}, {5}, {6} and {7}.

(d). In item {5}, include and complete any one of the 3 alternative methods for the explanation: writing, writing or electronic record or electronic record.

(e). In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the 2 additional alternative methods of communication, writing or electronic communication, for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(f). In item {7}, include and complete the method or methods for the explanation, writing, writing or electronic record or electronic record, included in item {5}.

(g). Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the

sender will charge the recipient for another written explanation.

(h). In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication, electronic communication, for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(i). If item {10} does not apply, insert "None" after "agreement:".

Sec. A-154. 11 MRSA §9-1615, sub-§(1), ¶(c), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended by amending subparagraph (i) to read:

- (i) The secured party receives from the holder of the subordinate security interest or other lien ~~an authenticated~~ a signed demand for proceeds before distribution of the proceeds is completed; and

Sec. A-155. 11 MRSA §9-1615, sub-§(1), ¶(d), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(d). A secured party that is a consignor of the collateral if the secured party receives from the consignor ~~an authenticated~~ a signed demand for proceeds before distribution of the proceeds is completed.

Sec. A-156. 11 MRSA §9-1616, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (1). In this section:
 - (a). "Explanation" means a ~~writing record~~ that:
 - (i) States the amount of the surplus or deficiency;
 - (ii) Provides an explanation in accordance with subsection (3) of how the secured party calculated the surplus or deficiency;
 - (iii) States, if applicable, that future debits, credits, charges including additional credit service charges or interest, rebates and expenses may affect the amount of the surplus or deficiency; and
 - (iv) Provides a telephone number or mailing address from which additional information concerning the transaction is available; and
 - (b). "Request" means a record:
 - (i) ~~Authenticated~~ Signed by a debtor or consumer obligor;

(ii) Requesting that the recipient provide an explanation; and

(iii) Sent after disposition of the collateral under section 9-1610.

Sec. A-157. 11 MRSA §9-1616, sub-§(2), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended by amending subparagraph (i) to read:

- (i) Before or when the secured party accounts to the debtor and pays any surplus or first makes ~~written~~ demand in a record on the consumer obligor after the disposition for payment of the deficiency; and

Sec. A-158. 11 MRSA §9-1616, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(3). To comply with subsection (1), paragraph (a), subparagraph (ii), ~~a writing an explanation~~ must provide the following information in the following order:

- (a). The aggregate amount of obligations secured by the security interest under which the disposition was made and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:
 - (i) If the secured party takes or receives possession of the collateral after default, not more than 35 days before the secured party takes or receives possession; or
 - (ii) If the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than 35 days before the disposition;

- (b). The amount of proceeds of the disposition;
- (c). The aggregate amount of the obligations after deducting the amount of proceeds;
- (d). The amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing and disposing of the collateral, and attorney's fees secured by the collateral that are known to the secured party and relate to the current disposition;
- (e). The amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and that are not reflected in the amount in paragraph (a); and
- (f). The amount of the surplus or deficiency.

Sec. A-159. 11 MRSA §9-1619, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). In this section, "transfer statement" means a record ~~authenticated signed~~ by a secured party stating:

- (a). That the debtor has defaulted in connection with an obligation secured by specified collateral;
- (b). That the secured party has exercised its post-default remedies with respect to the collateral;
- (c). That, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and
- (d). The name and mailing address of the secured party, debtor and transferee.

Sec. A-160. 11 MRSA §9-1620, sub-§(1), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (b). The secured party does not receive, within the time set forth in subsection (4), a notification of objection to the proposal ~~authenticated signed~~ by:
 - (i) A person to which the secured party was required to send a proposal under section 9-1621; or
 - (ii) Any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;

Sec. A-161. 11 MRSA §9-1620, sub-§(2), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (a). The secured party consents to the acceptance in ~~an authenticated a signed~~ record or sends a proposal to the debtor; and

Sec. A-162. 11 MRSA §9-1620, sub-§(3), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (3). For purposes of this section:
 - (a). A debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~authenticated signed~~ after default; and
 - (b). A debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~authenticated signed~~ after default or the secured party:
 - (i) Sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(ii) In the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(iii) Does not receive a notification of objection ~~authenticated signed~~ by the debtor within 20 days after the proposal is sent.

Sec. A-163. 11 MRSA §9-1620, sub-§(6), ¶(b), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (b). Within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ~~authenticated signed~~ after default.

Sec. A-164. 11 MRSA §9-1621, sub-§(1), ¶(a), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

- (a). Any person from which the secured party has received, before the debtor consented to the acceptance, ~~an authenticated a signed~~ notification of a claim of an interest in the collateral;

Sec. A-165. 11 MRSA §9-1624, as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

§9-1624. Waiver

(1). A debtor or secondary obligor may waive the right to notification of disposition of collateral under section 9-1611 only by an agreement to that effect entered into and ~~authenticated signed~~ after default.

(2). A debtor may waive the right to require disposition of collateral under section 9-1620, subsection (5) only by an agreement to that effect entered into and ~~authenticated signed~~ after default.

(3). Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under section 9-1623 only by an agreement to that effect entered into and ~~authenticated signed~~ after default.

Sec. A-166. 11 MRSA §9-1628, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1). ~~Unless Subject to subsection (6), unless~~ a secured party knows that a person is a debtor or obligor, knows the identity of the person and knows how to communicate with the person:

- (a). The secured party is not liable to the person or to a secured party or lienholder that has filed a financing statement against the person for failure to comply with this Article; and

(b). The secured party's failure to comply with this Article does not affect the liability of the person for a deficiency.

Sec. A-167. 11 MRSA §9-1628, sub-§(2), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(2). A Subject to subsection (6), a secured party is not liable because of its status as secured party:

(a). To a person that is a debtor or obligor, unless the secured party knows:

- (i) That the person is a debtor or obligor;
- (ii) The identity of the person; and
- (iii) How to communicate with the person; or

(b). To a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

- (i) That the person is a debtor; and
- (ii) The identity of the person.

Sec. A-168. 11 MRSA §9-1628, sub-§(6) is enacted to read:

(6). Subsections (1) and (2) do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

- (a). The person is a debtor or obligor; and
- (b). The secured party knows that the information in subsection (2), paragraph (a), subparagraph (i), (ii) or (iii) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral or the system in which the collateral is recorded.

PART B

Sec. B-1. 11 MRSA Art. 12 is enacted to read:

ARTICLE 12

CONTROLLABLE ELECTRONIC RECORDS

§12-101. Short title

This Article may be cited as "the Uniform Commercial Code - Controllable Electronic Records."

§12-102. Definitions

(1). In this Article, unless the context otherwise indicates, the following terms have the following meanings.

- (a). "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under section 12-105. "Controllable electronic record" does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic

document of title, investment property, a transferable record or an electronic record that is a medium of exchange currently authorized or adopted by a domestic or foreign government and is not a medium of exchange that was recorded or transferable in a system that existed and operated for a medium of exchange before the medium of exchange was authorized or adopted by the government.

(b). "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(c). "Transferable record" has the same meaning as in:

- (i) 15 United States Code, Section 7021(a)(1); or
- (ii) Title 10, section 9416, subsection 1.

(d). "Value" has the same meaning provided in section 3-1303, subsection (1), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record or controllable payment intangible.

(2). The definitions in Article 9-A of "account debtor," "controllable account," "controllable payment intangible," "chattel paper," "deposit account" and "investment property" apply to this Article.

(3). Article 1-A contains general definitions and principles of construction and interpretation applicable throughout this Article.

§12-103. Relation to Article 9-A and consumer laws

(1). If there is conflict between this Article and Article 9-A, Article 9-A governs.

(2). A transaction subject to this Article is subject to any applicable rule of law that establishes a different rule for consumers, including Title 9-A, Title 30-A, chapter 183, subchapter 6 and Title 32, chapter 109-A.

§12-104. Rights in controllable account, controllable electronic record and controllable payment intangible

(1). This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (3), (4), (5), (6) and (7) of a purchaser and qualifying purchaser, in the same manner as this section applies to a controllable electronic record.

(2). To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if

it obtains control of the controllable electronic record that evidences the account or payment intangible.

(3). Except as provided in this section, law other than this Article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

(4). A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(5). A qualifying purchaser acquires its rights in a controllable electronic record free of a claim of a property right in the controllable electronic record.

(6). Except as provided in subsections (1) and (5) for a controllable account and a controllable payment intangible or law other than this Article, a qualifying purchaser takes a right to payment, right to performance or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance or other interest in property.

(7). An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien or other theory.

(8). Filing of a financing statement under Article 9-A is not notice of a claim of a property right in a controllable electronic record.

§12-105. Control of controllable electronic record

(1). A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record or a system in which the electronic record is recorded:

- (a). Gives the person:
 - (i) Power to avail itself of substantially all the benefit from the electronic record; and
 - (ii) Exclusive power, subject to subsection (2), to:
 - (A) Prevent others from availing themselves of substantially all the benefit from the electronic record; and
 - (B) Transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(b). Enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office or account number, as having the powers specified in paragraph (a).

(2). Subject to subsection (3), a power is exclusive under subsection (1), paragraph (a), subparagraph (ii), divisions (A) and (B) even if:

(a). The controllable electronic record, a record attached to or logically associated with the electronic record or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol that is programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(b). The power is shared with another person.

(3). A power of a person is not shared with another person under subsection (2), paragraph (b) and the person's power is not exclusive if:

(a). The person can exercise the power only if the power also is exercised by the other person; and

(b). The other person:

(i) Can exercise the power without exercise of the power by the person; or

(ii) Is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(4). If a person has the powers specified in subsection (1), paragraph (a), subparagraph (ii), divisions (A) and (B), the powers are presumed to be exclusive.

(5). A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(a). Has control of the electronic record and acknowledges that it has control on behalf of the person; or

(b). Obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(6). A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(7). If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this Article or Article 9-A otherwise provides, the person does not owe

any duty to the other person and is not required to confirm the acknowledgment to any other person.

§12-106. Discharge of account debtor on controllable account or controllable payment intangible

(1). An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

(a). The person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(b). Except as provided in subsection (2), a person that formerly had control of the controllable electronic record.

(2). Subject to subsection (4), the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(a). Is signed by a person that formerly had control or the person to which control was transferred;

(b). Reasonably identifies the controllable account or controllable payment intangible;

(c). Notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(d). Identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office or account number; and

(e). Provides a commercially reasonable method by which the account debtor is to pay the transferee.

(3). After receipt of a notification that complies with subsection (2), the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(4). Subject to subsection (8), notification is ineffective under subsection (2):

(a). Unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(b). To the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this Article; or

(c). At the option of the account debtor, if the notification notifies the account debtor to:

(i) Divide a payment;

(ii) Make less than the full amount of an installment or other periodic payment; or

(iii) Pay any part of a payment by more than one method or to more than one person.

(5). Subject to subsection (8), if requested by the account debtor, the person giving the notification under subsection (2) seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (4), paragraph (a), that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (2).

(6). A person furnishes reasonable proof under subsection (5) that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (4), paragraph (a), that the transferee has the power to:

(a). Avail itself of substantially all the benefit from the controllable electronic record;

(b). Prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(c). Transfer the powers specified in paragraphs (a) and (b) to another person.

(7). Subject to subsection (8), an account debtor may not waive or vary its rights under subsection (4), paragraph (a) and subsection (5) or its option under subsection (4), paragraph (c).

(8). This section is subject to law other than this Article that establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family or household purposes.

§12-107. Governing law

(1). Except as provided in subsection (2), the local law of a controllable electronic record's jurisdiction governs a matter covered by this Article.

(2). For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by section 12-106 unless an effective agreement determines that the local law of another jurisdiction governs.

(3). The following rules determine a controllable electronic record's jurisdiction under this section.

(a). If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(b). If paragraph (a) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this Article or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(c). If paragraphs (a) and (b) do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(d). If paragraphs (a), (b) and (c) do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(e). If paragraphs (a) to (d) do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(4). If subsection (3), paragraph (e) applies and Article 12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this Article is the law of the District of Columbia as though Article 12 were in effect in the District of Columbia without material modification. For the purposes of this subsection, "Article 12" means Article 12 of Uniform Commercial Code Amendments (2022).

(5). To the extent subsections (1) and (2) provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this Article, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(6). The rights acquired under section 12-104 by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

PART C

Sec. C-1. 11 MRSA Art. 15 is enacted to read:

ARTICLE 15

TRANSITIONAL PROVISIONS

PART 1

GENERAL PROVISIONS AND DEFINITIONS

§15-101. Short title

This Article may be cited as "the Transitional Provisions for Uniform Commercial Code Amendments (2022)."

§15-102. Definitions

(1). For the purposes of this Article, unless the context otherwise indicates, the following terms have the following meanings.

(a). "Adjustment date" means July 1, 2026.

(b). "Article 12" means Article 12 of the Uniform Commercial Code.

(c). "Article 12 property" means a controllable account, controllable electronic record or controllable payment intangible.

(2). The following definitions in other Articles of the Uniform Commercial Code apply to this Article:

(a). "Controllable account," section 9-1102;

(b). "Controllable electronic record," section 12-102;

(c). "Controllable payment intangible," section 9-1102; and

(d). "Financing statement," section 9-1102.

(3). Article 1-A contains general definitions and principles of construction and interpretation applicable throughout this Article.

PART 2

GENERAL TRANSITIONAL PROVISION

§15-201. Savings clause

Except as provided in part 3, a transaction validly entered into before July 1, 2025 and the rights, duties and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, the Uniform Commercial Code in effect prior to July 1, 2025.

PART 3

TRANSITIONAL PROVISIONS FOR ARTICLES 9-A AND 12

§15-301. Savings clause

(1). Except as provided in this part, Article 9-A as in effect on July 1, 2025 and Article 12 apply to a

transaction, lien or other interest in property, even if the transaction, lien or interest was entered into, created or acquired before July 1, 2025.

(2). Except as provided in subsection (3) and sections 15-302 to 15-306:

(a). A transaction, lien or interest in property that was validly entered into, created or transferred before July 1, 2025 and was not governed by the Uniform Commercial Code, but would be subject to Article 9-A as in effect on July 1, 2025 or Article 12 if it had been entered into, created or transferred on or after July 1, 2025, including the rights, duties and interests flowing from the transaction, lien or interest, remains valid on and after July 1, 2025; and

(b). The transaction, lien or interest may be terminated, completed, consummated and enforced as required or permitted by this Title as in effect on July 1, 2025 or by the law that would apply prior to July 1, 2025.

(3). The provisions of this Title that take effect July 1, 2025 do not affect an action, case or proceeding commenced before July 1, 2025.

§15-302. Security interest perfected before effective date

(1). A security interest that is enforceable and perfected immediately before July 1, 2025 is a perfected security interest under this Title if, on July 1, 2025, the requirements for enforceability and perfection under this Title as in effect on July 1, 2025 are satisfied without further action.

(2). If a security interest is enforceable and perfected immediately before July 1, 2025, but the requirements for enforceability or perfection under this Title as in effect on July 1, 2025 are not satisfied on July 1, 2025, the security interest:

(a). Is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before July 1, 2025 and the adjustment date;

(b). Remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under section 9-1203, as in effect on July 1, 2025, before the adjustment date; and

(c). Remains perfected thereafter only if the requirements for perfection under this Title as in effect on July 1, 2025 are satisfied before the time specified in paragraph (a).

§15-303. Security interest unperfected before effective date

A security interest that is enforceable immediately before July 1, 2025 but is unperfected at that time:

(1). Remains an enforceable security interest until the adjustment date;

(2). Remains enforceable thereafter if the security interest becomes enforceable under section 9-1203, as in effect on July 1, 2025, on July 1, 2025 or before the adjustment date; and

(3). Becomes perfected:

(a). Without further action, on July 1, 2025 if the requirements for perfection under this Title as in effect on July 1, 2025 are satisfied before or at that time; or

(b). When the requirements for perfection under this Title are satisfied if the requirements are satisfied after that time.

§15-304. Effectiveness of actions taken before July 1, 2025

(1). If action, other than the filing of a financing statement, is taken before July 1, 2025 and the action would have resulted in perfection of the security interest had the security interest become enforceable before July 1, 2025, the action is effective to perfect a security interest that attaches under this Title as in effect on July 1, 2025 before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this Title as in effect on July 1, 2025 before the adjustment date.

(2). The filing of a financing statement before July 1, 2025 is effective to perfect a security interest on July 1, 2025 to the extent the filing would satisfy the requirements for perfection on July 1, 2025.

(3). The taking of an action before July 1, 2025 is sufficient for the enforceability of a security interest on July 1, 2025 if the action would satisfy the requirements for enforceability on July 1, 2025.

§15-305. Priority

(1). Subject to subsections (2) and (3), this Title as in effect on July 1, 2025 determines the priority of conflicting claims to collateral.

(2). Subject to subsection (3), if the priorities of claims to collateral were established before July 1, 2025, Article 9-A as in effect before July 1, 2025 determines priority.

(3). On the adjustment date, to the extent the priorities determined by Article 9-A as in effect after July 1, 2025 modify the priorities established before July 1, 2025, the priorities of claims to Article 12 property established before July 1, 2025 cease to apply.

§15-306. Priority of claims when priority rules of Article 9-A do not apply

(1). Subject to subsections (2) and (3), Article 12 determines the priority of conflicting claims to Article

12 property when the priority rules of Article 9-A as in effect on July 1, 2025 do not apply.

(2). Subject to subsection (3), when the priority rules of Article 9-A as in effect on July 1, 2025 do not apply and the priorities of claims to Article 12 property were established before July 1, 2025, law other than Article 12 determines priority.

(3). When the priority rules of Article 9-A as in effect on July 1, 2025 do not apply, to the extent the priorities determined by this Title as in effect on July 1, 2025 modify the priorities established before July 1, 2025, the priorities of claims to Article 12 property established before July 1, 2025 cease to apply on the adjustment date.

PART D

Sec. D-1. Legislative intent. Part B is the Maine enactment of the Uniform Commercial Code, Article 12 as revised by the National Conference of Commissioners on Uniform State Laws. The text of the uniform act has been changed to conform to the Maine statutory conventions, and the Article is enacted as Article 12. Unless otherwise noted in a Maine comment, the changes are technical in nature and it is the intent of the Legislature that Part B be interpreted as substantively the same as the revised Article 12 of the uniform act.

Sec. D-2. Comments. The Legislature accepts the Uniform Comments composed by the National Conference of Commissioners on Uniform State Laws as part of the 2022 amendments to the Uniform Commercial Code, Article 12.

Sec. D-3. Construction. This Act may not be construed to support, endorse, create or implement a central bank digital currency.

PART E

Sec. E-1. Effective date. This Act takes effect July 1, 2025.

Effective July 1, 2025.

CHAPTER 670

H.P. 1305 - L.D. 2043

**An Act to Add the State of
Maine to the Compact for
Licensing Physician Assistants**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 32 MRSA c. 145-A is enacted to read:

CHAPTER 145-A

**PHYSICIAN ASSISTANTS LICENSURE
COMPACT**

§18531. Purpose

In order to strengthen access to medical services, and in recognition of the advances in the delivery of medical services, the participating states of the Physician Assistants Licensure Compact, referred to in this chapter as "the compact," have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline physician assistants and seeks to enhance the portability of a license to practice as a physician assistant while safeguarding the safety of patients. This compact allows medical services to be provided by physician assistants, via the mutual recognition of the licensee's qualifying license by other participating states. This compact also adopts the prevailing standard for physician assistant licensure and affirms that the practice and delivery of medical services by a physician assistant occurs where the patient is located at the time of the patient encounter and therefore requires the physician assistant to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a physician assistant through the procedures of this compact. The compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

§18532. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Adverse action. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a physician assistant's license, license application or privilege to practice, such as license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.

2. Commission. "Commission" means the Physician Assistants Licensure Compact Commission created pursuant to section 18537.

3. Compact privilege. "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a physician assistant to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.

4. Conviction. "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilty or no contest to the charge by the offender.

5. Criminal background check. "Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 Code of Federal Regulations, Section 20.3(d), from the state's criminal history record repository, as defined in 28 Code of Federal Regulations, Section 20.3(f).

6. Data system. "Data system" means the repository of information about licensees, including, but not limited to, license status and adverse actions, that is created and administered under the terms of the compact.

7. Executive committee. "Executive committee" means a group of directors and ex officio members elected or appointed pursuant to section 18537, subsection 6.

8. Investigative information. "Investigative information" means information, records and documents received or generated by a licensing board pursuant to an investigation.

9. Jurisprudence requirement. "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a physician assistant in a state.

10. License. "License" means the current authorization by a state, other than authorization pursuant to a compact privilege, for a physician assistant to provide medical services that would be unlawful without current authorization.

11. Licensee. "Licensee" means an individual who holds a license from a state to provide medical services as a physician assistant.

12. Licensing board. "Licensing board" means any state entity authorized to license and otherwise regulate physician assistants.

13. Medical services. "Medical services" means health care services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury or disease as defined by a state's laws and regulations.

14. Model compact. "Model compact" means the model for the Physician Assistants Licensure Compact on file with the Council of State Governments, or its successor organization, or other entity designated by the commission.

15. Participating state. "Participating state" means a state that has enacted the compact.

16. Physician assistant. "Physician assistant" means an individual who is licensed as a physician assistant in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" is deemed synonymous with "phy-

sician assistant" and confers the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

17. Qualifying license. "Qualifying license" means an unrestricted license issued by a participating state to provide medical services as a physician assistant.

18. Remote state. "Remote state" means a participating state where a licensee who is not licensed as a physician assistant is exercising or seeking to exercise the compact privilege.

19. Rule. "Rule" means a regulation promulgated by an entity that has the force and effect of law.

20. Significant investigative information. "Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the physician assistant to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

21. State. "State" means any state, commonwealth, district or territory of the United States.

§18533. State participation in compact

1. Participation requirements. To participate in the compact, a state must:

- A. License physician assistants;
- B. Participate in the commission's data system;
- C. Have a mechanism in place for receiving and investigating complaints against licensees and license applicants;
- D. Notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee or license applicant and the existence of significant investigative information regarding a licensee or license applicant;
- E. Fully implement, within a time frame established by commission rule, a criminal background check requirement by its licensing board receiving the results of a criminal background check and reporting to the commission whether the license applicant has been granted a license;
- F. Comply with the rules of the commission;
- G. Use passage of a recognized national examination as a requirement for physician assistant licensure; and
- H. Grant the compact privilege to a holder of a qualifying license in a participating state.

2. No prohibition on fee for compact privilege. Nothing in this compact prohibits a participating state from charging a fee for granting the compact privilege.

§18534. Compact privilege

1. Requirements. To exercise the compact privilege, a licensee must:

A. Have graduated from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant, or its successor organization, or other programs authorized by commission rule;

B. Hold a current certification from the National Commission on Certification of Physician Assistants, or its successor organization;

C. Have no felony or misdemeanor conviction;

D. Have never had a controlled substance license, permit or registration suspended or revoked by a state or by the United States Department of Justice, Drug Enforcement Administration;

E. Have a unique identifier as determined by commission rule;

F. Hold a qualifying license;

G. Have not had a revocation of a license or a limitation or restriction on any license currently held due to an adverse action. If a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, 2 years must have elapsed from the date on which the license or compact privilege is no longer limited or restricted due to the adverse action. If a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a compact privilege, that participating state has the discretion not to consider such action as an adverse action requiring the denial or removal of a compact privilege in that state;

H. Notify the commission that the licensee is seeking the compact privilege in a remote state;

I. Meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

J. Report to the commission any adverse action taken by a nonparticipating state within 30 days after the action is taken.

2. Validity. The compact privilege is valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee must comply with all of the requirements of subsection 1 to maintain the compact privilege in a remote

state. If a participating state takes adverse action against a qualifying license, the licensee loses the compact privilege in any remote state in which the licensee has a compact privilege until all of the following occur:

A. The license is no longer limited or restricted; and

B. Two years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

3. Compact privilege; restricted or limited license. Once a restricted or limited license satisfies the requirements of subsection 2, a licensee must meet the requirements of subsection 1 to obtain a compact privilege in any remote state.

4. Authority to prescribe controlled substances. For each remote state in which a physician assistant seeks authority to prescribe controlled substances, the physician assistant must satisfy all requirements imposed by that state in granting or renewing that authority.

§18535. Designation of state from which licensee is applying for compact privilege

Upon a licensee's application for a compact privilege, the licensee shall identify to the commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the commission and subject to the following requirements.

1. Primary residence. When applying for a compact privilege, the licensee shall provide the commission with the address of the licensee's primary residence and thereafter shall immediately report to the commission any change in the address of the licensee's primary residence.

2. Consent to service of process. When applying for a compact privilege, the licensee shall consent to accept service of process by mail at the licensee's primary residence on file with the commission with respect to any action brought against the licensee by the commission or a participating state, including a subpoena, related to any action brought or investigation conducted by the commission or a participating state.

§18536. Adverse actions

1. Participating state authority. A participating state in which a licensee is licensed has exclusive power to impose an adverse action against the qualifying license issued by that participating state.

2. Remote state authority. In addition to the other powers conferred by state law, a remote state has the authority, in accordance with existing state due process law, to:

A. Take adverse action against a physician assistant's compact privilege within that state to remove

a licensee's compact privilege or take any other action necessary under applicable law to protect the health and safety of its citizens; and

B. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state must be enforced in the other state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence is located.

3. Lawful conduct; subpoenas. Notwithstanding subsection 2, subpoenas may not be issued by a participating state to gather evidence of conduct in another state that is lawful in that other state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in that participating state.

4. Lawful conduct; disciplinary action. Nothing in this compact authorizes a participating state to impose discipline against a physician assistant's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

5. Reported conduct. For purposes of taking adverse action, the participating state that issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state that issued the qualifying license. In so doing, the participating state shall apply its own state laws to determine appropriate action.

6. Recovery. A participating state, if otherwise permitted by state law, may recover from the affected physician assistant the costs of investigations and dispositions of cases resulting from any adverse action taken against that physician assistant.

7. Remote state findings. A participating state may take adverse action based on the factual findings of a remote state as long as the participating state follows its own procedures for taking the adverse action.

8. Joint investigations. In addition to the authority granted to a participating state by its respective state physician assistant laws or regulations or other applicable state law, any participating state may participate with other participating states in a joint investigation of a licensee.

Participating states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

9. Deactivation. If adverse action is taken against a physician assistant's qualifying license, the physician assistant's compact privilege in all remote states must be deactivated until 2 years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state that has issued the physician assistant's qualifying license that impose adverse action against the physician assistant's license must include a statement that the physician assistant's compact privilege is deactivated in all participating states during the pendency of the order.

10. Notification. If a participating state takes adverse action, it shall promptly notify the administrator of the commission's data system.

§18537. Establishment of Physician Assistants Licensure Compact Commission

1. Commission established. The participating states hereby create and establish a joint government agency and national administrative body known as the Physician Assistants Licensure Compact Commission.

A. The commission is an instrumentality of the compact states acting jointly and is not an instrumentality of any one state.

B. The commission comes into existence on or after the effective date of the compact as set forth in section 18541.

2. Membership, voting and meetings. Membership, voting and meetings are governed by this subsection.

A. Each participating state has and is limited to one delegate selected by that participating state's licensing board or, if the state has more than one licensing board, selected collectively by the participating state's licensing boards.

B. The delegate must be either:

(1) A current physician assistant, physician or public member of a licensing board or physician assistant council or committee; or

(2) An administrator of a licensing board.

C. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

D. The participating state licensing board shall fill any vacancy occurring on the commission within 60 days.

E. Each delegate is entitled to one vote with regard to the promulgation of rules and creation of bylaws and must otherwise have an opportunity to participate in the business and affairs of the commission.

F. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, videoconference or other means of communication.

G. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in this compact and the bylaws.

H. The commission shall by rule establish a term of office for delegates.

3. Powers and duties. The commission has the following powers and duties:

A. To establish a code of ethics for the commission;

B. To establish the fiscal year of the commission;

C. To establish fees;

D. To establish bylaws;

E. To maintain the commission's financial records in accordance with the bylaws;

F. To meet and take such actions as are consistent with the provisions of this compact and the bylaws;

G. To promulgate rules to facilitate and coordinate implementation and administration of this compact. Rules have the force and effect of law and are binding in all participating states;

H. To bring and prosecute legal proceedings or actions in the name of the commission, as long as the standing of any state licensing board to sue or be sued under applicable law is not affected;

I. To purchase and maintain insurance and bonds;

J. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a participating state;

K. To hire employees and engage contractors, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

L. To accept appropriate donations and grants of money, equipment, supplies, materials and services and receive, use and dispose of the same, as long as at all times the commission avoids any appearance of impropriety or conflict of interest;

M. To lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property, real, personal or mixed, as long as at all times the commission avoids any appearance of impropriety;

N. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

O. To establish a budget and make expenditures;

P. To borrow money;

Q. To appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

R. To provide information to, receive information from and cooperate with law enforcement agencies;

S. To elect a chair, vice-chair, secretary and treasurer and such other officers of the commission as provided in the bylaws;

T. To reserve for itself, in addition to those reserved exclusively to the commission under the compact, powers that the executive committee may not exercise;

U. To approve or disapprove a state's participation in the compact based upon the commission's determination as to whether the state's compact legislation departs in a material manner from the model compact language;

V. To prepare and provide to the participating states an annual report; and

W. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physician assistant licensure and practice.

4. Meetings of commission. Meetings of the commission are governed by this subsection.

A. Except as provided in paragraphs B and C, all meetings must be open to the public and public notice of meetings must be posted on the commission's publicly accessible website at least 30 days prior to a public meeting.

B. The commission may convene a public meeting for any of the reasons it may dispense with notice of proposed rulemaking under section 18539, subsection 12 by providing at least 24 hours' notice on the commission's publicly accessible website and by any other means described in the commission's rules.

C. The commission may convene in a closed, non-public meeting or convene in a closed meeting for part of an otherwise public meeting to receive legal advice or to discuss:

(1) Noncompliance of a participating state with its obligations under the compact;

(2) Employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(3) Current, threatened or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(7) Disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Disclosure of investigative records compiled for law enforcement purposes;

(9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(10) Legal advice; or

(11) Matters specifically exempted from disclosure by federal or participating state statute.

D. If a meeting, or portion of a meeting, is closed pursuant to paragraph C, the chair of the meeting or the chair's designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

E. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons for those actions, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

5. Financing of commission. Financing of the commission is governed by this subsection.

A. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

B. The commission may accept any appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

C. The commission may levy on and collect an annual assessment from each participating state or impose compact privilege fees on licensees of participating states to whom a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states must be allocated based upon a formula to be determined by commission rule.

(1) A compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the compact privilege expires.

(2) If the licensee terminates the qualifying license through which the licensee applied for the compact privilege before the license's scheduled expiration, and the licensee has a qualifying license in another participating state, the licensee shall inform the commission that the licensee is changing to that participating state the participating state through which the licensee applies for a compact privilege and pay to the commission any compact privilege fee required by commission rule.

D. The commission may not incur obligations of any kind prior to securing the funds adequate to meet the obligations, and the commission may not pledge the credit of any of the participating states, except by and with the authority of the participating state.

E. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review must be included in and become part of the annual report of the commission.

6. Executive committee. The establishment of an executive committee is governed by this subsection.

A. The executive committee has the power to act on behalf of the commission according to the terms of this compact and commission rules.

B. The executive committee is composed of up to 9 members:

(1) Seven voting members who are elected by the commission from the current membership of the commission;

(2) One ex officio, nonvoting member from a recognized national professional association of physician assistants; and

(3) One ex officio, nonvoting member from a recognized national organization that certifies physician assistants.

The ex officio members must be selected by their respective organizations.

C. The commission may remove any member of the executive committee as provided in bylaws.

D. The executive committee shall meet at least annually.

E. The executive committee shall:

(1) Recommend to the entire commission changes to the rules or bylaws, changes to this compact, fees paid by participating states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(2) Ensure compact administration services are appropriately provided, by contract or otherwise;

(3) Prepare and recommend the commission's budget;

(4) Maintain financial records on behalf of the commission;

(5) Monitor compact compliance of participating states and provide compliance reports to the commission;

(6) Establish additional committees as necessary;

(7) Exercise the powers and duties of the commission during the interim between commission meetings, except for issuing proposed rulemaking or adopting commission rules or bylaws or exercising any other powers and duties exclusively reserved to the commission by the commission's rules; and

(8) Perform other duties as provided in rules or bylaws.

7. Qualified immunity, defense and indemnification. Qualified immunity, defense and indemnification are governed by this subsection.

A. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within

the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted under this subsection.

B. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph may be construed to prohibit that person from retaining that person's own counsel, and as long as the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

C. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

D. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses in any proceedings as authorized by commission rules.

E. This subsection may not be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which is governed solely by any other applicable state laws.

F. This subsection may not be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence or other such civil action pertaining to the practice of a physician assistant. All such matters must be determined exclusively by state law other than this compact.

G. This subsection may not be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the federal Sherman Act, the federal Clayton Act or any other state or federal antitrust or anticompetitive law or regulation.

H. This subsection may not be construed to be a waiver of sovereign immunity by the participating states or by the commission.

§18538. Data system

1. Data and reporting system. The commission shall provide for the development, maintenance, operation and use of a coordinated data and reporting system containing licensure information, adverse action information and the reporting of any significant investigative information on all licensed physician assistants and applicants denied a license in participating states.

2. Uniform data set submission. Notwithstanding any provision of state law to the contrary, a participating state shall submit a uniform data set to the data system on all physician assistants to whom this compact is applicable, using a unique identifier, as required by the rules of the commission, including:

- A. Identifying information;
- B. Licensure data;
- C. Adverse actions against a license or compact privilege;
- D. Any denial of application for licensure and the reasons for that denial, excluding the reporting of any criminal history record information where prohibited by law;
- E. The existence of significant investigative information; and
- F. Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

3. Significant investigative information availability. Significant investigative information pertaining to a licensee in any participating state may be made available only to other participating states.

4. Adverse action information. The commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any participating state must be available to any other participating state.

5. Confidential information. Participating states contributing information to the data system may, in accordance with state or federal law, designate information that may not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information

must be reported to the commission through the data system.

6. Information expungement. Any information submitted to the data system that is subsequently required to be expunged pursuant to federal law or by the laws of the participating state contributing the information must be removed from the data system upon reporting of such by the participating state to the commission.

§18539. Rulemaking

1. Powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments become binding as of the date specified in each rule or amendment.

2. Promulgation. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer this compact and achieve its purpose. A commission rule is invalid and has no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted under the compact, or based upon another applicable standard of review.

3. Rule conflict with law. The rules of the commission have the force of law in each participating state, except that where the rules of the commission conflict with the laws of the participating state that establish the medical services a physician assistant may perform in the participating state, as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

4. Rule rejection. If a majority of the legislatures of the participating states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, that rule has no further force and effect in any participating state or in any state applying to participate in the compact.

5. Rule adoption procedure. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

6. Notice. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

- A. On the publicly accessible website of the commission or other publicly accessible platform;
- B. To persons who have requested notice of the commission's notices of proposed rulemaking; and
- C. In such other ways as the commission may specify by rule.

7. Notice requirements. The notice of proposed rulemaking must include:

A. The proposed time, date and location of the public hearing on the proposed rule and the proposed time, date and location of the meeting at which the rule will be considered and voted upon;

B. The text of the proposed rule and the reason for the proposed rule;

C. A request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

D. The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing or provide any written comments.

8. Public comment. Prior to adoption of a proposed rule, the commission shall allow interested persons to submit written data, facts, opinions and arguments, which must be made available to the public.

9. Hearing by electronic means; notice. If a hearing under this section is held via electronic means, the commission shall publish the mechanism for access to the hearing.

A. All persons wishing to be heard at the hearing must notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing.

B. Hearings must be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

C. All hearings must be recorded. A copy of the recording and the written data, facts, opinions and arguments received in response to the proposed rulemaking must be made available on request.

D. Nothing in this section may be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

10. Consideration. Following a public hearing under this section, the commission shall consider all written and oral comments timely received.

11. Final action. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rule-making record and the full text of the rule.

A. If adopted, the rule must be posted on the commission's publicly accessible website.

B. The commission may adopt changes to the proposed rule as long as the changes do not broaden the original purpose of the proposed rule.

C. The commission shall provide on its publicly accessible website an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by persons who submitted comments described in subsection 10.

D. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 12, the effective date of the rule may not be earlier than 30 days after the commission issues the notice that it has adopted the rule.

12. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' notice, without the opportunity for comment or hearing, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare;

B. Prevent a loss of commission or participating state funds;

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

D. Protect public health and safety.

13. Rule revisions. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made as set forth in the notice of revisions and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

14. Application of participating state requirements. Notwithstanding any provision of law to the contrary, a participating state's rule-making requirements do not apply under this compact.

§18540. Oversight, dispute resolution and enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

B. Venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this paragraph affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and has standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process renders a judgment or order in such a proceeding void as to the commission, this compact or commission rules.

2. Default and technical assistance. If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall:

A. Provide written notice to the defaulting state and other participating states. The notice must describe the default, the proposed means of curing the default and any other action that the commission may take; and

B. Provide remedial training and specific technical assistance regarding the default.

3. Termination from compact. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the participating states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

4. Termination regulation. Termination of participation in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the major-

ity and minority leaders of the defaulting state's legislature and to the licensing boards of each of the participating states.

5. Responsibilities after termination. A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

6. Costs. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

7. Appeal. A defaulting state that has been terminated may appeal its termination from the compact by the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member must be awarded all costs of that litigation, including reasonable attorney's fees.

8. Notice of termination to licensees. Upon the termination of a state's participation in the compact, that state shall immediately provide notice to all licensees within that state of the termination and that:

A. Licensees who have been granted a compact privilege in that state retain the compact privilege for 180 days following the effective date of the termination; and

B. A licensee who is licensed in that state who has been granted a compact privilege in a participating state retains the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the 180-day period ends, in which case the compact privilege continues.

9. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a participating state, the commission shall attempt to resolve disputes related to the compact that arise among participating states and between participating and nonparticipating states.

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

10. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions of the compact and the rules of the commission.

B. If compliance is not secured after all means to secure compliance have been exhausted, the commission may, by majority vote, initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a participating state in default to enforce compliance with the provisions of this compact and the commission's rules and bylaws. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.

C. The remedies in this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

11. Legal action against commission. Legal action against the commission is governed by this subsection.

A. A participating state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. If judicial enforcement is necessary, the prevailing party must be awarded all costs of such litigation, including reasonable attorney's fees.

B. A person other than a participating state may not enforce this compact against the commission.

§18541. Date of implementation of compact; commission and associated rules, withdrawal and amendment

1. Effective date. The compact takes effect on the date on which the compact statute is enacted into law in the 7th participating state.

A. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, referred to in this subsection as "a charter participating state," to determine whether the statute enacted by each charter participating state is materially different from the model compact.

(1) A charter participating state whose enactment is found to be materially different from the model compact is entitled to the default process set forth in section 18540, subsection 2.

(2) If a participating state later withdraws from the compact or its participation is terminated, the commission remains in existence and the compact remains in effect even if the number

of participating states is less than 7. Participating states enacting the compact subsequent to the commission convening are subject to the process set forth in section 18537, subsection 3, paragraph U to determine whether their enactments are materially different from the model compact and whether they qualify for participation in the compact.

B. Participating states enacting the compact subsequent to the 7 initial charter participating states are subject to the process set forth in section 18537, subsection 3, paragraph U to determine whether their enactments are materially different from the model compact and whether they qualify for participation in the compact.

C. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence must be considered to be actions of the commission unless specifically repudiated by the commission.

2. Subsequent participating states. A state that joins the compact subsequent to the commission's initial adoption of rules is subject to the rules as they exist on the date on which the compact becomes law in that state. A rule that has been previously adopted by the commission has the full force and effect of law on the date the compact becomes law in that state.

3. Withdrawal. A participating state may withdraw from this compact by enacting a statute repealing the compact.

A. A participating state's withdrawal does not take effect until 180 days after enactment of the repealing statute. During this 180-day period, all compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state remain in effect. If a licensee licensed in the withdrawing state is also licensed in another participating state or obtains a license in another participating state within the 180 days, the licensee's compact privileges in other participating states are not affected by the passage of the 180 days.

B. Withdrawal does not affect the continuing requirement of the state licensing board or boards of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

C. Upon the enactment of a statute withdrawing a state from this compact, that state shall immediately provide notice of the withdrawal to all licensees within that state. The withdrawing state shall continue to recognize all licenses granted pursuant

to this compact for a minimum of 180 days after the date of the notice of withdrawal.

4. Other agreements or arrangements. Nothing contained in this compact may be construed to invalidate or prevent any physician assistant licensure agreement or other cooperative arrangement between participating states or between a participating state and a non-participating state that does not conflict with the provisions of this compact.

5. Amendment. This compact may be amended by the participating states. An amendment to this compact does not become effective and binding upon any participating state until it is enacted into the laws of all participating states as determined by the commission.

§18542. Construction and severability

1. Construction. This compact and the commission's rule-making authority must be liberally construed so as to effectuate the purposes of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rule-making authority solely for those purposes.

2. Severability. The provisions of this compact are severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact or the United States, or the applicability of a phrase, clause, sentence or provision of this compact to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability of the compact to any other government, agency, person or circumstance may not be affected.

3. Denial of participation. Notwithstanding subsections 1 and 2, the commission may deny a state's participation in the compact or, in accordance with the requirements of section 18540, terminate a participating state's participation in the compact if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise, if this compact is held to be contrary to the constitution of any participating state, the compact remains in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

§18543. Binding effect of compact and other laws

1. Enforcement. Nothing in this chapter prevents the enforcement of any other law of a participating state that is not inconsistent with the compact.

2. Conflict. Any laws in a participating state in conflict with the compact are superseded to the extent of the conflict.

3. Binding agreements. All permissible agreements between the commission and the participating states are binding in accordance with their terms.

§18544. Legislative intent

This compact is the Maine enactment of the Physician Assistants Licensure Compact. The form, format and text of the compact have been changed minimally so as to conform to Maine statutory conventions. The changes are technical in nature and it is the intent of the Legislature that this compact be interpreted as substantively the same as the compact that is enacted by other participating states.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates one-time funds for the STA-CAP and technology costs associated with implementing the compact for licensing physician assistants.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$106,350
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$106,350

Licensure in Medicine - Board of 0376

Initiative: Allocates funds for one Comprehensive Health Planner II position and related All Other costs to manage increased responsibilities including application review for compact privilege, compact compliance, compact reporting, joint investigations and discipline reporting.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNCIL	0.000	1.000
Personal Services	\$0	\$95,584
All Other	\$0	\$11,072
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$106,656

Licensure in Medicine - Board of 0376

Initiative: Allocates funds for the STA-CAP and rule-making costs associated with implementing the compact for licensing physician assistants.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$2,660
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,660

Osteopathic Licensure - Board of 0383

Initiative: Allocates funds for the STA-CAP and rule-making costs associated with implementing the compact for licensing physician assistants.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$1,962
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,962
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$217,628
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$217,628

See title page for effective date.

CHAPTER 671

H.P. 1384 - L.D. 2162

An Act Regarding the Current Use Valuation of Working Waterfront Property

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §1132, sub-§11, as enacted by PL 2007, c. 466, Pt. A, §58, is amended to read:

11. Working waterfront land. "Working waterfront land" means a parcel of land, or a portion thereof, ~~abutting that fully or partially abuts~~ water to the head of tide or land located in the intertidal zone that is used primarily or used predominantly to provide access to or support the conduct of commercial fishing activities. "Working waterfront land" also includes a wharf or pier used primarily or used predominantly by persons engaged in commercial fishing activities that include berthing a boat and the location of small fishing houses for commercial fishing gear maintenance and storage. For purposes of this subchapter, a parcel is deemed to include a unit of real estate notwithstanding the fact that it is divided by a road, way, railroad or pipeline.

Sec. 2. 36 MRSA §1135, sub-§2, ¶A, as enacted by PL 2007, c. 466, Pt. A, §58, is amended to read:

A. Working waterfront land used predominantly as working waterfront land is eligible for a reduction of ~~20%~~ 30%.

Sec. 3. 36 MRSA §1135, sub-§2, ¶B, as enacted by PL 2007, c. 466, Pt. A, §58, is amended to read:

B. Working waterfront land used primarily as working waterfront land is eligible for a reduction of ~~10%~~ 20%.

Sec. 4. 36 MRSA §1135, sub-§2, ¶D is enacted to read:

D. Working waterfront land that is subject to a legally binding right-of-way or easement that permits access to intertidal land for commercial fishing activities is eligible for the reduction described in paragraph A, B or C and an additional reduction of 10%.

Sec. 5. 36 MRSA §1138, sub-§4, as amended by PL 2021, c. 630, Pt. C, §17, is amended by enacting at the end a new first blocked paragraph to read:

If the owner of the property subject to a penalty under this section is unable to pay the penalty assessed under this section, the owner may request and the assessor shall, at the request of the owner, permit a delay in payment of the penalty of up to 2 years.

Sec. 6. 36 MRSA §1140-B, sub-§3 is enacted to read:

3. Report. By December 31st of each odd-numbered year, the State Tax Assessor shall submit a report to the joint standing committee of the Legislature having jurisdiction over taxation matters that identifies the total value of each sale of working waterfront land and the value of each sale that is reasonably related to the working waterfront land, that compares the sale price of the working waterfront land to the assessed value of the property and that categorizes the sales data by region, type of commercial use or commercial fishing use and any other relevant categories. The report may include any other data or analysis that the assessor finds relevant and any recommendations the assessor develops to assist municipal assessors in calculating the current use value of enrolled working waterfront land that is used for or supports commercial fishing activities. The report may also include recommendations to amend this subchapter for the purposes of improving or ensuring the accuracy of current use assessment of working waterfront land.

Sec. 7. 36 MRSA §1140-C is enacted to read:

§1140-C. Information bulletin

The State Tax Assessor shall create an information bulletin regarding provisions of the current use laws that apply to working waterfront lands and that include any changes made to the current use laws after December 31, 2023. The assessor shall post the bulletin on the bureau's publicly accessible website and shall make it available to municipal assessors and to members of the public engaged in commercial fishing activities.

See title page for effective date.

**CHAPTER 672
S.P. 987 - L.D. 2271**

**An Act to Implement the
Recommendations of the Task
Force to Evaluate the Impact of
Facility Fees on Patients to
Improve Facility Fee
Transparency and Notification**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 22 MRSA §1718-B, sub-§1, ¶A-1 is enacted to read:

A-1. "Facility fee" means a fee charged or billed by a health care entity for outpatient services provided in a hospital-based facility that is:

- (1) Intended to compensate the hospital or health system for the operational expenses of the hospital or health system; and
- (2) Separate and distinct from a professional fee.

Sec. 2. 22 MRSA §1718-B, sub-§1, ¶C is enacted to read:

C. "Hospital-based facility" means a facility that is owned or operated, in whole or in part, by a hospital or health system where hospital services or professional medical services are provided.

Sec. 3. 22 MRSA §1718-B, sub-§1, ¶D is enacted to read:

D. "Professional fee" means a fee charged or billed by a health care entity for professional medical services provided in a hospital-based facility.

Sec. 4. 22 MRSA §1718-B, sub-§2, ¶E is enacted to read:

E. A health care entity shall prominently display in a location that is readily accessible to a patient, including a patient waiting area, and on the health care entity's publicly accessible website the following information:

- (1) Whether the health care entity is a hospital-based facility and, if so, the name of the hospital or health system and whether the health care entity charges a facility fee; and
- (2) How to access the publicly accessible website of the Maine Health Data Organization established pursuant to chapter 1683 for educational materials about facility fees and whether and under what circumstances depending on payor and type of service a facility fee may be charged.

Sec. 5. 22 MRSA §8712, sub-§2-A, as enacted by PL 2023, c. 410, §1, is amended to read:

2-A. Facility fees charged by health care providers. By January 1, 2024, and annually thereafter, the organization shall produce and post on its publicly accessible website a report on the payments for facility fees made by payors to the extent that payment information is already reported to the organization. The organization shall submit the report required by this subsection to the Office of Affordable Health Care established in Title 5, section 3122 and the joint standing committee of the Legislature having jurisdiction over health data reporting and health insurance matters. The joint standing committee may report out legislation based on the report to a first regular or second regular session of the Legislature, depending on the year in which the report is submitted. The organization shall produce and post on its publicly accessible website information designed to educate the public about facility fees and whether and under what circumstances depending on payor and type of service a facility fee may be charged.

For the purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

A. "Facility fee" means any fee charged or billed by a health care provider for outpatient services provided in a hospital-based facility or freestanding emergency facility that is intended to compensate the health care provider for the operational expenses of the health care provider, separate and distinct from a professional fee, and charged or billed regardless of how a health care service is provided.

B. "Health care provider" means a person, whether for profit or nonprofit, that furnishes bills or is paid for health care service delivery in the normal course of business. "Health care provider" includes, but is not limited to, a health system, hospital, hospital-based facility, freestanding emergency facility or urgent care clinic.

See title page for effective date.

**CHAPTER 673
H.P. 1278 - L.D. 2000**

**An Act to Change the Taxation
of Rental Tangible Personal
Property to Make It Consistent
with the Predominant Method
in Other States' Rental
Industry Laws for Sales and
Use Tax**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 23 MRSA §4210-B, sub-§7-A, as amended by PL 2023, c. 360, Pt. C, §1, is further amended to read:

7-A. Sales tax revenue. On July 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on ~~the value of rental of a truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles~~ and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the first 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. On October 1st of each year, the State Controller shall transfer to the Multimodal Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 100% of the revenue from the tax imposed on ~~the value of rental of a truck or van with a gross weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles~~ and the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the last 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund as described by Title 30-A, section 5681, subsection 5 and the transfer to the ATV Recreational Management Fund pursuant to Title 36, section 1820. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law.

Sec. 2. 36 MRSA §1752, sub-§5-D is enacted to read:

5-D. Lease or rental. "Lease or rental," "lease" or "rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration and may include future options to purchase the property or extend the lease or rental. "Lease or rental" includes a sublease and subrental.

"Lease or rental" does not include:

- A. Leases and contracts payable by rental or license fees for the right of possession and use when such leases and contracts are determined by the assessor to be in lieu of purchase;
- B. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;
- C. Providing tangible personal property along with a person to operate that property, for a fixed or indeterminate period of time, when that person is necessary for the tangible personal property to perform as designed and the person does more than

maintain, inspect or set up the tangible personal property; or

D. The lease or rental of property that is subject to the provisions of the service provider tax imposed pursuant to chapter 358.

The characterization of a transaction as a lease or rental under generally accepted accounting principles, the Code, the Uniform Commercial Code or other provisions of federal, state or local law does not affect a determination that a transaction is a lease or rental under chapters 211 to 225.

Sec. 3. 36 MRSA §1752, sub-§5-E is enacted to read:

5-E. Lessor. "Lessor" means a person who leases or rents tangible personal property located in this State to another person.

Sec. 4. 36 MRSA §1752, sub-§10, as amended by PL 2019, c. 401, Pt. B, §3, is further amended to read:

10. Retailer. "Retailer" means a person who makes retail sales or who is required to register by section 1754-B or who is registered under section 1756. "Retailer" includes a lessor.

Sec. 5. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by repealing subparagraph (3).

Sec. 6. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by repealing subparagraph (3-A).

Sec. 7. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by repealing subparagraph (5).

Sec. 8. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by amending subparagraph (9) to read:

(9) The sale of automobile repair parts used in the performance of repair services on an automobile pursuant to an extended service contract ~~sold on or after September 20, 2007~~ that entitles the purchaser to specific benefits in the service of the automobile for a specific duration;

Sec. 9. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by amending subparagraph (16) to read:

(16) The sale, to a person engaged in the business of renting or leasing motor homes, as defined in Title 29-A, section 101, subsection 40, or camper trailers, of motor homes or camper trailers for rental as tangible personal property but not as the rental of living quarters; ~~or~~

Sec. 10. 36 MRSA §1752, sub-§11, ¶B, as amended by PL 2021, c. 578, §1, is further amended by amending subparagraph (17) to read:

(17) The sale of truck repair parts used in the performance of repair services on a truck pursuant to an extended service contract that entitles the purchaser to specific benefits in the service of the truck for a specific duration; ~~or~~

Sec. 11. 36 MRSA §1752, sub-§11, ¶B as amended by PL 2021, c. 578, §1, is further amended by enacting a new subparagraph (18) to read:

(18) The sale or lease or rental to a lessor that has been issued a resale certificate pursuant to section 1754-B, subsection 2-B or 2-C of tangible personal property for lease or rental.

Sec. 12. 36 MRSA §1752, sub-§13, as amended by PL 1981, c. 706, §20, is further amended to read:

13. Sale. "Sale" means any transfer, exchange or barter, in any manner or by any means whatsoever, for a consideration and includes leases and ~~contracts payable by rental or license fees for the right of possession and use, but only when such rentals, conditional sale contracts and any contract under which possession of the property is given to the purchaser but title is retained by the seller as security for the payment of the purchase price, and leases and contracts that are deemed determined by the State Tax Assessor~~ assessor to be in lieu of purchase. Each time period for which a lease or rental payment is charged is considered a separate sale.

Sec. 13. 36 MRSA §1752, sub-§14, ¶A, as amended by PL 2021, c. 578, §2, is further amended by amending subparagraph (4) to read:

(4) In the case of the lease or rental for a period of less than one year of an automobile ~~or of a truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles~~, the value is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee; and

Sec. 14. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (2) to read:

(2) Allowances in cash or by credit made upon the return of merchandise or services rejected pursuant to warranty;

Sec. 15. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (3) to read:

(3) The price of property returned or services rejected by customers, when the full price is refunded either in cash or by credit;

Sec. 16. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (12) to read:

(12) Federal universal service support funds that are paid directly to the seller pursuant to 47 Code of Federal Regulations, Part 54; ~~or~~

Sec. 17. 36 MRSA §1752, sub-§14, ¶B, as repealed and replaced by PL 2019, c. 501, §28, is amended by amending subparagraph (13) to read:

(13) A paint stewardship assessment imposed pursuant to Title 38, section 2144; ~~or~~

Sec. 18. 36 MRSA §1752, sub-§14, ¶B as repealed and replaced by PL 2019, c. 501, §28, is amended by enacting a new subparagraph (14) to read:

(14) For lease or rental payments, separately stated charges for sales of optional insurance coverage for the protection of the lessee or of the lessee's personal property, such as liability insurance, personal accident insurance or personal effects protection.

Sec. 19. 36 MRSA §1752, sub-§17-B, as amended by PL 2021, c. 578, §3, is further amended to read:

17-B. Taxable service. "Taxable service" means the rental of living quarters in a hotel, rooming house or tourist or trailer camp; the transmission and distribution of electricity; ~~the rental or lease of an automobile, a camper trailer, or a motor home, as defined in Title 29-A, section 101, subsection 40; the rental or lease of a truck or van with a gross vehicle weight of less than 26,000 pounds from a person primarily engaged in the business of renting automobiles;~~ the sale of an extended service contract on an automobile or truck that entitles the purchaser to specific benefits in the service of the automobile or truck for a specific duration; and the sale of prepaid calling service.

Sec. 20. 36 MRSA §1754-B, sub-§1-B, ¶A, as repealed and replaced by PL 2021, c. 181, Pt. B, §5, is amended by amending subparagraph (3) to read:

(3) Every lessor engaged in the leasing of tangible personal property located in this State that does not maintain a place of business in this State but makes retail sales ~~to purchasers from~~ in this State;

Sec. 21. 36 MRSA §1758, as repealed and replaced by PL 1999, c. 708, §24, is repealed.

Sec. 22. 36 MRSA §1811, sub-§1, ¶D, as amended by PL 2021, c. 578, §4; c. 658, §286; and c. 669, §5, is further amended by amending subparagraph (4) to read:

(4) Ten percent on the value of rental for a period of less than one year of:

(a) An automobile; or

~~(b) A truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or~~

(c) A loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and

Sec. 23. 36 MRSA §1819, sub-§2, as amended by PL 2021, c. 181, Pt. B, §6, is further amended to read:

2. Sourcing for sales of tangible personal property and taxable services; generally. The sale of tangible personal property or a taxable service is sourced in this State pursuant to this subsection. Except as provided in subsections 3 to 5, the provisions of this subsection do not apply to the lease or rental of tangible personal property.

A. When the tangible personal property or taxable service is received by the purchaser at a business location of the seller, the sale is sourced to that business location.

B. When the tangible personal property or taxable service is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee occurs, including the location indicated by instructions for delivery to the purchaser or donee known to the seller.

C. For a sale when paragraphs A and B do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

D. For a sale when paragraphs A to C do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

E. When paragraphs A to D do not apply, including the circumstance in which the seller is without sufficient information to apply paragraphs A to D, the location is determined by the address from which tangible personal property was shipped, from which the tangible personal property or taxable service transferred electronically was first available for transmission by the seller or from which the service was provided, disregarding for these purposes any location that merely provided the digital transfer of the tangible personal property or taxable service sold.

Sec. 24. 36 MRSA §1819, sub-§3 is enacted to read:

3. Sourcing for leases or rentals of tangible personal property. The lease or rental of tangible personal property, other than property identified in subsection 4 or 5, is sourced pursuant to this subsection.

A. For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced to this State in the same manner as a sale of tangible personal property in accordance with subsection 2. Periodic payments made subsequent to the first payment are sourced to the primary property location for each time period covered by the payment. For the purposes of this paragraph, "the primary property location" is an address for the property provided by the lessee that is available to the lessor from its records and maintained in the ordinary course of business, when use of this address does not constitute bad faith. The primary property location is not altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

B. For a lease or rental that does not require recurring periodic payments, the payment is sourced to this State in the same manner as a sale of tangible personal property in accordance with subsection 2.

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals, based on a lump sum payment or on the basis of accelerated payment, or on the acquisition of property for lease.

Sec. 25. 36 MRSA §1819, sub-§4 is enacted to read:

4. Motor vehicles, trailers, semitrailers, truck campers or aircraft. The lease or rental of motor vehicles, trailers, semitrailers, truck campers or aircraft that do not qualify as transportation equipment, as defined in subsection 5, is sourced pursuant to this subsection.

A. For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location is as indicated by an address for the

property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. This location is not altered by intermittent use at different locations.

B. For a lease or rental that does not require recurring periodic payments, the payment is sourced to the State in the same manner as a sale of tangible personal property in accordance with the provisions of subsection 2.

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals, based on a lump sum payment or on the basis of accelerated payment, or on the acquisition of property for lease.

Sec. 26. 36 MRSA §1819, sub-§5 is enacted to read:

5. Transportation equipment. The sale, including lease or rental, of transportation equipment is sourced to the State in the same manner as a sale of tangible personal property in accordance with the provisions of subsection 2. For the purposes of this subsection, "transportation equipment" means:

A. Locomotives and railcars that are used for the carriage of persons or property in interstate commerce;

B. Trucks and truck tractors with a gross vehicle weight rating greater than 10,000 pounds and trailers, semitrailers or passenger buses that are:

(1) Registered through the International Registration Plan; and

(2) Operated under authority of a carrier authorized and certificated by the United States Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

C. Aircraft that are operated by air carriers authorized and certificated by the United States Department of Transportation, another federal authority or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; or

D. Containers designed for use on and component parts attached to or secured on the equipment described in paragraphs A to C.

Sec. 27. 36 MRSA §2022 is enacted to read:

§2022. Refund of sales and use tax on purchases of qualifying retail lease or rental property

1. Definitions. For purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Qualified lessor" means a person who:

(1) Paid Maine sales or use tax on the purchase of qualifying lease or rental property on or after January 1, 2023 and before January 1, 2025; and

(2) Collected and remitted Maine sales or use tax on the lease or rental of qualifying lease or rental property on or after January 1, 2025.

B. "Qualifying lease or rental property" means tangible personal property:

(1) Upon the purchase of which a qualified lessor paid Maine sales or use tax on or after January 1, 2023 and before January 1, 2025; and

(2) That was part of a taxable lease or rental transaction on or after January 1, 2025 for which the qualified lessor of the property collected and remitted Maine sales or use tax to the State.

2. Refund authorized. The State Tax Assessor shall refund the tax imposed pursuant to this Part and paid by a qualified lessor on the purchase of qualifying lease or rental property on or after January 1, 2023 and before January 1, 2025. The amount of the refund for qualifying lease or rental property is limited to the Maine sales or use tax collected and remitted to the State by the qualified lessor on qualifying lease or rental property on or after January 1, 2025 and before January 1, 2027.

3. Procedure and limitation. A qualified lessor may request a refund on qualifying lease or rental property by submitting a claim for refund on a form prescribed by the assessor. In order to qualify for a refund under this section, a qualified lessor must file one claim for all qualifying lease or rental property and must file the claim on or after January 1, 2027 and before March 31, 2027.

4. Audit. The assessor may audit a claim for refund filed under this section. If the assessor determines that the amount of refund is incorrect, the assessor may issue an assessment within 3 years from the date the claim was filed or at any time if a fraudulent claim was filed. The claimant may seek reconsideration of the assessment pursuant to section 151.

Sec. 28. Application. This Act applies to sales, leases and rentals of tangible personal property and sales of taxable services on or after January 1, 2025. For the purposes of lease or rental payments, each time period for which a lease or rental payment is charged is considered a separate sale.

See title page for effective date.

**CHAPTER 674
H.P. 1364 - L.D. 2140**

**An Act to Enact the Interstate
Social Work Licensure
Compact**

**Be it enacted by the People of the State of Maine
as follows:**

Sec. 1. 32 MRSA c. 83, sub-c. 5 is enacted to read:

SUBCHAPTER 5

SOCIAL WORK LICENSURE COMPACT

§7081. Short title

This subchapter may be known and cited as "the Social Work Licensure Compact."

§7082. Purpose and objectives

1. Purpose. The purpose of this compact is to facilitate the interstate practice of regulated social work by improving public access to competent social work services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

2. Objectives. The compact is designed to achieve the following objectives:

- A. Increase public access to social work services;
- B. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;
- C. Enhance the member states' ability to protect the public's health and safety;
- D. Encourage the cooperation of member states in regulating multistate practice;
- E. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;
- F. Support military families;
- G. Facilitate the exchange of licensure and disciplinary information among member states;
- H. Authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, rules, regulations and applicable professional standards in the member state in which the client is located at the time care is rendered; and
- I. Allow for the use of telehealth to facilitate increased access to regulated social work services.

§7083. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Active duty military. "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserves of the United States Armed Forces on active duty orders pursuant to 10 United States Code, Chapters 1209 and 1211.

2. Adverse action. "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

3. Alternative program. "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment.

4. Charter member state. "Charter member state" means a member state that has enacted legislation to adopt this compact when the legislation predates the effective date of this compact as described in section 7095.

5. Commission. "Commission" means the government agency whose membership consists of all states that have enacted this compact, as described in section 7091, and that operates as an instrumentality of the member states.

6. Current significant investigative information. "Current significant investigative information" means:

- A. Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the commission; or
- B. Investigative information that indicates that a regulated social worker represents an immediate threat to public health and safety, as may be defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.

7. Data system. "Data system" means a repository of information about licensees, including continuing education, examination, licensure, current significant investigative information, disqualifying events, multistate

licenses and adverse action information or other information as required by the commission.

8. Disqualifying event. "Disqualifying event" means any adverse action or incident that results in an encumbrance that disqualifies or makes a licensee ineligible to obtain, retain or renew a multistate license.

9. Domicile. "Domicile" means the jurisdiction in which a licensee resides and intends to remain indefinitely.

10. Encumbrance. "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority.

11. Executive committee. "Executive committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission.

12. Home state. "Home state" means the member state that is a licensee's primary domicile.

13. Impairment. "Impairment" means any condition that may impair a practitioner's ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include alcohol and drug dependence, mental health impairment and neurological or physical impairments.

14. Licensee. "Licensee" means an individual who holds a license from a state to practice as a regulated social worker.

15. Licensing authority. "Licensing authority" means the board or agency of a member state, or equivalent, that is responsible for the licensing and regulation of regulated social workers.

16. Member state. "Member state" means a state that has enacted this compact.

17. Multistate authorization to practice. "Multistate authorization to practice" means a legally authorized privilege to practice that is equivalent to a license and is associated with a multistate license permitting the practice of social work in a remote state.

18. Multistate license. "Multistate license" means a license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all member states under a multistate authorization to practice.

19. Qualifying national examination. "Qualifying national examination" means a national licensing examination approved by the commission.

20. Regulated social worker. "Regulated social worker" means a clinical, master's or bachelor's social worker licensed by a member state regardless of the title used by that member state.

21. Remote state. "Remote state" means a member state other than a licensee's home state.

22. Rule or rule of commission. "Rule" or "rule of the commission" means a regulation duly promulgated by the commission, as authorized by the compact, that has the force of law.

23. Single-state license. "Single-state license" means a social work license issued by any state that authorizes practice only within the issuing state and does not include a multistate authorization to practice in any member state.

24. Social work or social work services. "Social work" or "social work services" means the application of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided.

25. State. "State" means any state, commonwealth, district or territory of the United States that regulates the practice of social work.

26. Unencumbered license. "Unencumbered license" means a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.

§7084. State participation in compact

1. Participation requirements. To be eligible to participate in the compact, a potential member state must:

A. License and regulate the practice of social work at the clinical, master's or bachelor's category;

B. Require applicants for licensure to graduate from a program that is:

(1) Operated by a college or university recognized by the licensing authority; and

(2) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either the Council for Higher Education Accreditation, or its successor organization, or the United States Department of Education and corresponds to the licensure sought as outlined in section 7085;

C. Require applicants for clinical licensure to complete a period of supervised practice; and

D. Have a mechanism in place for receiving, investigating and adjudicating complaints about licensees.

2. Duties. To maintain membership in the compact, a member state must:

A. Require that applicants for a multistate license pass a qualifying national examination for the corresponding category of multistate license sought as outlined in section 7085;

B. Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

C. Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

D. Implement procedures for considering the criminal history records of applicants for a multistate license, including procedures for the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

E. Comply with the rules of the commission;

F. Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws;

G. Authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the compact and rules of the commission; and

H. Designate a delegate to participate in commission meetings.

3. Issuance of multistate license. A member state meeting the requirements of subsections 1 and 2 shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in that member state. To the extent that a member state does not meet the requirements for participation in the compact with respect to any particular category of social work licensure, that member state may choose to issue a multistate license to applicants that otherwise meet the requirements of section 7085 for issuance of a multistate license in that category of licensure.

4. Fee. A home state may charge a fee for granting a multistate license.

§7085. Social worker participation in compact

1. Minimum requirements. To be eligible for a multistate license under the terms and provisions of the compact, an applicant, regardless of category, must:

A. Hold or be eligible for an active, unencumbered license in the home state;

B. Pay any applicable fees, including any state fee, for the multistate license;

C. Submit, in connection with an application for the multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

D. Notify the home state of any adverse action, encumbrance or restriction on any professional license taken by any member state or nonmember state within 30 days from the date the action is taken;

E. Meet any continuing competence requirements established by the home state; and

F. Abide by the laws, rules, regulations and applicable standards in the member state where the client is located at the time care is rendered.

2. Clinical-category requirements. An applicant for a clinical-category multistate license shall:

A. Fulfill a competency requirement, which must be satisfied by:

(1) Passage of a clinical-category qualifying national examination;

(2) Licensure of the applicant in the applicant's home state at the clinical category, beginning prior to the time a qualifying national examination was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule;

B. Attain at least a master's degree in social work from a program that is:

(1) Operated by a college or university recognized by the licensing authority; and

(2) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either the Council for Higher Education Accreditation, or its successor organization, or the United States Department of Education; and

C. Fulfill a practice requirement, which must be satisfied by demonstrating completion of:

(1) A period of postgraduate supervised clinical practice equal to a minimum of 3,000 hours;

(2) A minimum of 2 years of full-time post-graduate supervised clinical practice; or

(3) The substantial equivalency of the practice requirements in subparagraphs (1) and (2) that the commission may determine by rule.

3. Master's-category requirements. An applicant for a master's-category multistate license shall:

A. Fulfill a competency requirement, which must be satisfied by:

(1) Passage of a master's-category qualifying national examination;

(2) Licensure of the applicant in the applicant's home state at the master's category, beginning prior to the time a qualifying national examination was required by the home state at the master's category and accompanied by a continuous period of social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule; and

B. Attain at least a master's degree in social work from a program that is:

(1) Operated by a college or university recognized by the licensing authority; and

(2) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either the Council for Higher Education Accreditation, or its successor organization, or the United States Department of Education.

4. Bachelor's category requirements. An applicant for a bachelor's-category multistate license shall:

A. Fulfill a competency requirement, which must be satisfied by:

(1) Passage of a bachelor's-category qualifying national examination;

(2) Licensure of the applicant in the applicant's home state at the bachelor's category, beginning prior to the time a qualifying national examination was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(3) The substantial equivalency of the competency requirements in subparagraphs (1) and (2) that the commission may determine by rule; and

B. Attain at least a bachelor's degree in social work from a program that is:

(1) Operated by a college or university recognized by the licensing authority; and

(2) Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either the Council for Higher Education Accreditation, or its successor organization, or the United States Department of Education.

5. Renewal. A multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection 1 to be eligible to renew a multistate license.

6. Remote state authority. A regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may, in accordance with due process and that member state's laws, remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines and take any other necessary actions to protect the health and safety of its citizens.

7. Encumbered multistate license. If a regulated social worker's multistate license is encumbered, the regulated social worker's multistate authorization to practice must be deactivated in all remote states until the multistate license is no longer encumbered.

8. Multistate authorization to practice. If a regulated social worker's multistate authorization to practice is encumbered in a remote state, the regulated social worker's multistate authorization to practice may be deactivated in that state until the multistate authorization to practice is no longer encumbered.

§7086. Issuance of multistate license

1. Eligibility for multistate license. Upon receipt of an application for a multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with section 7085.

2. Issuance of multistate license. If an applicant for a multistate license is eligible pursuant to section 7085, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.

3. Designation of category. Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelor's, master's or clinical category of social work.

4. Recognition of multistate license. A multistate license issued by a home state to a resident in that state

must be recognized by all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.

§7087. Authority of commission and member state licensing authorities

1. Authority of member state. Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, regulations or other rules related to the practice of social work in that state, when those laws, regulations or other rules are not inconsistent with the provisions of this compact.

2. Single-state license. Nothing in this compact affects the requirements established by a member state for the issuance of a single-state license.

3. Authority to take adverse action against single-state license. Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict or in any way reduce the ability of a member state to take adverse action against a licensee's single-state license to practice social work in that state.

4. Authority to take adverse action against multistate authorization to practice. Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.

5. Authority to take adverse action against multistate license to practice. Nothing in this compact, nor any rule of the commission, may be construed to limit, restrict or in any way reduce the ability of a licensee's home state to take adverse action against that licensee's multistate license based upon information provided by a remote state.

§7088. Reissuance of multistate license by new home state

1. One multistate license. A licensee may hold a multistate license issued by the licensee's home state in only one member state at any given time.

2. Change of home state. If a licensee changes the licensee's home state by moving between 2 member states, the following requirements must be met.

A. The licensee shall immediately apply for the reissuance of the licensee's multistate license in the licensee's new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission.

B. Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state must be

deactivated and all member states notified in accordance with the applicable rules of the commission.

C. Prior to the reissuance of a multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. Those procedures must include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

D. The new home state may require completion of any jurisprudence requirements in the new home state if required for applicants for initial licensure.

E. Notwithstanding any provision of this compact to the contrary, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by a new home state, the licensee is subject to the new home state requirements for the issuance of a single-state license in that state.

3. Change of primary residence to nonmember state. If a licensee changes the licensee's primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the licensee is subject to the state requirements for the issuance of a single-state license in the new home state.

4. Single-state license. Nothing in this compact interferes with a licensee's ability to hold a single-state license in multiple states, except that, for the purposes of this compact, a licensee has only one home state and only one multistate license.

5. Member state requirements for single-state license. Nothing in this compact interferes with the requirements established by a member state for the issuance of a single-state license.

§7089. Active duty military families

An active duty military member or the member's spouse shall designate a home state where the individual has a multistate license. The member or the member's spouse may retain the home state designation during the period the member is on active duty.

§7090. Adverse actions

1. Adverse action authority. In addition to the other powers conferred by state law, a remote state has the authority, in accordance with state due process law, to take adverse action against a regulated social worker's multistate license within that member state and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued

by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state must be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located. Only the home state has the power to take adverse action against a regulated social worker's multistate license.

2. Conduct; appropriate action. For purposes of taking adverse action, a home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

3. Change of residence. A home state shall complete any pending investigations of a regulated social worker who changes the social worker's home state during the course of an investigation under this section. The home state also has the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the coordinated data system under section 7092. The administrator of the coordinated data system shall promptly notify the new home state of any adverse actions.

4. Recovery. A member state, if otherwise permitted by state law, may recover from an affected regulated social worker the costs of investigations and dispositions of cases resulting from any adverse action taken against that regulated social worker.

5. Remote state findings. A member state may take adverse action based on the factual findings of a remote state as long as the member state follows its own procedures for taking the adverse action.

6. Joint investigations. In addition to the authority granted to a member state by its respective social worker practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

7. Deactivation. If adverse action is taken by a home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states must be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against the license of a regulated social worker must include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member

states until all conditions of the decision, order or agreement are satisfied.

8. Notification. If a member state takes adverse action, the member state shall promptly notify the administrator of the coordinated data system under section 7092. The administrator of the coordinated data system shall promptly notify the home state and all other member states of any adverse actions by remote states.

9. Alternative program. Nothing in this compact overrides a member state's decision that participation in an alternative program may be used in lieu of the adverse action authority under this section.

10. Subpoenas. Nothing in this compact authorizes a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

11. Imposition of discipline. Nothing in this compact authorizes a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state.

§7091. Establishment of commission

1. Commission established. The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the Social Work Licensure Compact. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission comes into existence on or after the effective date of the compact as set forth in section 7095.

2. Membership, voting and meetings. Membership, voting and meetings of the commission are governed by this subsection.

A. Each member state has and is limited to one delegate selected by that member state's licensing authority.

B. The delegate must be either:

(1) A member of the licensing authority at the time of appointment who is a licensed social worker or public member; or

(2) An administrator of the licensing authority or the administrator's designee.

C. The commission may recommend removal or suspension of any delegate from office.

D. The member state licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

E. Each delegate is entitled to one vote with regard to all matters before the commission requiring a vote by commission members.

F. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference or other similar electronic means.

G. The commission shall meet at least once during each calendar year. Additional meetings must be held as set forth in the bylaws. The commission may meet by telecommunication, videoconference or other similar electronic means.

H. The commission shall by rule establish a term of office for delegates and may by rule establish term limits.

3. Powers and duties. The commission has the following powers and duties:

A. To establish the fiscal year of the commission;

B. To establish code of conduct and conflict of interest policies;

C. To establish and amend rules and bylaws;

D. To maintain its financial records in accordance with the bylaws;

E. To meet and take such actions as are consistent with the provisions of this compact and the bylaws;

F. To initiate and conclude legal proceedings or actions in the name of the commission, as long as the standing of any state licensing authority to sue or be sued under applicable law is not affected;

G. To maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

H. To purchase and maintain insurance and bonds;

I. To conduct an annual financial review;

J. To borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

K. To hire employees, elect or appoint officers, fix compensation, define duties and grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

L. To assess and collect fees;

M. To accept appropriate donations and grants of money, equipment, supplies, materials and services and receive, use and dispose of the same, as long as at all times the commission avoids any appearance of impropriety or conflict of interest;

N. To lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or

use any property, real, personal or mixed, as long as at all times the commission avoids any appearance of impropriety;

O. To sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property, real, personal or mixed;

P. To establish a budget and make expenditures;

Q. To borrow money;

R. To appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

S. To provide and receive information from, and cooperate with, law enforcement agencies;

T. To establish and elect an executive committee, including a chair and vice-chair;

U. To determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact;

V. To adopt and prepare an annual report to member states; and

W. To perform other functions as may be necessary or appropriate to achieve the purposes of the compact.

4. Executive committee. The establishment of an executive committee is governed by this subsection.

A. The executive committee has the power to act on behalf of the commission according to the terms of the compact. The executive committee has the following duties and responsibilities:

(1) To oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws and other such duties as determined necessary;

(2) To recommend to the entire commission changes to the rules or bylaws, changes to the compact legislation, fees paid by compact member states, fees paid by licensees and other fees;

(3) To ensure compact administration services are appropriately provided, including by contract;

(4) To prepare and recommend the budget of the commission;

(5) To maintain financial records on behalf of the commission;

(6) To monitor compact compliance of member states and provide compliance reports to the commission;

(7) To establish additional committees as necessary;

(8) To exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(9) To perform other duties as provided in rules or bylaws.

B. The executive committee is composed of up to 11 members:

(1) The chair and vice-chair of the commission, who are voting members of the executive committee;

(2) Five voting members who are elected by the commission from the membership of the commission; and

(3) Up to 4 ex officio, nonvoting members from 4 recognized national social work organizations. The ex officio members must be selected by their respective organizations.

C. The commission may remove any member of the executive committee as provided in the bylaws.

D. The executive committee shall meet at least once annually.

(1) Executive committee meetings are open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection 5, paragraph B.

(2) The executive committee shall give 7 days' notice of its meetings, posted on its publicly accessible website and as determined to provide notice to persons with an interest in the business of the commission.

(3) The executive committee may hold a special meeting in accordance with subsection 5.

5. Meetings of commission. Meetings of the commission are governed by this subsection.

A. Except as provided in paragraph B, all meetings are open to the public, and public notice of meetings must be given in the same manner as required under the rule-making provisions in section 7093. The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all delegates, on the commission's publicly accessible website and by other means as provided in the commission's rules. The

commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

B. The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission must discuss:

(1) Noncompliance of a member state with its obligations under the compact;

(2) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(3) Current, threatened or reasonably anticipated litigation;

(4) Negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(5) Accusing any person of a crime or formally censuring any person;

(6) Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(7) Disclosure of information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(8) Disclosure of investigative records compiled for law enforcement purposes;

(9) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(10) Matters specifically exempted from disclosure by federal or member state statute; or

(11) Other matters as promulgated by the commission by rule.

C. If a meeting, or portion of a meeting, is closed pursuant to paragraph B, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

D. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons for those actions, including a description of the views expressed. All documents considered in connection with an action must be identified in the minutes. All minutes and documents of a closed meeting must remain under

seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

6. Financing of commission. Financing of the commission is governed by this subsection.

A. The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

B. The commission may accept any appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

C. The commission may levy on and collect an annual assessment from each member state or impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount must be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

D. The commission may not incur obligations of any kind prior to securing the funds adequate to meet those obligations, and the commission may not pledge the credit of any of the member states, except by and with the authority of the member state.

E. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws; however, all receipts and disbursements of funds handled by the commission are subject to an annual financial review by a certified or licensed public accountant, and the report of the audit must be included in and become part of the annual report of the commission.

7. Qualified immunity, defense and indemnification. Qualified immunity, defense and indemnification are governed by this subsection.

A. The members, officers, executive director, employees and representatives of the commission are immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that this paragraph may not be construed to protect any such person from suit or liability for any damage, loss, injury or liability

caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission may not in any way compromise or limit the immunity granted in this paragraph.

B. The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct. This paragraph may not be construed to prohibit that person from retaining the person's own counsel at the person's own expense.

C. The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that the person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, as long as the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

D. This subsection may not be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which are governed solely by any other applicable state laws.

E. Nothing in this compact may be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the federal Sherman Act, the federal Clayton Act or any other state or federal antitrust or anticompetitive law or regulation.

F. Nothing in this compact may be construed to be a waiver of sovereign immunity by the member states or by the commission.

§7092. Data system

1. Database and reporting system. The commission shall provide for the development, maintenance, operation and use of a coordinated data system.

2. Unique identifier. The commission shall assign each applicant for a multistate license a unique identifier as determined by rule.

3. Uniform data set submission. Notwithstanding any provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

- A. Identifying information;
- B. Licensure data;
- C. Adverse actions against a license and information related to those adverse actions;
- D. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;
- E. Any denial of application for licensure and the reasons for that denial;
- F. Current significant investigative information; and
- G. Other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

4. Current significant investigative information availability. Current significant investigative information pertaining to a licensee in any member state may be made available only to other member states.

5. Adverse action information. It is the responsibility of the member states to report any adverse action taken against a licensee and to monitor the data system to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state must be available to any other member state.

6. Confidential information. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

7. Information expungement. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information must be removed from the data system.

§7093. Rulemaking

1. Promulgation. The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule promulgated by the commission is invalid and has no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rule-making authority in a manner that is beyond the scope and purposes of the compact, or the powers granted under the

compact, or based upon another applicable standard of review.

2. Conflict; laws in member states. The rules of the commission have the force of law in each member state, except that where the rules of the commission conflict with the laws of a member state that establish the member state's laws, regulations and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission are ineffective in that state to the extent of the conflict.

3. Powers. The commission shall exercise its rule-making powers pursuant to the criteria set forth in this section and the rules adopted under this section. Rules and amendments become binding on the day following adoption or on the date specified in each rule or amendment, whichever is later.

4. Rule rejection. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, that rule has no further force and effect in any member state.

5. Rule adoption procedure. Rules or amendments to the rules must be adopted at a regular or special meeting of the commission.

6. Public hearing. Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

A. All hearings must be recorded. A copy of the recording must be made available on request.

B. This section may not be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

7. Notice of hearing. Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

A. On the website of the commission or other publicly accessible platform;

B. To persons who have requested notice of the commission's notices of proposed rulemaking; and

C. In such other ways as the commission may specify by rule.

8. Notice requirements. The notice of proposed rulemaking must include:

A. The proposed time, date and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting at

which the commission will consider and vote upon the proposed rule;

B. If the hearing is held via telecommunication, videoconference or other electronic means, the commission shall publish the mechanism for access to the electronic hearing;

C. The text of the proposed rule or amendment and the reason for the proposed rule;

D. A request for comments on the proposed rule from any interested person; and

E. The manner in which interested persons may submit written comments.

9. Final action. The commission shall, by majority vote of all members, take final action on the proposed rule based on the rule-making record and the full text of the rule.

A. The commission may adopt changes to the proposed rule as long as the changes do not enlarge the original purpose of the proposed rule.

B. The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

C. The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection 10, the effective date of the rule may not be earlier than 30 days after issuing the notice that it adopted or amended the rule.

10. Emergency rulemaking. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, as long as the usual rule-making procedures provided in the compact and in this section are retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this subsection, "emergency rule" means a rule that must be adopted immediately in order to:

A. Meet an imminent threat to public health, safety or welfare;

B. Prevent a loss of commission or member state funds;

C. Meet a deadline for the promulgation of an administrative rule that is established by federal law or regulation; or

D. Protect public health and safety.

11. Rule revisions. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice

of any revisions must be posted on the publicly accessible website of the commission. The revision is subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge must be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision takes effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

12. Application of member state rules. A member state's rule-making requirements do not apply under this compact.

§7094. Oversight, dispute resolution and enforcement

1. Oversight. Oversight of the compact is governed by this subsection.

A. The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact. The provisions of the compact and the rules promulgated under the compact have standing as statutory law.

B. Except as otherwise provided in the compact, venue is proper and judicial proceedings by or against the commission must be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact affects or limits the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

C. The commission is entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and has standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission renders a judgment or order void as to the commission, this compact or promulgated rules.

2. Default and technical assistance. Default and technical assistance are governed by this subsection.

A. If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

- (1) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default and any other action to be taken by the commission; and

(2) Offer remedial training and specific technical assistance regarding the default.

B. The commission shall provide a copy of the notice of default under paragraph A to the other member states.

3. Termination from compact. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

4. Termination regulation. Termination of membership in the compact may be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate must be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

5. Responsibilities after termination. Upon the termination of a state's membership from the compact, a state shall immediately provide notice to all licensees within that state of the termination. The state that has terminated its membership shall continue to recognize all licenses granted pursuant to this compact for a minimum of 6 months after the date of notice of termination. A state that has terminated its membership is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

6. Costs. The commission may not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

7. Appeal. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party must be awarded all costs of that litigation, including reasonable attorney's fees.

8. Dispute resolution. Dispute resolution is governed by this subsection.

A. Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

B. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

9. Enforcement. Enforcement of the compact is governed by this subsection.

A. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

B. By majority vote as provided by rule, the commission may initiate legal action against a member state in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party must be awarded all costs of that litigation, including reasonable attorney's fees.

C. The remedies under this subsection are not the exclusive remedies of the commission. The commission may pursue any other remedies available under federal law or the defaulting state's law.

D. A person other than a member state may not enforce this compact against the commission.

§7095. Effective date; withdrawal and amendment

1. Effective date. The compact takes effect on the date on which the compact statute is enacted into law in the 7th participating state.

A. On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first 7 member states that enacted the compact prior to the commission convening to determine if the statute enacted by each such charter member state is materially different from the model compact.

(1) A charter member state whose enactment is found to be materially different from the model compact is entitled to the default process set forth in section 7094, subsection 2.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission remains in existence and the compact remains in effect even if the number of member states is less than 7.

B. Member states enacting the compact subsequent to the charter member states are subject to the process set forth in section 7091, subsection 3, paragraph U to determine if the states' enactments are materially different from the model compact and whether the states qualify for participation in the compact.

C. All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence must be considered to be actions of the

commission unless specifically repudiated by the commission.

2. Subsequent member states. Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws is subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission has the full force and effect of law on the day the compact becomes law in that state.

3. Withdrawal; notice. Any member state may withdraw from the compact by enacting a statute repealing the compact.

A. A member state's withdrawal does not take effect until 180 days after enactment of the repealing statute.

B. Withdrawal does not affect the continuing requirement of the withdrawing state's professional licensing board to comply with the investigative and adverse action reporting requirements of this subchapter prior to the effective date of withdrawal.

C. Upon the enactment of a statute withdrawing from the compact, a state shall immediately provide notice of the withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, a withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of the notice of withdrawal.

4. Other agreements or arrangements. Nothing contained in this compact may be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

5. Amendment. The compact may be amended by the member states. An amendment to this compact does not become effective and binding upon any member state until it is enacted into the laws of all member states.

§7096. Construction and severability

1. Construction. The compact and the commission's rule-making authority must be liberally construed so as to effectuate the purposes, implementation and administration of the compact. The provisions of the compact expressly authorizing or requiring the promulgation of rules may not be construed to limit the commission's rule-making authority solely for those purposes.

2. Severability. The provisions of the compact are severable, and if any phrase, clause, sentence or provision of the compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, of a state seeking participation in the compact

or of the United States, or the applicability of the compact to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of the compact and the applicability of the compact to any government, agency, person or circumstance is not affected.

§7097. Consistent effect of compact and other laws

1. Adherence. A licensee providing social work services in a remote state under a multistate authorization to practice shall adhere to the laws, rules and regulations, including laws, rules, regulations and applicable standards, of the remote state where the client is located at the time care is rendered.

2. Enforcement. Nothing in this subchapter prevents the enforcement of any other law of a member state that is not inconsistent with the compact.

3. Conflict. Any laws, statutes, regulations, rules or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

4. Binding agreements. All permissible agreements between the commission and the member states are binding in accordance with the terms of the agreements.

§7098. Legislative intent

This compact is the Maine enactment of the Social Work Licensure Compact. The form, format and text of the compact have been changed minimally so as to conform to Maine statutory conventions. The changes are technical in nature, and it is the intent of the Legislature that this compact be interpreted as substantively the same as the Social Work Licensure Compact that is enacted by other member states.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF Administrative Services - Professional and Financial Regulation 0094

Initiative: Allocates ongoing funds for the STA-CAP, service center support and technology costs associated with implementing the compact for licensing social workers.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$13,854
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$13,854

Office of Professional and Occupational Regulation 0352

Initiative: Allocates funds for one Comprehensive Health Planner II position, one Public Service Coordinator II position and one Public Service Manager II position and related All Other costs to manage increased responsibilities including application review for compact privilege, compact compliance, compact reporting and joint investigations.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	3.000
Personal Services	\$0	\$348,340
All Other	\$0	\$18,340
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$366,680

Office of Professional and Occupational Regulation 0352

Initiative: Allocates funds for the STA-CAP and rule-making costs associated with implementing the compact for licensing social workers.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$6,169
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$6,169

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
	\$0	\$386,703
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$386,703

See title page for effective date.

CHAPTER 675

S.P. 953 - L.D. 2224

An Act to Strengthen Public Safety by Improving Maine's Firearm Laws and Mental Health System

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 15 MRSA §393, sub-§1, ¶E-1, as enacted by PL 2019, c. 411, Pt. C, §2 and affected by Pt. D, §3, is amended to read:

E-1. Is currently a restricted person ~~under~~ pursuant to Title 34-B, section 3862-A, subsection 2 4 or Title 34-B, section 3862-A, subsection 6, paragraph D or a similar order issued by another jurisdiction,

except that the prohibition applies to possession and control, and not ownership. A permit issued pursuant to subsection 2 is not a defense to a violation of this paragraph. Violation of this paragraph is a Class D crime;

Sec. 2. 15 MRSA §394, sub-§1, ¶B-1 is enacted to read:

B-1. "Intentionally" has the same meaning as in Title 17-A, section 35, subsection 1.

Sec. 3. 15 MRSA §394, sub-§1, ¶B-2 is enacted to read:

B-2. "Knowingly" has the same meaning as in Title 17-A, section 35, subsection 2.

Sec. 4. 15 MRSA §394, sub-§1, ¶B-3 is enacted to read:

B-3. "Recklessly" has the same meaning as in Title 17-A, section 35, subsection 3.

Sec. 5. 15 MRSA §394, sub-§2, as enacted by PL 2023, c. 305, §1, is amended to read:

2. Sale or transfer prohibited. A person may not ~~knowingly or~~ intentionally, knowingly or recklessly sell or transfer a firearm to a person who is prohibited from owning, possessing or having under that person's control a firearm pursuant to section 393 and who does not have a permit issued under section 393. This subsection does not apply to the sale or transfer of an antique firearm.

Violation of this subsection is a Class ~~D~~ C crime.

Sec. 6. 15 MRSA §395 is enacted to read:

§395. Background checks of firearms buyers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Advertisement" means the presentation of a message regarding a firearm for sale by a seller that is:

- (1) Broadcast on television or radio;
- (2) Broadly disseminated over the Internet;
- (3) Printed in magazines or newspapers; or
- (4) Displayed on a handbill, poster, sign or placard.

B. "Buy" means to acquire ownership for monetary or other consideration.

C. "Buyer" means a person who buys from a seller.

D. "Family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, stepchild, foster child or person related by consanguinity within the 2nd degree.

E. "Federally licensed firearms dealer" or "dealer" means a person who is licensed or is required to be licensed as a dealer under 18 United States Code, Section 923(a)(3).

F. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

G. "Gun show" means any gathering or exhibition at which any firearm is displayed that is:

- (1) Open to the public;
- (2) Not occurring on the permanent premises of a federally licensed firearms dealer; and
- (3) Conducted principally for the purposes of transactions.

H. "Sell" means to transfer ownership for monetary or other consideration.

I. "Seller" means a person who sells to a buyer.

J. "Transaction" means the transfer of ownership of a firearm from a seller to a buyer.

2. Transactions covered by this section. This section applies only to transactions in which:

- A. A seller sells to a buyer at a gun show; or
- B. A seller sells to a buyer as a result of an advertisement.

3. Transactions not covered by this section. This section does not apply to transactions in which:

- A. The buyer and seller are family members; or
- B. The transaction is for a firearm that is:
 - (1) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, as in effect on November 19, 2019, and the sale, transfer or exchange is between collectors as defined in 18 United States Code, Section 921(a)(13), as in effect on June 25, 2022, who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; or
 - (2) An antique firearm, as defined in 18 United States Code, Section 921(a)(16), as in effect on June 25, 2022.

4. Requirement for transactions covered by this section. A seller who is not a federally licensed firearms dealer may not complete a transaction to which this section applies unless the seller facilitates the transaction through a federally licensed firearms dealer. The dealer shall perform a background check of the putative buyer by using the Federal Bureau of Investigation, National Instant Criminal Background Check System in the same manner as if the dealer were the seller of the

firearm that is the subject of the transaction. If the background check reveals that the putative buyer is prohibited from purchasing a firearm, the dealer shall notify the seller of that fact and of the fact that the transaction may not proceed. The dealer may charge a reasonable fee for serving as the facilitator.

5. Violations. A person who sells a firearm in violation of this section commits a Class C crime.

Sec. 7. 22-A MRSA §203, sub-§2, as enacted by PL 2003, c. 689, Pt. A, §1, is amended to read:

2. Additional programs and services for children and families. The department shall provide children and families with additional programs and services to assist them in meeting their needs, including, but not limited to:

- A. Child welfare services;
- B. Head Start and child care services;
- C. Maternal and child health services, including home visiting programs;
- D. Paternity establishment and child support enforcement services; ~~and~~
- E. Residential and long-term care services for children with disabilities; ~~and~~
- F. Injury and violence prevention programs, including data collection, synthesis and evaluation.

Sec. 8. 25 MRSA §2804-C, sub-§2-E, as enacted by PL 2019, c. 411, Pt. C, §4 and affected by Pt. D, §3, is amended to read:

2-E. Receipt of certain dangerous weapons; training; procedure; liability. Beginning in 2020, the Maine Criminal Justice Academy Board of Trustees shall require training as part of its mandated training schedule for municipal, county and state law enforcement officers regarding the process for ~~protection from substantial threats by a restricted person~~ extreme risk protection orders and the proper handling, storage, safekeeping and return of dangerous weapons received pursuant to an endorsement or court order under Title 34-B, section 3862-A or 3873-A. The training must include education concerning the prohibitions on the purchase, control or possession of dangerous weapons. A law enforcement officer who receives custody of a dangerous weapon pursuant to Title 34-B, section 3862-A or 3873-A shall exercise reasonable care to avoid loss, damage or reduction in value of the weapon and may not permanently mark or fire the weapon unless there is reasonable suspicion that the weapon has been used in the commission of a crime. Any liability for damage or reduction in value to such a weapon is governed by Title 14, chapter 741.

Sec. 9. 34-B MRSA §3613 is enacted to read:

§3613. Crisis receiving centers

1. Definition. As used in this section, unless the context otherwise indicates, "crisis receiving center" means a center that provides immediate and short-term walk-in access to an array of both clinical and nonclinical mental health and substance use disorder crisis stabilization services to all individuals seeking care regardless of severity or insurance coverage and within bounds of licensing.

2. Department to develop plan and serve as coordinator. The department shall develop a plan for a network of community-based crisis receiving centers across the State to support both clinical and nonclinical mental health and substance use disorder crisis stabilization services. The department shall also coordinate meetings, technical assistance and training and provide other assistance to help create, maintain and, as necessary, expand the network.

3. Guidelines. In carrying out its duties under subsection 2, the department shall:

A. Consult with law enforcement agencies, municipalities, public health experts, behavioral health care providers, other states and others as appropriate;

B. Assess geographical locations for maximization of community impact;

C. Provide technical assistance to persons and entities across the State and providers interested in joining the network;

D. Coordinate regular meetings with crisis receiving centers and provide technical assistance to crisis receiving centers; and

E. Engage in continual process improvement and planning updates.

Sec. 10. 34-B MRSA §3862-A, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended by amending the section headnote to read:

~~§3862-A. Protection from substantial threats~~ **Extreme risk protection orders**

Sec. 11. 34-B MRSA §3862-A, sub-§1, ¶C, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

C. "Initial restrictions" means the immediate and temporary 14-day 30-day threat-based restrictions pursuant to subsection 4.

Sec. 12. 34-B MRSA §3862-A, sub-§2, ¶B, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

B. The medical practitioner under ~~paragraph A this subsection~~ shall assess whether the person presents a likelihood of foreseeable harm. In assessing the person, a medical practitioner may consult with other medical professionals as the medical practi-

tioner determines advisable. If the medical practitioner finds that the person can benefit from treatment and services, the medical practitioner shall refer the person to treatment and services. The medical practitioner may rely on information provided by a 3rd party if it reasonably appears that the 3rd party has had recent personal observations of or conversations with the person being assessed.

Sec. 13. 34-B MRSA §3862-A, sub-§2, ¶C, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

C. Notwithstanding any provision of law to the contrary, an assessment pursuant to this section may be performed at a health care facility ~~but or~~, when available and as appropriate, ~~must~~ may be performed at an alternative location. The assessment may be facilitated using telehealth technology. If the assessment is provided at a health care facility, law enforcement shall, upon request of the facility and consistent with section 3863, subsection 2-A, absent compelling circumstances, assist the facility with the security of the person awaiting the assessment under this section.

Sec. 14. 34-B MRSA §3862-A, sub-§2, ¶C-1 is enacted to read:

C-1. The assessment required by this subsection must be performed while the person being assessed remains in protective custody, except that the assessment may be performed within 24 hours after the person is released from protective custody if:

(1) The protective custody stemmed from a law enforcement officer's probable cause to believe the person may be mentally ill and presents a likelihood of serious harm because the person possesses, controls or may acquire a dangerous weapon; and

(2) An examination under section 3863 has occurred.

Sec. 15. 34-B MRSA §3862-A, sub-§2-A is enacted to read:

2-A. Protective custody warrant for purposes of conducting an assessment. If a law enforcement officer is unable to take a person into protective custody to conduct an assessment under this section, the law enforcement officer may apply for a protective custody warrant. The officer must submit an affidavit of probable cause for a protective custody warrant to a Justice of the Superior Court, a Judge of the District Court or a justice of the peace.

The justice, judge or justice of the peace shall issue a protective custody warrant and promptly transmit that warrant to the officer for execution upon finding the affidavit under this subsection is sufficient to establish:

A. Probable cause to believe that the person may be mentally ill and due to that condition presents a likelihood of serious harm;

B. Probable cause to believe that the person possesses, controls or may acquire a dangerous weapon; and

C. That the officer has made reasonable attempts to take the person into custody without a warrant.

A warrant transmitted by facsimile machine or an electronic warrant transmitted by secure electronic means has the same legal effect and validity as an original endorsement signed by the justice, judge or justice of the peace. The electronic protective custody warrant or paper protective custody warrant may be executed by a law enforcement officer authorized to take the person into protective custody as provided in section 3862, subsection 1, paragraph B.

Sec. 16. 34-B MRSA §3862-A, sub-§3, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

3. Notification by medical practitioner and judicial endorsement. A medical practitioner shall notify in writing the law enforcement officer or law enforcement agency that took the person into protective custody under section 3862, subsection 1, paragraph B that, based on the assessment ~~under subsection 2, paragraph B~~, the person is found to present a likelihood of foreseeable harm. If so notified, the law enforcement officer or law enforcement agency shall as soon as practicable seek endorsement by a ~~Superior Court Justice, District Court Judge, judge of probate or Justice of the Superior Court, a Judge of the District Court or a justice of the peace~~ of the medical practitioner's assessment and law enforcement's declarations that the person was taken into protective custody and that the law enforcement officer has probable cause to believe that the person possesses, controls or may acquire a dangerous weapon. The ~~judge justice or justice judge~~ shall promptly transmit to the law enforcement officer or agency the decision to endorse or not endorse. A decision transmitted electronically has the same legal effect and validity as a signed original. An endorsement must authorize law enforcement to execute the authority in subsection 4. This section may not be construed to prevent law enforcement from accepting a voluntary surrender of dangerous weapons.

Sec. 17. 34-B MRSA §3862-A, sub-§4, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

4. Initial restrictions; notice by law enforcement. A person whose assessment is endorsed by a judicial officer under subsection 3 becomes, at the time of notice by a law enforcement officer under paragraph B, a restricted person subject to initial restrictions and subject to the prohibitions in Title 15, section 393, subsection 1, paragraphs E-1 and E-2 as follows:

A. The restricted person, after notice under paragraph B:

- (1) Is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing;
- (2) Shall immediately and temporarily surrender any weapons possessed, controlled or acquired by the restricted person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing; and
- (3) Has a right to a judicial hearing within ~~14~~ 30 days of notice under paragraph B; and

B. A law enforcement officer shall, as soon as practicable, ~~but no later than 24 hours~~ after the judicial endorsement, unless the restricted person is medically incapacitated, in which case within 48 hours after the law enforcement officer has been notified that the person is no longer medically incapacitated:

- (1) Notify the restricted person that the restricted person:
 - (a) Is prohibited from possessing, controlling, acquiring or attempting to possess, control or acquire a dangerous weapon pending the outcome of a judicial hearing;
 - (b) Is required to immediately and temporarily surrender any weapons possessed, controlled or acquired by the restricted person to a law enforcement officer who has authority in the jurisdiction in which the weapons are located pending the outcome of a judicial hearing; and
 - (c) Has a right to a judicial hearing within ~~14~~ 30 days of the notice under this paragraph;
- (2) Notify the contact person, if any, disclosed by the restricted person to the medical practitioner and the district attorney in the district ~~of the restricted person's residence where the person was taken into protective custody~~ of the person's restricted status; ~~and~~
- (3) Report the person's restricted status to the Department of Public Safety as soon as practicable; and
- (4) Provide a copy to the court of the notification to the restricted person, including the date of notification.

Sec. 18. 34-B MRSA §3862-A, sub-§6, ¶A, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

A. Within ~~5~~ 14 days of the date of the notice given to a restricted person under subsection 4, paragraph B, ~~the district attorney the court shall schedule a hearing in the district of the restricted person's residence shall file a petition for judicial review of the initial restrictions by the district court. The district attorney shall provide where the person was taken into protective custody and provide notice of the hearing to the restricted person written notice of the petition and hearing and the district attorney at least 7 days prior to the hearing.~~ The restricted person has the right to be represented by counsel at the hearing, and the court may appoint counsel for an indigent party. Upon a showing of good cause, the court may extend the time to hold the hearing.

Sec. 19. 34-B MRSA §3862-A, sub-§6, ¶B, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

B. Within ~~14~~ 30 days of the notice given under subsection 4, the court shall hold a hearing to determine whether to dissolve or extend the initial restrictions. Upon a showing of good cause, the court may extend the time to hold the hearing. In the hearing determining whether to dissolve or extend the initial restrictions, the district attorney has the burden to prove by clear and convincing evidence that the restricted person presents a likelihood of foreseeable harm.

Sec. 20. 34-B MRSA §3862-A, sub-§6, ¶C, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended to read:

C. In determining whether there are grounds to extend the initial restrictions, the court shall consider all relevant evidence, including, but not limited to, recent threats or acts of violence by the restricted person directed toward other persons; recent threats or acts of violence by the restricted person directed toward the restricted person; recent acts of unlawful abuse of animals by the restricted person; the reckless use or threatening display of a dangerous weapon by the restricted person; a history of the use, attempted use or threatened use of physical force by the restricted person against other persons; a record of prior custodial events or restrictions under this section; prior involuntary confinement of the restricted person in a hospital for persons with psychiatric disabilities; prior protection from abuse and protection from harassment orders against the restricted person or violations regarding protection from abuse or protection from harassment by the restricted person; evidence of stalking behavior, severe obsession or sexual violence by the restricted person; the illegal use of controlled substances by the restricted person; and evidence of alcohol or drug abuse by the restricted person. The court may consider affidavits and other reliable hearsay in making this determination. The court shall also

consider whether the restricted person is receiving treatment responsive to that person's mental health or substance use needs.

Sec. 21. 34-B MRSA §3862-A, sub-§6, ¶D, as enacted by PL 2019, c. 411, Pt. A, §1 and affected by Pt. D, §3, is amended by amending subparagraph (5) to read:

(5) A court shall electronically update or transmit to the Department of Public Safety, Bureau of State Police an abstract of the order issued by the court pursuant to this section that includes a prohibition on the possession of a dangerous weapon within 72 hours of the order's being issued. The abstract must include the name, date of birth and gender of the person who is the subject of the order; the court's order and the expiration date of that order; and a notation that the person has been notified by the court.

The abstract required by this subparagraph is confidential and is not a public record as defined in Title 1, chapter 13; however, the information contained in the abstract or a copy of the abstract may be provided by the Department of Public Safety to a criminal justice agency for law enforcement purposes, to the Federal Bureau of Investigation, National Instant Criminal Background Check System or to an issuing authority for the purpose of processing concealed firearm permit applications. The Department of Public Safety shall, when the pertinent database is developed, request that the Federal Bureau of Investigation ensure that, immediately after the order expires, the National Instant Criminal Background Check System no longer reflects that expired order as a ground for prohibiting the subject of the order from possessing or acquiring a firearm. For the purposes of this subsection, "criminal justice agency" means a federal, state, tribal, district, county or local government agency or any subunit of those entities that performs the administration of criminal justice under a statute or executive order and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies, as is any equivalent agency at any level of Canadian government.

Sec. 22. Appropriations and allocations. The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,
DEPARTMENT OF
Injury and Violence Prevention Program Z397**

Initiative: Provides one-time funding for a new injury and violence prevention program.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$1,032,000
GENERAL FUND TOTAL	\$0	\$1,032,000

Maine Center for Disease Control and Prevention 0143

Initiative: Establishes one limited-period Health Program Manager position and one limited-period Public Health Education III position through June 12, 2027 and provides funding for related All Other costs.

FEDERAL EXPENDITURES FUND	2023-24	2024-25
Personal Services	\$0	\$206,156
All Other	\$0	\$17,962
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$224,118

FEDERAL BLOCK GRANT FUND	2023-24	2024-25
Personal Services	\$0	\$105,397
All Other	\$0	\$9,538
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$114,935

HEALTH AND HUMAN SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2023-24	2024-25
GENERAL FUND	\$0	\$1,032,000
FEDERAL EXPENDITURES FUND	\$0	\$224,118
FEDERAL BLOCK GRANT FUND	\$0	\$114,935
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$1,371,053

See title page for effective date.

**CHAPTER 676
H.P. 341 - L.D. 536**

An Act to Provide Natural Organic Reduction Facilities for Maine Residents for the Conversion of Human Remains to Soil

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 13 MRSA §1031-A is enacted to read:

§1031-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Natural organic reduction. "Natural organic reduction" means the contained accelerated conversion of human remains to soil.

2. Natural organic reduction facility. "Natural organic reduction facility" means a building or structure or a room or other space in a building or structure or real property where natural organic reduction is facilitated and occurs.

Sec. 2. 13 MRSA §1032 is amended to read:

§1032. Disposal of bodies

Except as otherwise provided by law, or in case of a dead body being rightfully carried through or removed from the State for the purpose of burial or disposition elsewhere, every dead body of a human being dying within the State and the remains of any body after dissection therein ~~shall~~ **must** be decently buried, entombed in a mausoleum, vault or tomb, ~~or cremated~~ **or subjected to natural organic reduction** within a reasonable time after death. The permanent disposition of such bodies or remains ~~shall~~ **must** be by interment in the earth, or deposit in a chamber, vault or tomb of a cemetery owned, maintained and operated in accordance with the laws of this State, by deposit in a crypt of a mausoleum; or by cremation **or natural organic reduction**. The remains of a human body after cremation **or natural organic reduction** may be deposited in a niche of a columbarium or a crypt of a mausoleum, ~~scattered in an area of a cemetery,~~ buried or disposed of in any manner not contrary to law. ~~No~~ **A** deposit of the bodies or remains of the human dead ~~shall~~ **may not** be made in a single chamber, vault or tomb partly above and partly below the natural surface of the ground, unless the part thereof below such surface is of a permanent character, constructed of materials capable of withstanding extreme climatic conditions, waterproof and ~~air-tight~~ **airtight**, and capable of being sealed permanently to prevent all escape of effluvia, and unless the part thereof above the natural surface of the ground is constructed of natural stone of a standard not less than that required by the United States Government for monuments erected in national cemeteries, or durability sufficient to withstand all conditions of weather.

Sec. 3. 13 MRSA §1035, as amended by PL 2019, c. 113, Pt. C, §25, is further amended to read:

§1035. Penalties

Except as otherwise provided in this chapter, a person who fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance or operation of a cemetery, community mausoleum, crematory, natural organic reduction facility or columbarium or to the disposal of dead human

bodies commits a Class E crime except that, notwithstanding Title 17-A, sections 1704 and 1705, the fine may not be less than \$100 or more than \$500.

Sec. 4. 13 MRSA §1101-A, sub-§2, as enacted by PL 2003, c. 421, §1, is amended to read:

2. Columbarium. "Columbarium" means a structure or room or space in a mausoleum or other building containing niches or recesses for disposition of cremated human remains or human remains that have been subjected to natural organic reduction.

Sec. 5. 13 MRSA §1265, as enacted by PL 1995, c. 474, §1, is amended to read:

§1265. Tangible personal property

Upon written request and payment of any reasonable out-of-pocket expenses, a cemetery ~~or~~ crematory or natural organic reduction facility shall deliver to a person, the person's attorney-in-fact or the person's personal representative any item of tangible personal property purchased by that person but remaining in the possession of the cemetery ~~or~~ crematory or natural organic reduction facility.

Sec. 6. 13 MRSA §1266, as enacted by PL 1995, c. 474, §1, is amended to read:

§1266. Solicitation of cemetery or crematory or other services or property

Uninvited telephone or door-to-door solicitations for crematory ~~or~~ cemetery or natural organic reduction facility services or property are prohibited. This section may not be construed to limit the raising of funds for capital improvements as long as those funds are not raised through the purchase of cemetery ~~or~~ crematory or natural organic reduction facility services or property. Uninvited solicitations may not be construed to include solicitations resulting from uninvited good-faith personal referrals from individuals purchasing services or property from a cemetery ~~or~~ crematory or natural organic reduction facility.

Sec. 7. 13 MRSA §1303, 2nd ¶ is amended to read:

Every such cemetery ~~shall~~ must be located in accordance with statutes already in force and effect, and only after consent for such location has been obtained from the municipality or other political subdivision where the same is proposed to be located, as well as from the ~~Bureau of Health~~ Department of Health and Human Services. ~~No~~ A cemetery, community mausoleum, crematory, natural organic reduction facility or columbarium hereafter established ~~shall~~ may not be maintained or operated for the purpose of private profit or gain, either directly or indirectly, to any director, officer or member of the cemetery association or other agency owning, maintaining or operating the same, or of any holding company or development company employed to develop, build and dispose of the same. A

cemetery lawfully established prior to July 24, 1937 may continue to be owned, maintained and operated under the form of organization adopted therefor. Any corporation organized prior to July 24, 1937 ~~which~~ that is authorized or empowered to own, construct, maintain or operate cemeteries or burial grounds may lawfully own, construct, maintain or operate mausoleums, crematories or columbaria in connection therewith, in accordance with the laws existing and effective up to the time of July 24, 1937.

Sec. 8. 13 MRSA §1304 is amended to read:

§1304. Sales for speculation or investment

The sale of cemetery lots and plots, or the sale of crypts in a community mausoleum or niches in a columbarium for speculative or financial investment purposes, or the conveyance of any portion of a cemetery already dedicated to burial purposes as security for debt, is prohibited. Every such conveyance, whether made by a person or by a cemetery association, or by a company or association owning and operating a community mausoleum, crematory, natural organic reduction facility or columbarium, or by any holding, development or subsidiary company, ~~shall be~~ is void and of no effect. Whoever makes or attempts to make a sale or conveyance contrary to this section ~~shall be guilty of a misdemeanor and~~ must be punished as provided in section 1035.

Sec. 9. 22 MRSA §2841-A is enacted to read:

§2841-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Natural organic reduction. "Natural organic reduction" means the contained accelerated conversion of human remains to soil.

2. Natural organic reduction facility. "Natural organic reduction facility" means a building or structure or a room or other space in a building or structure or real property where natural organic reduction is facilitated and occurs.

Sec. 10. 22 MRSA §2843, first ¶, as amended by PL 2009, c. 601, §27, is further amended to read:

Except as authorized by the department, a dead human body may not be buried, cremated, subjected to natural organic reduction or otherwise disposed of or removed from the State until a funeral director or other authorized person in charge of the disposition of the dead human body or its removal from the State has obtained a permit from the State Registrar of Vital Statistics or the clerk of the municipality where death occurred or where the establishment of a funeral director having custody of the dead human body is located as specified by department rule. The permit is sufficient authority for final disposition in any place where dead

human bodies are disposed of in this State, as long as the requirements of Title 32, ~~section~~ sections 1405 and 2900-A are met in appropriate cases. The permit may not be issued to anyone other than a funeral director until the state registrar or the clerk of the municipality receives a medical certificate that has been signed by a physician or a medical examiner that indicates that the physician or medical examiner has personally examined the body after death. A permit must also be issued if a nurse practitioner or physician assistant has signed the medical certificate indicating that the nurse practitioner or physician assistant has knowledge of the deceased's recent medical condition or was in charge of the deceased's care and that the nurse practitioner or physician assistant has personally examined the body after death. The authorized person may transport a dead human body only upon receipt of this permit.

Sec. 11. 22 MRSA §2843, 2nd ¶, as amended by PL 2009, c. 601, §27, is further amended to read:

The State Registrar of Vital Statistics or a municipal clerk may issue a permit for final disposition by cremation, burial at sea, use by medical science, natural or organic reduction or removal from the State only upon receipt of a certificate ~~of release~~ by a duly appointed medicolegal death investigator or medical examiner as specified in Title 32, section 1405 or section 2900-A, subsection 8.

Sec. 12. 22 MRSA §2843, sub-§3, as amended by PL 2013, c. 20, §1, is further amended to read:

3. Permit for burial. The person in charge of each burying ground ~~or crematory or natural organic reduction facility~~ in this State shall endorse, and provide the date the body was disposed of on, each such permit with which that person is presented; and return it to the State Registrar of Vital Statistics or to the clerk of the municipality in which such burying ground ~~or crematory or facility~~ is located within 7 days after the date of disposition. If there is no person in charge of the burying ground, an official of the municipality in which the burying ground is located shall endorse, and provide the date the body was disposed of on, each such permit; and present it to the State Registrar of Vital Statistics or the clerk of the municipality. The funeral director or authorized person shall present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the permit.

Sec. 13. 22 MRSA §2843, sub-§3-A, as amended by PL 2019, c. 257, §1, is further amended to read:

3-A. Authorization for burial of cremated or other remains in public burying ground. The State Registrar of Vital Statistics shall provide an authorization to be used for the purposes of this subsection. If cremated human remains that have been cremated or subjected to natural organic reduction are buried in a

public burying ground in the State, the person in charge of the public burying ground shall endorse and record the date the ~~cremated~~ remains were buried on an authorization for the remains and return the authorization to the State Registrar of Vital Statistics or to the clerk of the municipality in which the public burying ground is located within 7 days after the ~~cremated~~ remains were buried. If there is no person in charge of the public burying ground, an official of the municipality in which the public burying ground is located shall endorse and record the date the ~~cremated~~ remains were buried on the authorization and present the authorization to the State Registrar of Vital Statistics or the clerk of the municipality. If an authorization is not returned to the State Registrar of Vital Statistics within 7 days after ~~cremated~~ remains were buried, the funeral director or authorized person may present a copy of the authorization, if the authorization has been endorsed, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the authorization.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authorization" means the form or electronic process prescribed and furnished by the State Registrar of Vital Statistics for the purpose of recording the consent of an authorized person for the burial or removal of ~~cremated human~~ remains that have been cremated or subjected to natural organic reduction in a public burying ground as specified by department rule.

B. "Burial" means all manner of dispersal or deposit in or on the ground or in a structure.

C. "Public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4.

Sec. 14. 22 MRSA §2843-A, sub-§2, as repealed and replaced by PL 2017, c. 475, Pt. A, §31, is amended by amending the 4th blocked paragraph to read:

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury ~~or cremate or subject to natural organic reduction~~ the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

Sec. 15. 22 MRSA §2843-A, sub-§10, as amended by PL 2017, c. 101, §3, is further amended to read:

10. Funeral director or practitioner of funeral service. The following provisions apply to the actions and liability of a funeral director or practitioner of funeral service, cemeteries ~~and~~, crematories and natural organic reduction facilities and their employees.

A. If there is a dispute regarding custody and control, a funeral director or practitioner of funeral service may refuse to accept the remains or dead body, inter or otherwise dispose of the remains or dead body or complete funeral arrangements until the funeral director or practitioner of funeral service is provided with a court order under subsection 4 or a written agreement of the person who has custody and control.

B. If there is a dispute regarding custody and control, pending a court determination under subsection 4 a funeral director or practitioner of funeral service who has physical possession of the remains or a dead body may embalm or refrigerate and shelter the remains or a dead body and may bill the estate of the subject for those costs, plus attorney's fees and court costs.

C. A person who signs a statement of funeral goods and services; or a cremation or natural organic reduction authorization form or other authorization for disposition of the remains or a dead body is deemed to warrant the truthfulness of the facts set forth in the document, including but not limited to the existence of custody and control and the identity of the subject.

D. A funeral director or practitioner of funeral service, cemetery, natural organic reduction facility or crematory may rely on a statement of funeral goods and services; or a cremation or natural organic reduction authorization form or other authorization signed by a person who has custody and control of the remains or a dead body and may carry out the instructions provided for in the statement of funeral goods and services or on the form or authorization unless the funeral director or practitioner of funeral service, cemetery, natural organic reduction facility or crematory knows of objections from another person.

E. A funeral director or practitioner of funeral service, cemetery, natural organic reduction facility or crematory is not required to independently investigate custody and control of the remains or a dead body or who is next of kin.

F. Upon cremation or natural organic reduction of the remains or dead body, the crematory or natural organic reduction facility shall prepare a certificate of cremation or natural organic reduction signed and dated by the person in charge of the cremation or natural organic reduction indicating the date of cremation or natural organic reduction and the identity of the ~~cremated~~ remains or dead body as

identified by the funeral director or practitioner of funeral service or the cremation or natural organic reduction authorization form, including the deceased person's full name, date and place of death, gender and veteran status. The crematory or natural organic reduction facility shall provide the certificate of cremation or natural organic reduction to the funeral director or practitioner of funeral service or the person who has custody and control of the remains or dead body.

Sec. 16. 22 MRSA §2883, 3rd ¶, as enacted by PL 2001, c. 386, §5, is amended to read:

As used in this section, "burial" includes cremation or natural organic reduction as defined in section 2841-A, subsection 1 and burial of the ~~cremated~~ remains of the body.

Sec. 17. 22 MRSA §2886, as corrected by RR 2021, c. 2, Pt. B, §147, is amended to read:

§2886. Bond for proper disposal; ~~traffic~~ trafficking outside of State

A school, college, university, recognized medical school in New England; or physician or surgeon may not receive a body until a bond is given to the Treasurer of State by the physician or surgeon, or by and in behalf of the school, college, university or recognized medical school in New England, to be approved by a justice of a court of record in and for the county in which the physician or surgeon resides; or in which the school, college, university or recognized medical school in New England is situated. The bond must be in the penal sum of \$1,000, conditioned that all bodies that the physician or surgeon or the school, college, university or recognized medical school in New England receives thereafter are used only for the promotion within the State of medical education, which includes nursing training and premedical education, and, when no longer needed for such educational purposes, are decently buried, cremated or subjected to natural organic reduction. The bond must be examined annually in the month of December by the Treasurer of State and the Treasurer of State shall certify in writing upon each bond in the Treasurer of State's possession approval of the bond. If a bond is not approved by the Treasurer of State, the Treasurer of State shall immediately notify the party giving the bond, who shall forthwith file a new bond. A person that sells or buys a body or in any way ~~traffics~~ trafficks in the same, transmits or conveys a body to any place outside of the State or causes the same to be done, except as provided in section 2884, must be punished by a fine of not more than \$200 or by imprisonment for not more than 11 months.

Sec. 18. 22 MRSA §2900, sub-§1, ¶D is enacted to read:

D. "Cremate" means subject to the process of cremation or natural organic reduction as defined in section 2841-A, subsection 1.

Sec. 19. 22 MRSA §2900-A is enacted to read:
§2900-A. Natural organic reduction

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Natural organic reduction" has the same meaning as in section 2841-A, subsection 1.

B. "Natural organic reduction facility" has the same meaning as in section 2841-A, subsection 2.

2. Natural organic reduction permitted. A cemetery corporation operating within the State, after obtaining a license from the department and meeting the requirements of this section, may establish and maintain suitable buildings and appliances for subjecting the body of a deceased person to natural organic reduction and, in accordance with this section and the rules of the department, may subject the body to natural organic reduction and dispose of the remains of the body.

3. Application for licensure. A cemetery corporation operating within the State seeking to establish a natural organic reduction facility shall submit the following information to the department in application for licensure:

A. A list of the directors, employees and certificate holders of the cemetery corporation;

B. A certified survey of the site and location within the State the natural organic reduction facility will be situated;

C. A business plan for the operation of the natural organic reduction facility, including but not limited to the number of bodies expected to be subjected to natural organic reduction each year, the number of sites within the natural organic reduction facility for subjecting bodies to natural organic reduction and the manufacturing costs, capital costs, financing, anticipated number of employees and types of services provided and pricing of those services;

D. A description of any anticipated effect the natural organic reduction facility will have within the State;

E. Plans, designs and costs of any structures to be built or retrofitted for the natural organic reduction facility; and

F. A description of any approvals or permits required to build or retrofit the natural organic reduction facility required under state laws and local ordinances and documentation showing that the approvals or permits have been obtained.

Within 35 days of receiving an application pursuant to this subsection, the department may request any other information the department considers necessary.

4. Timeline for processing application; notification of results. The department shall approve or deny an application for licensure submitted under subsection 3 within 90 days of receiving a complete application. The department shall provide, by registered or certified mail addressed to the cemetery corporation at its principal office, written notice of its determination to the cemetery corporation and, if the application is denied, the reasons for denying the application.

5. Authority. A natural organic reduction facility licensed under this section may:

A. Subject the body of a deceased person to natural organic reduction;

B. Meet with members of the public to arrange and provide for natural organic reduction;

C. Enter into contracts for the provision of disposition by natural organic reduction, except that the natural organic reduction facility may not enter into pre-need agreements under Title 13, section 1264;

D. Arrange, direct or perform the removal or transportation of the body of a deceased person; and

E. Secure and file all necessary certificates, permits, forms or other documents.

6. Certification required. An employee of a natural organic reduction facility who is responsible for the daily operations of natural organic reduction must be certified by the department within one year of the employee's beginning employment. Renewal of the employee's certification must occur every 5 years.

7. Facility requirements. A natural organic reduction facility shall:

A. Maintain the facility in a clean, orderly and sanitary manner;

B. Have adequate ventilation;

C. Have a temporary storage area to store the remains of human bodies that is not accessible to the general public; and

D. Structure the facility in a manner that protects privacy, including by having tightly closed and rigid doors, covered windows and locked and secured entrances.

8. Certificate from medical examiner or medicolegal death investigator. The body of a deceased person may not be subjected to natural organic reduction within 48 hours after death unless the person died of a contagious or infectious disease, and in no event may the body of a deceased person be subjected to natural organic reduction until the natural organic reduction facility in charge of the disposition has received a certificate from a duly appointed medical examiner or medicolegal death investigator appointed pursuant to Title 22, section 3023-A that the medical examiner or

medicolegal death investigator has made personal inquiry into the cause and manner of death and is satisfied that further examination or judicial inquiry concerning the cause and manner of death is not necessary. This certificate, a certified copy of the death certificate and a burial transit permit, if necessary, when presented by the authorized person as defined in Title 22, section 2846 is sufficient authority for the body to be subjected to natural organic reduction, and the natural organic reduction facility in charge of the disposition may not refuse to subject the body to natural organic reduction solely because these documents are presented by such an authorized person. The certificate must be retained for a period of 15 years by the natural organic reduction facility in charge of subjecting the body to natural organic reduction. For the certificate, the medical examiner must receive a fee of \$25 payable by the person requesting the certificate. This fee may be waived at the discretion of the Chief Medical Examiner.

9. Privacy of human remains. A natural organic reduction facility shall adopt policies to ensure that the privacy of human remains is respected. The facility shall restrict access to the storage area where human remains are stored or being subjected to natural organic reduction, except to an authorized person. For the purposes of this subsection, "authorized person" means:

- A. A licensed funeral director;
- B. A student of the practice of funeral services;
- C. Officers or trustees of the cemetery corporation operating the natural organic reduction facility;
- D. Designated employees or agents of the natural organic reduction facility;
- E. State or municipal employees acting within the scope of their duties;
- F. Designated instructors of the practice of funeral services;
- G. Licensed physicians or nurses; and
- H. Members of the immediate family of the deceased person or their agents.

10. Statement regarding condition of body. The next of kin of the deceased person or other authorized person shall attest that the body of the deceased person does not contain a battery, battery pack, power cell, radioactive implant or radioactive device.

11. Container requirements. Upon delivery to the natural organic reduction facility, the body of a deceased person must be in a container or wrapped in a manner sufficient to contain the body and fully decompose through natural organic reduction. If the container or wrappings are not able to be naturally organically reduced, the natural organic reduction facility shall timely notify the person making the funeral arrangements that the body of the deceased person will be transferred to

an alternative container and the person making the funeral arrangements shall sign an acknowledgement that this timely notification was made. This record must be maintained by the natural organic reduction facility. The body of the deceased person may then be transferred to an alternative container by a licensed funeral director.

12. Opening container prohibited; exceptions. The container or wrappings required in subsection 11 may not be opened or removed unless by a licensed funeral director in the presence of a witness if good cause exists to confirm the identity of the deceased person, to ensure that devices identified in subsection 10 are not present or upon reasonable demand by the person's next of kin or agent. If the container or wrappings are opened or removed, the natural organic reduction facility must document in its records the reason, the name of the person who authorized the opening of the container or removal of the wrappings, the name of the person who opened the container or removed the wrappings and the name of the witness.

13. Multiple deceased persons. A natural organic reduction facility may not subject more than one deceased person's body to natural organic reduction in the same container at one time unless the facility receives explicit, signed authorization by the person making funeral arrangements. This record must be maintained by the natural organic reduction facility.

14. Treatment of remains after natural organic reduction. Following the natural organic reduction of the body of a deceased person, a natural organic reduction facility:

- A. Shall thoroughly clean the interior of the container used for natural organic reduction;
- B. Shall place the remains of the body in an individual container that is sufficient to hold the remains and does not contain other remains unless authorized pursuant to subsection 13;
- C. Shall label the container of the remains of the body with the name of the deceased person whose body was subjected to natural organic reduction;
- D. May use a magnet and sieve or other appropriate method to separate the human remains from any foreign material. The foreign material must be disposed of in accordance with department rules; and
- E. Shall pulverize the remains of the body until no single fragment is recognizable as skeletal tissue.

15. Inspection. Upon inspection of a natural organic reduction facility, the department may require the facility to produce records of the facility's operation and maintenance, including authorizations for the disposition of bodies of deceased persons.

16. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to

this section are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 20. 22 MRSA §2954, sub-§9, as enacted by PL 2007, c. 601, §2, is amended to read:

9. Superior rights. Subject to section 2951, subsection 8 and section 2961, the rights of the person to which a part passes under section 2951 are superior to rights of all others with respect to the part. The person may accept or reject an anatomical gift in whole or in part. Subject to the terms of the document of gift and this chapter, a person that accepts an anatomical gift of an entire body may allow embalming or cremation or natural organic reduction and use of remains in a funeral service. If the gift is of a part, the person to which the part passes under section 2951, upon the death of the donor and before embalming or cremation, or natural organic reduction shall cause the part to be removed without unnecessary mutilation. For purposes of this subsection, "natural organic reduction" has the same meaning as in section 2841-A, subsection 1.

Sec. 21. 32 MRSA §1400, sub-§4-A is enacted to read:

4-A. Natural organic reduction. "Natural organic reduction" means the contained accelerated conversion of human remains to soil.

Sec. 22. 32 MRSA §1400, sub-§4-B is enacted to read:

4-B. Natural organic reduction facility. "Natural organic reduction facility" means a building or structure or a room or other space in a building or structure or real property where natural organic reduction is facilitated and occurs.

Sec. 23. 32 MRSA §1400, sub-§5, as amended by PL 2021, c. 183, §1, is further amended to read:

5. Practice of funeral service. "Practice of funeral service" means the engagement of a person in the care or disposition of the human remains or in the practice of disinfecting and preparing by embalming or otherwise the human remains for the funeral service, transportation of human remains to the place of burial or cremation or natural organic reduction, or the practice of helping to meet the emotions and disposition of the bereaved or the practice of funeral directing or embalming as presently known, whether under these titles or designations or otherwise. "Practice of funeral service" also means making arrangements for funeral services or making financial arrangements for the rendering of such services. "Practice of funeral service" does not mean the ownership or operation of a cemetery, crematorium, natural organic reduction facility, mausoleum or columbarium or any other facility used for burial of human remains. "Practice of funeral service" does not include the transportation of human remains by an authorized person. "Practice of funeral service" does not include

the manufacturing or selling of caskets or alternative containers.

A license for the practice of funeral service as used in this chapter is the license given to a person who is engaged in the practice of funeral service as above defined.

Sec. 24. Rulemaking. The Department of Health and Human Services shall amend its rules in order to implement this Act.

See title page for effective date.

**CHAPTER 677
H.P. 781 - L.D. 1233**

**An Act Regarding the Maine
State Cemetery Preservation
Commission**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §12004-I, sub-§2-H, as enacted by PL 2021, c. 584, §1, is repealed.

Sec. 2. 5 MRSA §12004-J, sub-§21 is enacted to read:

21.

<u>Cemeteries</u>	<u>Maine State Cemetery Preservation Commission</u>	<u>Not Authorized</u>	<u>13 MRSA §1374</u>
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Sec. 3. 13 MRSA §1374, as enacted by PL 2021, c. 584, §2 and amended by PL 2023, c. 369, Pt. A, §4 and affected by §5, is further amended to read:

§1374. Maine State Cemetery Preservation Commission

The Maine State Cemetery Preservation Commission, established by Title 5, section 12004-J, subsection 21 and referred to in this section as "the ~~cemetery preservation~~ commission," is established by Title 5, ~~section 12004-I, subsection 2-H~~ an independent commission created to provide advice and education regarding matters related to local units of government and members of the public on preserving cemeteries and burying grounds.

1. Members. The ~~cemetery preservation~~ commission has the following 10 members:

- A. Two members representing a statewide association dedicated to the preservation of neglected cemeteries, appointed by its board of directors;
- B. Two members representing a statewide association of cemetery directors and supervisors, appointed by its board of directors;

C. One member representing a statewide association representing municipalities, appointed by its board of directors;

D. One member representing a statewide association of town clerks, appointed by its board of directors;

E. One member representing a statewide association of funeral directors, appointed by its board of directors;

F. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management, or the director's designee;

G. One member representing a statewide association of real estate brokers, appointed by its board of directors; and

H. One member representing a statewide historical society, appointed by its board of directors.

2. Optional member. The tribal governments of the Mi'kmaq Nation, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation may jointly appoint as a member of the ~~cemetery preservation~~ cemetery preservation commission an individual who is a member of a federally recognized Indian nation, tribe or band in the State.

3. Duties. The ~~cemetery preservation~~ cemetery preservation commission may shall:

A. Advise and educate municipalities and property owners about the existence of burying grounds and cemeteries and the laws applicable to burying grounds and cemeteries;

B. Advise and educate municipalities, property owners and owners of burying grounds and cemeteries on the proper care and preservation of graves, gravestones, walls and fences in and around burying grounds and cemeteries; ~~and~~

C. Review statutes applicable to burying grounds and cemeteries and provide information to the Legislature on recommended changes;

D. Investigate violations of the laws governing burying grounds and cemeteries reported to the commission. The commission shall refer information relating to the investigations and recommendations for action on the violations to the appropriate municipal official or enforcement authority;

E. Create a page on the State's publicly accessible website that provides information related to the commission's duties and powers; and

F. Prepare educational materials, which may include links to websites relating to the laws govern-

ing burying grounds and cemeteries, for distribution to municipalities and to officers of associations that have representatives on the commission for distribution to their members.

~~**4. Bureau's duties.** Notwithstanding subsection 3, the duties of the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services are limited to arranging for and attending cemetery preservation commission meetings and must be accomplished within existing resources.~~

4-A. Meetings. The commission shall meet not less than 6 times per year at the call of the chair or by request of a majority of members.

5. Bylaws. The members commission shall adopt bylaws within one year of the effective date of this section. The bylaws must that provide for matters such as the regulation and management of the affairs of the cemetery preservation commission and must establish, the terms of office, including staggering the initial terms, the method for selecting a chair and the method for filling a vacancy on the cemetery preservation commission. The bylaws may be amended at any time by the affirmative vote of a majority of members.

6. Executive director; staff; duties. The commission may select an individual to serve as the executive director of the commission. The executive director may hire appropriate staff to assist in carrying out the duties of the commission.

7. Cemetery Preservation Commission Fund. The Cemetery Preservation Commission Fund, referred to in this section as "the fund," is established as a nonlapsing account into which is deposited, on a quarterly basis, \$5 of the fee established by the Department of Health and Human Services for a permit to transport and dispose of a dead human body. The commission may use the money in the fund to carry out its duties.

8. Budget. The commission shall create a budget on an annual basis that includes its estimate of expenditures and appropriations necessary to enable the commission to perform its duties.

9. Funding. The commission is authorized to receive funds from the Federal Government, from a political subdivision of the State or from an individual, foundation or corporation and may expend these funds for purposes that are consistent with this section.

10. Report. By December 15th of each year, the commission shall submit a report to the joint standing committee of the Legislature having jurisdiction over state and local government matters. The report must include the commission's budget from the preceding fiscal year, an accounting of all income received and expenditures made by the commission, details on the work performed by the commission and the number of staff employed by the commission in the preceding 12-month period.

Sec. 4. Burial-transit permit fee. Notwithstanding any provision of law to the contrary, the Department of Health and Human Services shall, by December 15, 2024, amend its rule Chapter 1: Transportation and Final Disposition of Dead Bodies to increase the fee charged for a burial-transit permit by \$5.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

MAINE STATE CEMETERY PRESERVATION COMMISSION

Cemetery Preservation Fund N498

Initiative: Provides an allocation for the Maine State Cemetery Preservation Commission for the funding received from additional fees collected for the burial-transit permit fee.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$85,500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$85,500

See title page for effective date.

CHAPTER 678

S.P. 958 - L.D. 2238

An Act to Address Gun Violence in Maine by Requiring a Waiting Period for Certain Firearm Purchases

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2015 is enacted to read:

§2015. Waiting period after sale of firearm

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Agreement" means an agreement reached between a buyer and a seller for the purchase and the sale of a firearm.

B. "Buyer" means a person, not including a firearm dealer, who receives possession or ownership of a firearm through an agreement.

C. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

D. "Firearm dealer" means a person that is licensed as a dealer under 18 United States Code, Section 923(a)(3) or that is required to be licensed as a dealer under that section.

E. "Seller" means a person or firearm dealer that owns a firearm and that is transferring ownership of the firearm to a buyer pursuant to an agreement.

2. Waiting period. A seller may not knowingly deliver a firearm to a buyer pursuant to an agreement sooner than 72 hours after the agreement. The 72-hour waiting period must be concurrent with any waiting period imposed by any background check process required by federal or state law.

3. Penalty. This subsection applies to violations of subsection 2.

A. A seller who violates subsection 2 commits a civil violation for which a fine of not less than \$200 and not more than \$500 may be adjudged.

B. A seller who violates subsection 2 after having previously been adjudicated as violating subsection 2 commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

4. Application. This section does not apply to:

A. The sale of a firearm if the seller knows that the person to whom the seller is selling the firearm is:

(1) A law enforcement officer as defined by Title 17-A, section 2, subsection 17;

(2) A corrections officer as defined by section 2801-A, subsection 2; or

(3) A person who is employed by a contract security company or proprietary security organization as defined by Title 32, section 9403 or a person who is licensed as a private security guard under Title 32, chapter 93;

B. The sale of a firearm to a firearm dealer; or

C. The sale of a firearm if:

(1) The buyer and seller are family members. For purposes of this subparagraph, "family member" means a spouse, domestic partner, parent, stepparent, foster parent, child, step-child, foster child or person related by consanguinity within the 2nd degree;

(2) The transaction is for a firearm that is:

(a) A curio or relic, as defined in 27 Code of Federal Regulations, Section 478.11, and the sale, transfer or exchange is between collectors, as defined in 18 United States Code, Section 921(a)(13), who each have in their possession a valid collector of curios and relics license issued by the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives; or

(b) An antique firearm, as defined in 18 United States Code, Section 921(a)(16);
or

(3) A background check is not required under federal or state law.

See title page for effective date.

CHAPTER 679
S.P. 32 - L.D. 40

**An Act to Protect Liberty and
Advance Justice in the
Administration and
Enforcement of the Cannabis
Legalization Act and the Maine
Medical Use of Cannabis Act**

**Be it enacted by the People of the State of Maine
as follows:**

PART A

Sec. A-1. 3 MRSA §959, sub-§1, ¶J, as amended by PL 2021, c. 617, §1, is further amended to read:

J. The joint standing committee of the Legislature having jurisdiction over veterans and legal affairs shall use the following list as a guideline for scheduling reviews:

- (2) State Liquor and Lottery Commission in 2023;
- (3) ~~The~~ Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations with regard to the enforcement of the law relating to the manufacture, importation, storage, transportation and sale of all liquor and the laws relating to licensing and the collection of taxes on malt liquor and wine in 2023; ~~and~~
- (4) Department of Defense, Veterans and Emergency Management in 2027, except for the Maine Emergency Management Agency within the department; ~~and~~
- (5) Department of Administrative and Financial Services, Office of Cannabis Policy with regard to the administration and enforcement of the laws relating to the Cannabis Legalization Act and the Maine Medical Use of Cannabis Act in 2031.

Sec. A-2. 3 MRSA §959, sub-§1, ¶S, as enacted by PL 2021, c. 617, §1 and amended by c. 669, §5, is repealed.

Sec. A-3. 22 MRSA §2421-A is enacted to read:

§2421-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Assistant. "Assistant" means an individual who is paid to perform a service for a registrant, whether as an employee or independent contractor, in accordance with this chapter.

2. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

3. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from harvested cannabis using water, lipids, gases, solvents or other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

4. Cannabis Legalization Act. "Cannabis Legalization Act" means the laws governing adult use of cannabis under Title 28-B, chapter 1.

5. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing cannabis for medical use or used for ingesting, inhaling or otherwise consuming cannabis for medical use. "Cannabis paraphernalia" includes, but is not limited to:

- A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant;
- B. Isomerization devices used for adjusting the potency of a cannabis plant;
- C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or harvested cannabis;
- D. Scales and balances used for weighing or measuring harvested cannabis;
- E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, harvested cannabis;
- F. Envelopes and other containers used for packaging small quantities of harvested cannabis for medical use;
- G. Containers and other objects used for storing harvested cannabis;
- H. Rolling papers, cigarette papers or wraps used for rolling harvested cannabis for smoking;

I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking harvested cannabis; and

J. Electronic smoking devices used for simulating the smoking of harvested cannabis or cannabis products through the inhalation of vapor or aerosol from the device.

6. Cannabis plant. "Cannabis plant" means a plant of the genus *Cannabis sativa* L. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

7. Cannabis product. "Cannabis product" means a product composed of harvested cannabis and other ingredients that is intended for medical use. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

8. Cannabis testing facility. "Cannabis testing facility" means a public or private laboratory that is:

A. Authorized in accordance with section 2423-A, subsection 10 to analyze contaminants in and the potency and cannabinoid profile of samples; and

B. Accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the office.

9. Cannabis tincture. "Cannabis tincture" means a solution that is intended to be consumed orally and is prepared from harvested cannabis blended with an edible solvent.

10. Cardholder. "Cardholder" means an individual who has been issued and possesses a valid registry identification card.

11. Caregiver. "Caregiver" means an individual who provides care for a qualifying patient in accordance with this chapter.

12. Caregiver retail store. "Caregiver retail store" means a store authorized in accordance with this chapter and used by a registered caregiver to sell cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and other items to the general public at a fixed location.

13. Certified nurse practitioner. "Certified nurse practitioner" means a registered professional nurse licensed under Title 32, chapter 31 who has received postgraduate education designed to prepare the nurse for advanced practice registered nursing in a clinical specialty in nursing that has a defined scope of practice and who has been certified in the clinical specialty by a

national certifying organization acceptable to the State Board of Nursing.

14. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5-years of age to open and not to be significantly difficult for a typical adult to open and reseal; and

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable.

15. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

16. Complete application. "Complete application" means, with respect to an application for a registry identification card or a registration certificate, that:

A. The applicant has completed and submitted to the office all application forms required and provided by the office;

B. If required by the office pursuant to this chapter, the applicant has submitted to a criminal history record check;

C. If applying for a registry identification card for a caregiver or a registration certificate for a dispensary, the applicant has registered with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of harvested cannabis imposed under Title 36, section 1811 and has provided to the office documentation of the registration; and

D. If applying for a registration certificate for a dispensary, the applicant has submitted to the office documentation sufficient to show that the applicant has fulfilled any applicable municipal authorization requirements for the municipality in which the applicant intends to operate the dispensary.

17. Cultivation area. "Cultivation area" means an indoor or outdoor area used for cultivation of mature cannabis plants, immature cannabis plants or seedlings in accordance with this chapter. A cultivation area may include multiple indoor or outdoor areas, whether contiguous or noncontiguous, on the same parcel or tract of land.

18. Department. "Department" means the Department of Administrative and Financial Services.

19. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more. It does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years earlier;

B. An offense that consisted of conduct that would have been permitted under this chapter; or

C. An offense that consisted of conduct that would be authorized under Title 28-B or that, if the person convicted of the offense had been acting under the authority of a license pursuant to Title 28-B, would have been authorized under Title 28-B.

20. Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing harvested cannabis. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

21. Harvested cannabis. "Harvested cannabis" means the plant material harvested from a mature cannabis plant, except the stalks, leaves and roots of the plant that are not used for a qualifying patient's medical use. "Harvested cannabis" includes cannabis concentrate and cannabis products. "Harvested cannabis" does not include plant material harvested from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

22. Immature cannabis plant. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

23. Immature plant canopy. "Immature plant canopy" means the total surface area within a cultivation area where immature cannabis plants are growing. The surface area of the immature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the immature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the immature plant canopy. Calculation of the surface area of the immature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate immature cannabis plants.

24. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

25. Long-term care facility. "Long-term care facility" means a hospice provider facility licensed under chapter 1681; a nursing facility licensed under chapter 405; an assisted living facility licensed under chapter 1663 or 1664; or a facility or program licensed under chapter 1663 that provides care for a qualifying patient in accordance with this chapter.

26. Manufacture or manufacturing. "Manufacture" or "manufacturing" means the production, blending, infusing, compounding or other preparation of cannabis concentrate and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis.

27. Manufacturing facility. "Manufacturing facility" means a registered tier 1 or tier 2 manufacturing facility or a person authorized to engage in cannabis extraction in accordance with this chapter.

28. Mature cannabis plant. "Mature cannabis plant" means a flowering female cannabis plant. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

29. Mature plant canopy. "Mature plant canopy" means the total surface area within a cultivation area where mature cannabis plants are growing. The surface area of the mature plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the mature plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area, the surface area of each tier or shelf must be included in calculating the area of the mature plant canopy. Calculation of the surface area of the mature plant canopy may not include the areas within the cultivation area that are not used at any time to cultivate mature cannabis plants.

30. Medical provider. "Medical provider" means a physician, a certified nurse practitioner or a physician assistant.

31. Medical use. "Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

32. Member of the family. "Member of the family" means an individual who is a resident of the State and who is a spouse, domestic partner, child, sibling, sibling of a parent, child of a sibling, parent, stepparent, grandparent or grandchild of another individual.

33. Members of the same household. "Members of the same household" means 2 or more individuals

who are residents of the State and who reside in a shared dwelling unit.

34. Minor. "Minor" means a person who has not attained 21 years of age.

35. Office. "Office" means the Office of Cannabis Policy established in Title 28-B, section 104-A within the department.

36. Officer or director. "Officer or director" means, when used with respect to any nonprofit, for-profit or other organization governed by this chapter, a director, manager, shareholder, board member, partner or other individual holding a management position or ownership interest in the organization.

37. Physician. "Physician" means an individual licensed as an osteopathic physician by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or an individual licensed as a physician or surgeon by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

38. Physician assistant. "Physician assistant" means an individual licensed as a physician assistant by the Board of Osteopathic Licensure pursuant to Title 32, chapter 36 or an individual licensed as a physician assistant by the Board of Licensure in Medicine pursuant to Title 32, chapter 48 who is in good standing and who holds a valid federal Drug Enforcement Administration license to prescribe drugs.

39. Qualifying patient. "Qualifying patient" means an individual who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of cannabis in accordance with this chapter.

40. Registered caregiver. "Registered caregiver" means a caregiver who is registered by the office pursuant to this chapter.

41. Registered dispensary. "Registered dispensary" means an entity registered in accordance with this chapter that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and the caregivers of those patients.

42. Registrant. "Registrant" means a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under this chapter.

43. Registrant agent. "Registrant agent" means an assistant, employee, officer, director or other authorized agent of a registered caregiver, dispensary, cannabis testing facility, manufacturing facility or person autho-

riized to engage in cannabis extraction using inherently hazardous substances under this chapter.

44. Registration certificate. "Registration certificate" means a document issued by the office that identifies a person who has registered with the office in accordance with this chapter.

45. Registry identification card. "Registry identification card" means a document issued by the office that identifies an individual who has registered with the office in accordance with this chapter.

46. Remuneration. "Remuneration" means a donation or any other monetary payment received directly or indirectly by a person in exchange for goods or services as part of a transaction in which cannabis for medical use is transferred or furnished by that person to another person.

47. Sample. "Sample" means a cannabis plant or harvested cannabis that is provided for testing or research purposes to a cannabis testing facility.

48. Seedling. "Seedling" means a cannabis plant or rooted cutting that is:

- A. Not flowering;
- B. Less than 24 inches in height; and
- C. Less than 24 inches in width.

49. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

50. Tamper-resistant paper. "Tamper-resistant paper" means paper that possesses an industry-recognized feature that prevents copying of the paper, erasure or modification of information on the paper and the use of counterfeit documentation.

51. Telehealth services. "Telehealth services" means health care services delivered through the use of information technology. "Telehealth services" includes synchronous encounters, store and forward transfers, telemonitoring and asynchronous encounters.

As used in this subsection, the following terms have the following meanings.

A. "Asynchronous encounter" means an interaction between an individual and a medical provider through a system that has the ability to store digital information, including, but not limited to, still images, video files, audio files, text files and other relevant data, and to transmit such information without requiring the simultaneous presence of the individual and the medical provider.

B. "Store and forward transfer" means the transmission of an individual's records through a secure electronic system to a medical provider.

C. "Synchronous encounter" means a real-time interaction conducted with an interactive audio or video connection between an individual and a medical provider or between a medical provider and another medical provider.

D. "Telemonitoring" means the use of information technology to remotely monitor an individual's health status via electronic means, allowing the medical provider to track the individual's health data over time.

52. Timely filed. "Timely filed" means, with respect to an application submitted for renewal of a registry identification card or an application submitted for renewal of a registration certificate, that the applicant submits a complete application to the office no sooner than 60 days and no later than 30 days prior to the expiration date of the current registry identification card or the current registration certificate.

53. Visiting qualifying patient. "Visiting qualifying patient" means a patient who is authorized for the medical use of cannabis in this State and who is not a resident of the State or who has been a resident of the State less than 30 days.

54. Written certification. "Written certification" means a document signed by a medical provider and issued to a qualifying patient, or a digital image of that document issued by the medical provider that states that, in the medical provider's professional opinion, the patient is likely to receive therapeutic or palliative benefit from the medical use of cannabis to treat or alleviate the patient's medical diagnosis or symptoms associated with the medical diagnosis.

Sec. A-4. 22 MRSA §2422, as amended by PL 2023, c. 6, §1, is repealed.

Sec. A-5. 22 MRSA §2423-A, sub-§2, as amended by PL 2023, c. 6, §§2 to 4, is further amended to read:

2. Caregiver. Except as provided in section 2426, a caregiver, for the purpose of assisting a qualifying patient with the patient's medical use of cannabis, may engage in the following authorized conduct if the caregiver is a resident of the State, is 21 years of age or older and has not been convicted of a disqualifying drug offense:

A. Possess all harvested cannabis produced by the caregiver's cultivation of cannabis plants under paragraph B;

A-1. Transfer up to 2 1/2 ounces of harvested cannabis to a qualifying patient in one transaction, except that a caregiver may not dispense more than 2 1/2 ounces of harvested cannabis to a visiting qualifying patient during a 15-day period;

B. Cultivate up to 30 mature cannabis plants, up to 60 immature cannabis plants and unlimited seedlings or cultivate up to 500 square feet of mature plant canopy, up to 1,000 square feet of immature plant canopy and unlimited seedlings. A caregiver may not cultivate immature plants by canopy if cultivating mature plants by plant count and may not cultivate immature plants by plant count if cultivating mature plants by canopy;

C-1. Assist a qualifying patient with the patient's medical use of cannabis;

E. Receive reasonable monetary compensation for costs associated with cultivating cannabis plants or assisting a qualifying patient with that patient's medical use of cannabis;

F. Be in the presence or vicinity of the medical use of cannabis and assist any patient with the medical use, administration or preparation of cannabis;

G. Manufacture cannabis products and cannabis concentrate for medical use, except that a caregiver may not manufacture food, as defined in section 2152, subsection 4, unless the caregiver is licensed pursuant to section 2167 and except that a caregiver may not produce cannabis concentrate using inherently hazardous substances unless authorized pursuant to section 2423-F, subsection 3;

I. Hire any number of assistants who are 21 years of age or older to assist in performing the duties of the caregiver;

I-1. Hire any number of assistants who are 18 years of age or older and under 21 years of age if they are also a member of the family of the caregiver to assist in performing the duties of the caregiver;

J. Use a pesticide in the cultivation of cannabis plants if the pesticide is used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management approved by the Commissioner of Agriculture, Conservation and Forestry. A registered caregiver may not in the cultivation of cannabis plants use a pesticide unless the registered caregiver or the registered caregiver's assistant is certified in the application of the pesticide pursuant to section 1471-D and any assistant who has direct contact with treated plants has completed safety training pursuant to 40 Code of Federal Regulations, Section 170.130. An assistant of the registered caregiver who is not certified pursuant to section 1471-D and who is involved in the application of the pesticide or handling of the pesticide or equipment must first complete safety training described in 40 Code of Federal Regulations, Section 170.230;

K. Transfer immature cannabis plants, seedlings, seeds and harvested cannabis to a qualifying patient, another caregiver or a registered dispensary for reasonable compensation or for no remuneration;

K-1. Transfer to and accept from another registered caregiver or a dispensary cannabis plants and harvested cannabis in a wholesale transaction in accordance with this paragraph. A registered caregiver may transfer in wholesale transactions for reasonable compensation or for no remuneration an unlimited amount of the mature cannabis plants grown by the caregiver over the course of a calendar year, including any cannabis products or cannabis concentrate manufactured from mature cannabis plants grown by the caregiver. A registered caregiver may transfer to or accept from other registered caregivers and dispensaries in wholesale transactions an unlimited amount of immature cannabis plants and seedlings. A registered caregiver that acquires mature cannabis plants, cannabis products or cannabis concentrate in a wholesale transaction under this paragraph may not resell the mature cannabis plants, cannabis products or cannabis concentrate except to a qualifying patient or to another registered caregiver or dispensary to assist a qualifying patient;

L. Provide samples to a cannabis testing facility for testing and research purposes;

M. Conduct cannabis testing at the request of anyone authorized to possess cannabis under this chapter for research and development purposes only;

N. Provide harvested cannabis to a manufacturing facility and obtain cannabis products and cannabis concentrate from the manufacturing facility that are produced from the harvested cannabis the caregiver provided to the manufacturing facility;

O. Transport cannabis plants or harvested cannabis for authorized conduct in accordance with this chapter;

P. Operate one caregiver retail store to sell harvested cannabis to qualifying patients for the patients' medical use in accordance with this chapter;

Q. Be organized as any type of legal business entity recognized under the laws of the State, including, but not limited to, a limited liability company, partnership or limited liability partnership; and

S. Notwithstanding chapter 262-A, sell, offer to sell or furnish cannabis paraphernalia to a qualifying patient, caregiver or registered dispensary for a qualifying patient's medical use of cannabis.

Sec. A-6. 22 MRSA §2423-A, sub-§3, ¶B, as amended by PL 2021, c. 662, §15 and c. 669, §5, is further amended to read:

B. A caregiver cultivating cannabis plants for a patient's medical use must keep all plants in a cultivation area unless the plants are being transported pursuant to subsection 2, paragraph O. The cultivation area must be enclosed and equipped with locks or other security devices that permit access only by a person authorized to have access to the area under this chapter.

(1) The caregiver shall ensure that the mature cannabis plants, immature cannabis plants and seedlings cultivated by the caregiver are kept in separate cultivation areas. The cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants and seedlings may be located on separate parcels or tracts of land, whether the parcels or tracts of land are contiguous or noncontiguous, as long as the caregiver discloses the locations of all cultivation areas to the department. The caregiver may not maintain more than 2 cultivation areas. The caregiver shall ensure that the cultivation area for mature cannabis plants and the cultivation area for immature cannabis plants comply with the plant count or plant canopy limitations of subsection 2, paragraph B.

(2) Access to cultivation areas is limited to the caregiver, except that an elected official invited by the caregiver for the purpose of providing education to the elected official on cultivation by the caregiver, emergency services personnel, an assistant of a caregiver or a cannabis testing facility or a person who needs to gain access to a cultivation area in order to perform repairs or maintenance or to do construction may access a cultivation area to provide those professional services while under the direct supervision of the caregiver.

Sec. A-7. 22 MRSA §2423-A, sub-§10, ¶E, as repealed and replaced by PL 2023, c. 365, §2 and c. 405, Pt. A, §57, is repealed and the following enacted in its place:

E. A cannabis testing facility shall obtain and must be able to produce, upon demand of the office or a municipal code enforcement officer, documentation of the facility's accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body.

Sec. A-8. 22 MRSA §2423-F, sub-§12, as repealed and replaced by PL 2019, c. 331, §17 and amended by PL 2021, c. 669, §5, is further amended to read:

12. Record keeping. A registered manufacturing facility or person authorized to engage in cannabis extraction using inherently hazardous substances under

subsection 3 shall maintain records of all transactions in accordance with section ~~2430-G~~ 2430-J.

Sec. A-9. 22 MRSA §2425-A, sub-§1, as enacted by PL 2017, c. 452, §12, is repealed.

Sec. A-10. 22 MRSA §2425-A, sub-§3, as amended by PL 2021, c. 367, §11 and c. 669, §5, is further amended by amending the first blocked paragraph to read:

The department shall conduct a criminal history record check for any applicant for a registry identification card, except that an assistant is not required to submit to a criminal history record check. The criminal history record check is valid for ~~one year~~ 2 years from the date it was conducted, regardless of the person's employment status. Except as provided in subsection 3-A, the department may not issue a registry identification card to an applicant who is not permitted under this chapter to have a disqualifying drug offense.

Sec. A-11. 22 MRSA §2425-A, sub-§3, ¶A, as enacted by PL 2017, c. 452, §12, is amended to read:

A. The ~~annual~~ fee required pursuant to subsection 10; and

Sec. A-12. 22 MRSA §2425-A, sub-§5, ¶A, as amended by PL 2023, c. 365, §§4 to 6, is further amended to read:

A. A registry identification card expires ~~one year~~ 2 years after the date of issuance, regardless of the person's employment status, except that a caregiver's registry identification card expires one year after the date of issuance. The card must contain:

- (1) The name of the cardholder;
- (2) The date of issuance and expiration date;
- (3) A ~~random~~ randomly generated unique identification number ~~that is unique~~ to the cardholder;
- (4) A clear designation showing whether the cardholder is allowed under this chapter to cultivate cannabis plants; and
- (5) A photograph of the cardholder, if required by the department.

Sec. A-13. 22 MRSA §2425-A, sub-§10, ¶J, as enacted by PL 2017, c. 452, §12 and amended by PL 2021, c. 669, §5, is further amended to read:

J. There is ~~an annual~~ a fee for a criminal history record check for a caregiver or an officer or director ~~or assistant~~ of a registered dispensary, cannabis testing facility or manufacturing facility, which may not be less than \$31 or more than \$60. The fee must be paid by the caregiver or by the registered dispensary, cannabis testing facility or manufacturing facility for an officer or director ~~or assistant~~ of

the registered dispensary, cannabis testing facility or manufacturing facility.

Sec. A-14. 22 MRSA §2425-A, sub-§11-A is enacted to read:

11-A. Temporary appointee. Notwithstanding any provision of this chapter to the contrary, in cases of death, disability, bankruptcy, judicial dissolution or other exceptional circumstances, unless a court appoints a temporary appointee, the office may approve a temporary appointee to take possession of, operate, manage, control or wind down a registrant's operations. Under such circumstances:

A. A temporary appointee must be otherwise qualified under the provisions of this chapter to be a registered caregiver or an officer or director;

B. A temporary appointee may not transfer cannabis or cannabis products for medical use without a valid registry identification card; and

C. The registrant shall submit a plan of temporary appointment, on forms made available by the office, as soon as practicable but no later than 60 days after a qualifying event.

For purposes of this subsection, "temporary appointee" means a court-appointed receiver, personal representative, executor, administrator, guardian, conservator, trustee or similarly situated person or person approved by the office pursuant to this section.

Sec. A-15. 22 MRSA §2428, sub-§6, ¶H, as amended by PL 2017, c. 452, §16, is repealed.

Sec. A-16. 22 MRSA §2428, sub-§6, ¶O is enacted to read:

O. A dispensary may not be required to have designated parking spaces in order to be issued or re-issued a registration certificate by the office.

Sec. A-17. 22 MRSA §2428, sub-§9, ¶D, as amended by PL 2017, c. 452, §16, is further amended to read:

D. A person who has been convicted of a disqualifying drug offense may not be an officer or director ~~or assistant~~ of a dispensary.

(1) A person who is an officer or director ~~or assistant~~ of a dispensary in violation of this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged.

(2) A person who is an officer or director ~~or assistant~~ of a dispensary in violation of this paragraph and who at the time of the violation has been previously found to have violated this paragraph ~~commits a Class D crime~~ may be subject to additional enforcement action as established by the office in rule.

Sec. A-18. 22 MRSA §2429-B, sub-§2, ¶A, as enacted by PL 2017, c. 452, §18 and amended by PL 2021, c. 669, §5, is further amended to read:

A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of harvested cannabis, except that advertising, marketing, labeling or packaging may contain qualifying patients' testimonials of how cannabis for medical use has provided palliative or therapeutic effects for the patients' conditions. All testimonials must contain the following disclaimer: "This statement has not been evaluated by the United States Food and Drug Administration. This product is not intended to diagnose, treat, cure or prevent any disease";

Sec. A-19. 22 MRSA §2429-C, sub-§4, as enacted by PL 2017, c. 452, §18, is repealed and the following enacted in its place:

4. Adulterated or misbranded. May not be adulterated or misbranded as prohibited in sections 2156 and 2157, respectively, or contain additives specifically formulated to increase the addictiveness of the edible cannabis product; and

Sec. A-20. 22 MRSA §2430-D, first ¶, as enacted by PL 2017, c. 452, §24, is amended to read:

Collectives are prohibited under this chapter. A person may not form or participate in a collective. For purposes of this section, "collective" means an association, cooperative, affiliation or group of caregivers who physically assist each other in the act of cultivation, processing or distribution of cannabis for medical use for the benefit of the members of the collective. The following relationships are not collectives and are not prohibited:

Sec. A-21. 22 MRSA §2430-D, sub-§2, as enacted by PL 2017, c. 452, §24, is amended to read:

2. Employer and assistant relationship, family members or members of the same household. Two caregivers to the extent the relationship is as employer and assistant, members of the same family or members of the same household; or

Sec. A-22. 22 MRSA §2430-D, sub-§3, as enacted by PL 2017, c. 452, §24 and amended by PL 2021, c. 669, §5, is further amended to read:

3. Caregivers sharing common areas. Any number of caregivers who are operating separately and occupying separate spaces within a common facility to engage in activities authorized under section 2423-A, subsection 2 pursuant to the provisions of this chapter, even if they also share utilities or common areas, including but not limited to storage areas and building facilities, and who do not share cannabis plants or harvested cannabis resulting from the cultivation of those plants; or

Sec. A-23. 22 MRSA §2430-D, sub-§4 is enacted to read:

4. Caregivers providing short-term assistance.

A caregiver assisting up to 2 other caregivers at any one time with activities authorized under this chapter, as long as the caregiver has given prior notice to the office. Notice required by this subsection must include the name of each caregiver needing assistance and the duration of the assistance to be provided. Assistance may not exceed 90 days within a calendar year unless approved in advance by the office.

Sec. A-24. 22 MRSA §2430-G, as repealed by PL 2023, c. 365, §18 and amended by c. 405, Pt. A, §58, is repealed.

Sec. A-25. 22 MRSA §2430-I, sub-§1, as enacted by PL 2023, c. 365, §20, is repealed.

Sec. A-26. 22 MRSA §2430-I, sub-§1-A is enacted to read:

1-A. Registration violation types. The following registration violation types are established.

A. "Major registration violation affecting public safety" means an intentional or knowing violation that imminently jeopardizes public health and safety or conduct that indicates a willful or reckless disregard for public health and safety. "Major registration violation affecting public safety" is limited to:

(1) Intentionally or knowingly selling harvested cannabis or cannabis products for medical use containing any scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for any compounds naturally occurring in the cannabis plant;

(2) Intentionally or knowingly using prohibited agricultural chemicals that pose a threat to public health and concealing their use from the office, other registrants or consumers;

(3) Intentionally or knowingly treating or otherwise adulterating harvested cannabis with a scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for compounds naturally occurring in the cannabis plant;

(4) Intentionally or knowingly purchasing or transferring from the illicit market cannabis or cannabis products that are offered for sale or transfer to qualifying patients or combined with harvested cannabis or cannabis products for medical use;

(5) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so; or

(6) Other intentional or knowing egregious conduct that imminently threatens public health and safety or conduct that shows a willful or reckless disregard for public health and safety that poses an imminent risk to public health and safety.

B. "Major registration violation" means a serious violation that does not imminently jeopardize public safety. "Major registration violation" is limited to:

(1) Misleading the office for the purposes of involving a person with a disqualifying drug offense in the operation of a registrant;

(2) Intentionally or knowingly diverting harvested cannabis or cannabis products for medical use to the illicit market or to a cannabis establishment under the Cannabis Legalization Act;

(3) Except as provided in paragraph A, subparagraphs (2) and (3), treating or otherwise adulterating harvested cannabis with any chemical that alters the color, appearance, weight or smell of the cannabis or that increases its potency, toxicity or addictiveness in a manner not authorized under this chapter;

(4) Selling or transferring cannabis plants, harvested cannabis or cannabis products for medical use to a person under 21 years of age who is not a minor qualifying patient;

(5) Intentionally or knowingly making deliveries of harvested cannabis to a safe zone designated by a municipality pursuant to Title 30-A, section 3253 unless otherwise authorized under this chapter;

(6) Allowing a minor to be an assistant of the registrant unless otherwise authorized under this chapter;

(7) Cultivating cannabis plants in an amount that is equal to or greater than 150% of the total number of cannabis plants or plant canopy the registrant is authorized to cultivate under this chapter;

(8) Intentionally or knowingly misrepresenting any cannabis product to a qualifying patient, registrant or the public, including:

(a) Its contents;

(b) Its testing results; or

(c) Its potency;

(9) Refusing, 2 or more times, to permit the office to inspect locations where the registrant conducts authorized activities;

(10) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so; or

(11) Any violation in paragraph C that is a knowing violation or that the registrant has committed 3 or more times.

C. "Minor registration violation" means a negligent violation. "Minor registration violation" is limited to:

(1) Procuring or in any way aiding or assisting in procuring, furnishing, selling or delivering cannabis or cannabis products for or to a minor who is not a qualifying patient;

(2) Cultivating more cannabis plants than the registrant is authorized to cultivate under this chapter, but less than 150% of the total number of cannabis plants or plant canopy authorized;

(3) Supplying adulterated or misbranded harvested cannabis or cannabis products;

(4) Failing to obtain or maintain any required licenses, permits or certificates from another state agency or a municipality, as applicable, for the conduct of activities authorized by this chapter; or

(5) A 2nd violation of any other requirement of this chapter or the rules adopted pursuant to this chapter that is not expressly listed in this subsection.

Sec. A-27. 22 MRSA §2430-I, sub-§2, as enacted by PL 2023, c. 365, §20, is amended to read:

2. Penalties. ~~The~~ For a registration violation, the department, in accordance with this section, on its own initiative or on complaint and after investigation, may, by written order:

A. Impose an administrative penalty in accordance with this section ~~for a violation~~. Penalties collected pursuant to this paragraph must be credited to the Medical Use of Cannabis Fund established under section 2430;

B. Seize and destroy cannabis or cannabis products under ~~subsection 5~~ subsections 5 and 6; and

C. Suspend or revoke a registry identification card or registration certificate issued under this chapter ~~for a violation~~.

For a first violation of this chapter or rules adopted pursuant to this chapter, other than a registration violation under subsection 1-A or a violation under subsection 4, the office may only provide technical assistance to the registrant and may not impose a penalty or suspend or revoke a registration.

Sec. A-28. 22 MRSA §2430-I, sub-§3, as enacted by PL 2023, c. 365, §20, is amended to read:

3. Administrative penalties, generally. The department may impose administrative penalties for a violation of this chapter or rules adopted under this chapter as follows:

A. For a registered caregiver who does not operate a retail store and a ~~covered entity~~ registrant agent:

- (1) Not more than \$200 for each minor registration violation;
- (2) Not more than \$600 for each major registration violation; or
- (3) Not more than \$1,500 for each major registration violation affecting public safety; and

B. For a ~~covered entity~~ registrant, except a registered caregiver who does not operate a retail store:

- (1) Not more than \$1,000 for each minor registration violation;
- (2) Not more than \$3,000 for each major registration violation; or
- (3) Not more than \$7,500 for each major registration violation affecting public safety.

Sec. A-29. 22 MRSA §2430-I, sub-§4, as enacted by PL 2023, c. 365, §20, is amended to read:

4. Administrative penalty for sale or transfer to nonpatient. The department shall notify a ~~covered entity~~ registrant within one business day after the department discovers that a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter. Both the ~~covered entity~~ registrant and ~~covered entity~~ registrant agent that sold, furnished or gave cannabis for medical use to a person who is not authorized to possess cannabis for medical use may be held responsible as follows.

A. The first time a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the ~~covered entity~~ registrant or ~~covered entity~~ registrant agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to an administrative penalty for a minor registration violation.

B. The 2nd time a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter, the ~~covered entity~~ registrant or ~~covered entity~~ registrant agent that sold, furnished or gave cannabis for medical use to a person not

authorized to possess cannabis for medical use may be subject to an administrative penalty for a major registration violation.

C. The 3rd time a ~~covered entity~~ registrant or ~~covered entity~~ registrant agent sells, furnishes or gives cannabis for medical use to a person who is not authorized to possess cannabis for medical use under this chapter and for any subsequent violations of this subsection thereafter, the ~~covered entity~~ registrant or ~~covered entity~~ registrant agent that sold, furnished or gave cannabis for medical use to a person not authorized to possess cannabis for medical use may be subject to suspension or revocation of the ~~covered entity's~~ registrant's or ~~covered entity~~ registrant agent's registry identification card or registration certificate or an administrative penalty for a major registration violation.

A ~~covered entity~~ registrant is subject to the penalties in this section whether the ~~covered entity~~ registrant violated this subsection or the ~~covered entity~~ registrant agent violated this subsection. Violations of this section by a ~~covered entity~~ registrant are cumulative whether the same or a different ~~covered entity~~ registrant agent violated this subsection.

Sec. A-30. 22 MRSA §2430-I, sub-§5, as enacted by PL 2023, c. 365, §20, is amended to read:

5. Forfeit and destruction under final order. This subsection governs the forfeiture and destruction of cannabis plants, cannabis or cannabis products when a final order is issued.

A. If the department issues a final order imposing an administrative penalty under this section, the department may require, in the final order, that all or a portion of the cannabis plants, cannabis or cannabis products in the possession of the ~~covered entity~~ registrant subject to the final order be destroyed.

B. The ~~covered entity~~ registrant subject to the final order shall forfeit the cannabis plants, cannabis or cannabis products to the department or destroy the cannabis plants, cannabis and cannabis products at the time and place and in the manner required by the department in writing.

Sec. A-31. 22 MRSA §2430-I, sub-§6, as enacted by PL 2023, c. 365, §20, is amended to read:

6. Destruction prohibition. If the department is notified by a criminal justice agency that there is a pending investigation of a ~~covered entity~~ registrant subject to a final order under this section, the department may not destroy, or allow the ~~covered entity~~ registrant to destroy, any cannabis plants, cannabis or cannabis products of that ~~covered entity~~ registrant until the destruction is approved by the criminal justice agency.

Sec. A-32. 22 MRSA §2430-I, sub-§8, as enacted by PL 2023, c. 365, §20, is repealed and the following enacted in its place:

8. Suspension. The office may suspend a registration in accordance with this subsection.

A. The office may suspend a registration, for a period of up to one year, upon a finding of:

- (1) A major registration violation affecting public safety;
- (2) A pattern of major registration violations in a 60-month period; or
- (3) A violation of subsection 1-A, paragraph B, subparagraph (7).

B. A registrant whose registration has been suspended pursuant to this subsection may not, for the duration of the suspension period, engage in any activities otherwise authorized under this chapter, except that the registrant may do what is reasonably necessary to wind down processes and may harvest any cannabis plants currently growing but may not start any new plants or make any transfers or sales.

C. The office may permit the transfer of a suspended registry identification card or registration certificate to another person in order for the person to undertake some or all of the registrant's operations during the period of suspension. A registry identification card or registration certificate may not be transferred to any person that is not qualified to be a registrant under this chapter. A suspended registry identification card or registration certificate may not be transferred pursuant to this paragraph if such a transfer would result in the receiving registrant exceeding the amount of plant canopy or mature cannabis plants the receiving registrant is authorized to cultivate or in any other violation of this chapter.

Sec. A-33. 22 MRSA §2430-I, sub-§8-A is enacted to read:

8-A. Revocation. The office may revoke a registration in accordance with this subsection.

A. The office may revoke a registration for a period of up to one year, upon a finding of:

- (1) A major registration violation affecting public safety; or
- (2) A pattern of major registration violations in a 60-month period.

B. A registrant whose registration has been revoked pursuant to this subsection shall cease all activities otherwise authorized under this chapter until the revocation period ends and the registration is reauthorized.

Sec. A-34. 22 MRSA §2430-I, sub-§9, as enacted by PL 2023, c. 365, §20, is repealed and the following enacted in its place:

9. Maine Administrative Procedure Act; final agency action; appeals. Except as otherwise provided in this chapter or the rules adopted pursuant to this chapter, the imposition of an administrative penalty on a registrant by the office, including, but not limited to, the provision of notice and the conduct of hearings, is governed by the Maine Administrative Procedure Act. A final order of the office imposing an administrative penalty is a final agency action, as defined in Title 5, section 8002, subsection 4, and the registrant may appeal that final order to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

Sec. A-35. 22 MRSA §2430-I, sub-§10 is enacted to read:

10. Notification. Except as otherwise provided in subsection 4, if, after an inspection or investigation by the office or a criminal justice agency, the office identifies a violation of this chapter or the rules adopted pursuant to this chapter, the office shall, within 5 business days of identifying the violation, provide written notification of the violation to the registrant. The registrant, within 5 days of receiving notification, shall provide the office with a plan of correction, if applicable, for the identified violation, including a time frame for the correction. If, after a follow-up inspection, the office decides to impose a monetary penalty on the registrant, the office shall notify the registrant of the monetary penalty in a timely manner after the follow-up inspection. Notice under this subsection does not constitute final agency action.

PART B

Sec. B-1. 28-B MRSA, headnote is amended to read:

**TITLE 28-B
ADULT USE CANNABIS**

Sec. B-2. 28-B MRSA §102, as amended by PL 2023, c. 6, §12 and c. 408, §§1 to 3, is repealed.

Sec. B-3. 28-B MRSA §102-A is enacted to read:

§102-A. Definitions

As used in this chapter and chapter 3, unless the context otherwise indicates, the following terms have the following meanings.

1. Adult use cannabis. "Adult use cannabis" means cannabis cultivated, manufactured, distributed or sold by a cannabis establishment.

2. Adult use cannabis product. "Adult use cannabis product" means a cannabis product that is manufactured, distributed or sold by a cannabis establishment.

3. Another jurisdiction. "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of

Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa and each of the several states of the United States except Maine.

4. Applicant. "Applicant" means a person that submits an application for a license under this chapter to the office for review that the department has not yet approved or denied.

5. Batch. "Batch" means:

A. A specific quantity of adult use cannabis harvested during a specified period of time from a specified cultivation area within a cultivation facility; or

B. A specific quantity of adult use cannabis or adult use cannabis products produced during a specified period of time in a specified manufacturing area within a products manufacturing facility.

6. Batch number. "Batch number" means a distinct group of numbers, letters or symbols, or any combination thereof, assigned to a specific batch of adult use cannabis by a cultivation facility or to a specific batch of adult use cannabis or adult use cannabis products by a products manufacturing facility.

7. Business entity. "Business entity" means a partnership, association, company, corporation, limited liability company or other entity incorporated or otherwise formed or organized by law. "Business entity" does not include a federal, state or municipal government organization.

8. Cannabis. "Cannabis" means the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or a cannabis product.

9. Cannabis concentrate. "Cannabis concentrate" means the resin extracted from any part of a cannabis plant and every compound, manufacture, salt, derivative, mixture or preparation from such resin, including, but not limited to, hashish. "Cannabis concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D. In determining the weight of cannabis concentrate in a cannabis product, the weight of any other ingredient combined with cannabis or cannabis concentrate to prepare the cannabis product may not be included.

10. Cannabis establishment. "Cannabis establishment" means a cultivation facility, a products manufacturing facility, a testing facility, a cannabis store or a sample collector licensed under this chapter.

11. Cannabis extraction. "Cannabis extraction" means the process of extracting cannabis concentrate from cannabis using water, lipids, gases, solvents or

other chemicals or chemical processes. "Cannabis extraction" does not include the process of extracting concentrate from hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

12. Cannabis flower. "Cannabis flower" means the pistillate reproductive organs of a mature cannabis plant, whether processed or unprocessed, including the flowers and buds of the plant. "Cannabis flower" does not include cannabis trim or whole mature cannabis plants or the flower of hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

13. Cannabis paraphernalia. "Cannabis paraphernalia" means equipment, products, devices and materials that are used for planting, propagating, cultivating, harvesting, processing, preparing, testing, packaging or storing adult use cannabis or used for ingesting, inhaling or otherwise consuming adult use cannabis. "Cannabis paraphernalia" includes, but is not limited to:

A. Kits used for planting, propagating, cultivating or harvesting a cannabis plant;

B. Isomerization devices used for adjusting the potency of a cannabis plant;

C. Testing equipment used for identifying or analyzing the potency, effectiveness or purity of a cannabis plant or cannabis;

D. Scales and balances used for weighing or measuring cannabis;

E. Separation gins and sifters used for removing twigs and seeds from, or in otherwise cleaning or refining, cannabis;

F. Envelopes and other containers used for packaging small quantities of cannabis for adult use;

G. Containers and other objects used for storing cannabis;

H. Rolling papers, cigarette papers or wraps used for rolling cannabis for smoking;

I. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, chillums or punctured metal bowls used for smoking cannabis; and

J. Electronic smoking devices used for simulating the smoking of cannabis or cannabis products through the inhalation of vapor or aerosol from the device.

14. Cannabis plant. "Cannabis plant" means all species of the plant genus *Cannabis sativa* L., including, but not limited to, a mother plant, a mature cannabis plant, an immature cannabis plant or a seedling. "Cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

15. Cannabis product. "Cannabis product" means a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

16. Cannabis store. "Cannabis store" means a facility licensed under this chapter to purchase adult use cannabis, immature cannabis plants and seedlings from a cultivation facility, to purchase adult use cannabis and adult use cannabis products from a products manufacturing facility and to sell adult use cannabis, adult use cannabis products, immature cannabis plants, seedlings and other products to consumers.

17. Cannabis trim. "Cannabis trim" means any part of a cannabis plant, whether processed or unprocessed, that is not cannabis flower or a cannabis seed except that "cannabis trim" does not include the stalks or roots of the cannabis plant. "Cannabis trim" does not include any part of a hemp plant as defined in Title 7, section 2231, subsection 1-A, paragraph D.

18. Caregiver. "Caregiver" has the same meaning as in Title 22, section 2421-A, subsection 11.

19. Child-resistant. "Child-resistant" means, with respect to packaging or a container:

A. Specially designed or constructed to be significantly difficult for a typical child under 5 years of age to open and not to be significantly difficult for a typical adult to open and reseal; and

B. With respect to any product intended for more than a single use or that contains multiple servings, resealable.

20. Colocation. "Colocation" means the siting of multiple licensees or the siting of a licensee with a registered caregiver or registered dispensary within a licensed premises.

21. Commissioner. "Commissioner" means the Commissioner of Administrative and Financial Services.

22. Container. "Container" means a sealed package in which adult use cannabis or an adult use cannabis product is placed by a licensee prior to sale to a consumer and that meets all applicable packaging, labeling and health and safety requirements of this chapter and the rules adopted pursuant to this chapter.

23. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 803, subsection 4.

24. Cultivation or cultivate. "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other

processing of cannabis for use or sale. "Cultivation" or "cultivate" does not include manufacturing, testing or cannabis extraction.

25. Cultivation facility. "Cultivation facility" means a facility licensed under this chapter to purchase cannabis plants and seeds from other cultivation facilities; to cultivate, prepare and package adult use cannabis; to sell adult use cannabis to products manufacturing facilities, to cannabis stores and to other cultivation facilities; and to sell cannabis plants and seeds to other cultivation facilities and immature cannabis plants and seedlings to cannabis stores or adults.

26. Department. "Department" means the Department of Administrative and Financial Services.

27. Direct or indirect financial interest. "Direct or indirect financial interest" means any interest in a sole proprietorship or business entity that is applying for or holds a cannabis establishment license, including:

A. Proprietors, partners, shareholders, persons with membership interests and persons with any other equity ownership interests, such as purchase warrants or options, whether whole or partial. If the equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that equity owner business entity of 5% or more are deemed to be indirect financial interests of the applicant or licensee;

B. Any employee, independent contractor, professional or other person who has an agreement with the applicant or licensee that provides for the person's attaining any form of equity ownership, except that employee equity ownership vested pursuant to an employee stock ownership program is governed by paragraph E. If the other equity owner is a business entity, all business entities and natural persons that have an aggregate ownership interest in that other equity owner business entity of 5% or more are deemed to be indirect financial interests of the applicant or licensee;

C. All persons who expect to receive financial payment in the form of royalty payments, profit sharing, revenue sharing or similar payment, such as, but not limited to, royalty license partners, parties to a profit-sharing agreement, capital investors and management contractors or consultants. If the non-owner interest is a business entity, all business entities and natural persons that have an aggregate ownership interest in that non-owner interest business entity of 5% or more are deemed to be indirect financial interest holders of the applicant or licensee; and

E. Any shares designated solely for inclusion in a portion of shares reserved for employees of the applicant or licensee for the purpose of vesting an equity ownership interest in an employee or employees of the licensee. A licensee offering an employee

stock ownership program must designate a percentage of equity ownership interests for the employee stock ownership program and must report annually the identity of any person holding an equity interest in the licensee through the employee stock ownership program.

28. Disqualifying drug offense. "Disqualifying drug offense" means a conviction for a violation of a state or federal controlled substance law that is a crime punishable by imprisonment for one year or more, except that "disqualifying drug offense" does not include:

A. An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 5 or more years prior to the submission of an application for a license under this chapter; or

B. An offense that consisted of conduct that would be authorized under this Title or that, if the person convicted of the offense had been acting under the authority of a license pursuant to this Title, would have been authorized under this Title.

29. Edible cannabis product. "Edible cannabis product" means a cannabis product intended to be consumed orally, including, but not limited to, any type of food, drink or pill containing cannabis or cannabis concentrate. "Edible cannabis product" does not include an edible product containing hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

30. Flowering. "Flowering" means, with respect to a cannabis plant, the gametophytic or reproductive state of a female cannabis plant during which the plant is in a light cycle intended to produce flowers, trichomes and cannabinoids characteristic of cannabis.

31. Identity statement. "Identity statement" means the name of a business entity as it is commonly known and used in any advertising or marketing by the business entity.

32. Immature cannabis plant. "Immature cannabis plant" means a cannabis plant that is not a mature cannabis plant or a seedling. "Immature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

33. Inherently hazardous substance. "Inherently hazardous substance" means a liquid chemical, compressed gas or commercial product that has a flash point at or lower than 38 degrees Celsius or 100 degrees Fahrenheit, including, but not limited to, butane, propane and diethyl ether. "Inherently hazardous substance" does not include any form of alcohol or ethanol.

34. Intoxication. "Intoxication" means a substantial impairment of an individual's mental or physical faculties as a result of drug or alcohol use.

35. Law enforcement officer. "Law enforcement officer" has the same meaning as in Title 17-A, section 2, subsection 17.

36. Licensed premises. "Licensed premises" means the premises specified in a license to operate a cannabis establishment within which the licensee is authorized under this chapter and the rules adopted pursuant to this chapter to cultivate, manufacture, distribute, test or sell adult use cannabis or adult use cannabis products.

37. Licensee. "Licensee" means a person licensed pursuant to this chapter to operate a cannabis establishment.

38. Limited access area. "Limited access area" means a building, room or other area within the licensed premises of a cannabis establishment where a licensee is authorized to cultivate, store, weigh, manufacture, package or otherwise prepare for sale adult use cannabis and adult use cannabis products in accordance with the provisions of this chapter and the rules adopted pursuant to this chapter.

39. Maine Medical Use of Cannabis Act. "Maine Medical Use of Cannabis Act" means the program established in Title 22, chapter 558-C.

40. Manufacturing or manufacture. "Manufacturing" or "manufacture" means the production, blending, infusing, compounding or other preparation of cannabis and cannabis products, including, but not limited to, cannabis extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.

41. Mature cannabis plant. "Mature cannabis plant" means a cannabis plant that is flowering. "Mature cannabis plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

42. Minor. "Minor" means a person who has not attained 21 years of age.

43. Mother plant. "Mother plant" means a cannabis plant that is used solely for the taking of seedling cuttings. "Mother plant" does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

44. Municipality. "Municipality" means a city, town or plantation in this State that is not located within the unorganized and deorganized areas.

45. Office. "Office" means the Office of Cannabis Policy established in section 104-A within the department.

46. Permitted premises for a specified event. "Permitted premises for a specified event" means the premises described in a specified event permit issued to a cannabis store pursuant to section 504-A where a cannabis store is authorized to sell adult use cannabis and adult use cannabis products.

47. Person. "Person" means a natural person or a business entity.

48. Plan of record. "Plan of record" means, as applicable, a licensee's current facility plan and the operating, cultivation and security information listed in the licensee's application for a conditional or active license on file with and approved by the office.

49. Plant canopy. "Plant canopy" means the total surface area within the licensed premises of a cultivation facility that is authorized by the office for use at any time by the cultivation facility licensee to cultivate mature cannabis plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used by the cultivation facility licensee, the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the licensed premises of a cultivation facility that are used by the licensee to cultivate immature cannabis plants and seedlings and that are not used by the licensee at any time to cultivate mature cannabis plants.

50. Principal. "Principal" means:

- A. A natural person operating as a sole proprietor;
- B. The officers of a corporation organized pursuant to Title 13-C who have authority to manage, direct or oversee the applicant's or licensee's operations, if the applicant or licensee is a corporation;
- C. The directors of a corporation organized pursuant to Title 13-C, if the applicant or licensee is a corporation;
- D. The shareholders of a corporation organized pursuant to Title 13-C, if no officers or directors are appointed and the applicant or licensee is a corporation;
- E. The general or limited partners of a partnership organized under Title 31, chapter 19, if the applicant or licensee is a partnership;
- F. The nonmember managers or managing members of a limited liability company organized under Title 31, chapter 21, if the applicant or licensee is organized as a limited liability company; and
- G. Any other natural person to whom the applicant or licensee has given authority to manage, direct or oversee the applicant's or licensee's operations.

If an officer, director, shareholder, partner, manager or member under paragraph B, C, D, E or F is a business entity, "principal" means any natural person to whom the business entity has given authority to manage, direct or oversee the applicant's or licensee's operations.

"Principal" does not include those persons whose managerial responsibilities are limited to staff supervision and who are not authorized to act on behalf of the applicant or licensee.

For purposes of this subsection, "operations" does not include human resources, information technology, marketing or accounting and finance.

51. Products manufacturing facility. "Products manufacturing facility" means a facility licensed under this chapter to purchase adult use cannabis from a cultivation facility or another products manufacturing facility; to manufacture, label and package adult use cannabis and adult use cannabis products; and to sell adult use cannabis and adult use cannabis products to cannabis stores and to other products manufacturing facilities.

52. Propagation. "Propagation" means the process of reproducing cannabis plants through the use of cannabis seeds, cuttings or grafting.

53. Qualifying patient. "Qualifying patient" means a person who possesses a valid certification for the medical use of cannabis pursuant to Title 22, section 2423-B.

54. Registered caregiver. "Registered caregiver" has the same meaning as in Title 22, section 2421-A, subsection 40.

55. Registered dispensary. "Registered dispensary" has the same meaning as in Title 22, section 2421-A, subsection 41.

56. Sale or sell. "Sale" or "sell" means a transfer or delivery of cannabis or cannabis products for consideration.

57. Sample. "Sample" means:

- A. An amount of adult use cannabis or an amount of an adult use cannabis product provided to a testing facility by a cannabis establishment or other person for testing or research and development purposes pursuant to subchapter 6;
- B. An amount of adult use cannabis or an amount of an adult use cannabis product collected from a licensee by the office for the purposes of testing the cannabis or cannabis product for product quality control purposes pursuant to section 512, subsection 2;
- C. An amount of adult use cannabis provided by a cultivation facility to another licensee for business or marketing purposes pursuant to section 501, subsection 8;
- D. An amount of adult use cannabis or an amount of an adult use cannabis product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to section 502, subsection 6;

E. An amount of adult use cannabis or an amount of an adult use cannabis product collected by a sample collector licensee and provided to a testing facility for testing pursuant to section 503-A; or

F. An amount of adult use cannabis or an amount of an adult use cannabis product provided to a consumer pursuant to section 504, subsection 12.

58. Sample collector. "Sample collector" means a person licensed under this chapter to collect samples of cannabis and cannabis products for testing and to transport and deliver those samples to a testing facility for testing.

59. Seedling. "Seedling" means a cannabis plant or rooted cutting that is:

- A. Not flowering;
- B. Less than 24 inches in height; and
- C. Less than 24 inches in width.

60. Specified event. "Specified event" means an event that occurs outside the licensed premises of a cannabis store that is not conducted primarily for the benefit or enjoyment of individuals under 21 years of age and that is not more than 10 consecutive days in duration or 10 occurrences in duration. For purposes of this subsection, "occurrence" means an event that is less than 24 hours in duration and that occurs during the same calendar year as another occurrence.

61. Specified event permit. "Specified event permit" means a temporary authorization for a cannabis store to conduct sales of adult use cannabis and adult use cannabis products on the permitted premises for a specified event in accordance with section 504-A.

62. Tamper-evident. "Tamper-evident" means, with respect to a device or process, bearing a seal, a label or a marking that makes unauthorized access to or tampering with a package, product or container easily detectable.

63. Testing or test. "Testing" or "test" means the research and analysis of cannabis, cannabis products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of cannabis and cannabis products for testing purposes, but does not include cultivation or manufacturing.

64. Testing facility. "Testing facility" means a facility licensed under this chapter to develop, research and test cannabis, cannabis products and other substances.

65. THC. "THC" means tetrahydrocannabinol.

66. Universal symbol. "Universal symbol" means an image developed by the office, and made available to licensees, that indicates that a container, package or product contains cannabis or contains or is a cannabis product.

67. Unorganized and deorganized areas. "Unorganized and deorganized areas" has the same meaning as in Title 12, section 682, subsection 1.

68. Visibly intoxicated. "Visibly intoxicated" means in a state of intoxication accompanied by a perceptible act, a series of acts or the appearance of an individual that clearly demonstrates the state of intoxication.

Sec. B-4. 28-B MRSA §104, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed.

Sec. B-5. 28-B MRSA §104-A is enacted to read:

§104-A. Office of Cannabis Policy

The Legislature finds cannabis to be an emerging agricultural and manufacturing industry in the State contributing to the State's overall economy.

The Legislature further finds that a well-regulated cannabis industry remains the most effective tool in diminishing the impact of illicit-market cannabis activity within the State.

For these purposes, the Office of Cannabis Policy is established within the Department of Administrative and Financial Services and is maintained for the administration and enforcement of this Act and the Maine Medical Use of Cannabis Act.

Sec. B-6. 28-B MRSA §104-B is enacted to read:

§104-B. Director of the Office of Cannabis Policy

The Director of the Office of Cannabis Policy, referred to in this chapter as "the director," may employ personnel as necessary to implement, administer and enforce this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act and the rules adopted pursuant to that Act.

1. Duties. The director shall:

A. Promote the health and well-being of the people of the State and advance policies that protect public health and safety, emphasizing the health and well-being of minors, as priority considerations in performing all duties, including those listed in this subsection;

B. Ensure that the administration of the laws of and the rules adopted pursuant to this Act and the Maine Medical Use of Cannabis Act is consistent, predictable and equitable;

C. Ensure that qualifying patients maintain access to high-quality, effective and affordable cannabis for medical use under the Maine Medical Use of Cannabis Act; and

D. Develop good faith partnerships between the office and licensees.

Sec. B-7. 28-B MRSA §104-C is enacted to read:

§104-C. Rulemaking; consultation

The office may adopt rules necessary to implement, administer and enforce this chapter. Except as otherwise provided in this chapter, all rules adopted pursuant to this chapter are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Notwithstanding Title 5, section 8072, subsection 11, rules provisionally adopted by the office pursuant to this chapter and submitted for legislative review may not be finally adopted by the office unless legislation authorizing final adoption is enacted into law.

The office shall consult with the Department of Agriculture, Conservation and Forestry prior to the adoption of rules concerning the regulation of the cultivation, manufacture and testing of adult use cannabis and adult use cannabis products at cultivation facilities, products manufacturing facilities and testing facilities; the regulation of cannabis clones and cannabis plants; the use of pesticides, fungicides and herbicides in cultivation; the imposition of limits on the concentration of THC and other cannabinoids per serving in adult use cannabis products; odor control standards, sanitary standards, refrigeration requirements and storage and warehousing standards for licensees; and the regulation of the preparation, manufacture, testing, labeling and packaging of adult use cannabis and adult use cannabis products.

The office shall consult with the Department of Labor prior to the adoption of rules concerning workplace, employment or other labor matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter.

The office shall consult with the Department of Public Safety prior to the adoption of rules concerning public safety or law enforcement matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter.

The office shall consult with the Department of Health and Human Services prior to the adoption of rules concerning public health matters involved in the regulation of adult use cannabis and adult use cannabis products under this chapter, including rules regarding testing, labeling and packaging adult use cannabis and adult use cannabis products.

Sec. B-8. 28-B MRSA §105, first ¶, as amended by PL 2023, c. 396, §1, is further amended to read:

The ~~department~~ office shall implement and administer a system, referred to in this section as "the tracking system," for the tracking of cannabis plants, adult use cannabis and adult use cannabis products from immature cannabis plant to the point of retail sale, return, disposal or destruction. The tracking system must allow for

cannabis plants at the stage of cultivation and upon transfer from the stage of cultivation to another licensee to be tracked by group. The ~~department~~ office may implement a tracking system that allows adult use cannabis or adult use cannabis products to be tracked by group.

Sec. B-9. 28-B MRSA §105, 2nd ¶, as amended by PL 2023, c. 396, §2, is further amended to read:

The ~~department~~ office shall ensure that the system implemented and administered under this section, whether tracking individually or by group, maintains a detailed record at every stage from immature cannabis plant to the point of retail sale, return, disposal or destruction.

Sec. B-10. 28-B MRSA §105, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed and the following enacted in its place:

1. Data submission requirements. The tracking system must allow licensees to submit tracking data for adult use cannabis or adult use cannabis products to the office. The tracking system must permit licensees to submit all required tracking data through manual data entry or through the use of software that connects to the tracking system maintained by the office through an application program interface, including without limitation point-of-sale system software. Nothing in this subsection may be construed to permit the submission of required tracking data using an application program interface that cannot transmit all required data to the tracking system required by the office.

Sec. B-11. 28-B MRSA §105, sub-§1-B, as enacted by PL 2021, c. 628, §1 and amended by c. 669, §5, is further amended to read:

1-B. Tagging. A licensee shall affix a tag containing the identifying information required by the ~~department~~ office under this chapter or rule adopted pursuant to this chapter to each group of cannabis plants tracked under this section. The ~~department~~ office may not require cannabis plants that are being tracked as a group to be individually affixed with a tag during cultivation or transfer to another licensee.

Sec. B-12. 28-B MRSA §105, sub-§1-C, as enacted by PL 2021, c. 628, §1 and amended by c. 669, §5, is further amended to read:

1-C. Group transfers. When a group of cannabis plants tracked under this section is transferred to another licensee, the licensee transferring the group of cannabis plants must provide a manifest that lists every cannabis plant within the group and any other relevant information required by the ~~department~~ office by rule.

Sec. B-13. 28-B MRSA §105, sub-§2, as amended by PL 2021, c. 628, §1 and amended by c. 669, §5, is further amended to read:

2. Rules. The ~~department~~ office shall adopt rules regarding the implementation and administration of the tracking system and tracking requirements for licensees. Rules adopted under this section must include, but are not limited to, the following:

- A. Record-keeping requirements for the tracking of cannabis plants when tracked individually and when tracked by group; and
- B. Record-keeping requirements necessary to ensure the ~~department's~~ office's ability to implement a recall for reasons related to health and safety when tracking cannabis plants individually or by group.

Sec. B-14. 28-B MRSA §106, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§106. Individual identification cards

The ~~department~~ office shall issue individual identification cards to natural persons licensed under this chapter and, upon the request of a licensee, shall issue individual identification cards to ~~owners, officers, managers~~ principals, contractors, employees or other support staff of the licensee who meet the requirements of this section for the issuance of an individual identification card.

1. Rules. The ~~department~~ office may adopt rules regarding the issuance and format of and the information to be included on individual identification cards issued pursuant to this section.

1-A. Information and format; validity. An individual identification card issued pursuant to this section must include:

- A. The full name and date of birth of the licensee;
- B. A photograph of the licensee;
- C. The date of issuance and expiration date of the identification card; and
- D. A randomly generated unique identification number.

An individual identification card is valid for 2 years from the issue date, remains the property of the office and must be returned to the office upon demand. A person may not alter, obscure, damage or deface an individual identification card. To be valid, an individual identification card must be in good condition with all original markings and information clearly legible.

2. Criminal history record check for principals. Prior to issuing or renewing an individual identification card to a natural person pursuant to this section who is a principal, the ~~department~~ office shall require the person to submit to a criminal history record check in accordance with section 204 every 2 years. A principal who has been convicted of a disqualifying drug offense at any time within the 2-year period must report the con-

viction to the office within 2 business days of the conviction. The licensee must be provided an opportunity to remove the principal or transfer the principal's ownership interests pursuant to section 210.

3. Criminal history record check for employees not required. A contractor, employee or other support staff of the licensee is not required to submit to a criminal history record check pursuant to section 204 prior to the issuance of an individual identification card by the office.

Sec. B-15. 28-B MRSA §107, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§107. Collection and analysis of public health and safety data

The ~~department~~ office shall develop programs or initiatives to facilitate the collection and analysis of data regarding the effects of the use of cannabis in the State, including, but not limited to, youth and adult cannabis use; school suspension and discipline relating to the use of cannabis; poison center calls, emergency department visits and hospitalizations relating to the use of or exposure to cannabis; operating under the influence citations or arrests relating to the use of cannabis; motor vehicle accidents, including information on fatalities, relating to the use of cannabis; ~~violent crime relating to the use of cannabis generally;~~ violent crime and property crime relating to the regulated and unregulated adult use cannabis markets; and cannabis-related citations or arrests. The ~~department~~ office may adopt rules to implement this section.

Sec. B-16. 28-B MRSA §108, as amended by PL 2021, c. 645, §1 and c. 669, §5, is further amended to read:

§108. Public health and safety programs

The ~~department~~ office shall develop and implement or facilitate the development and implementation by a public or private entity of: programs, initiatives and campaigns focused on increasing the awareness and education of the public on health and safety matters and focused on addressing public and behavioral health needs relating to the use of cannabis and cannabis products, including, but not limited to, programs, initiatives and campaigns focused on preventing and deterring the use of cannabis and cannabis products by ~~persons under 21 years of age~~ minors; and public and behavioral health programs and services related to the use of cannabis and cannabis products, including, but not limited to, evidence-based substance use disorder prevention and treatment programs, early intervention services and grants for schools or community-based organizations that provide programs for youth substance use disorder education and prevention as described under Title 5, chapter 521. Programs, initiatives and campaigns developed and implemented pursuant to this section may be funded with revenue from the Adult Use Cannabis

Public Health and Safety and Municipal Opt-in Fund established in section 1101. The department office may adopt rules to implement this section.

Sec. B-17. 28-B MRSA §109, as amended by PL 2021, c. 645, §2 and c. 669, §5, is further amended to read:

§109. Enhanced training for criminal justice agencies and municipalities

The department office shall develop and implement or facilitate the development and implementation by a public or private entity of programs or initiatives providing enhanced training for criminal justice agencies and municipal officers and employees in the requirements and enforcement of this chapter and the rules adopted pursuant to this chapter, including, but not limited to, programs providing grants to regional or local criminal justice agencies or municipalities to train law enforcement officers and, if applicable, municipal officers and employees in inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances under this chapter and chapter 3 and the rules adopted pursuant to this chapter; in drug recognition procedures and the general enforcement of the State's motor vehicle laws relating to the use of cannabis; and in restorative justice, jail diversion, cannabis industry-specific technical assistance and mentoring for economically disadvantaged persons in communities disproportionately affected by high rates of arrest and incarceration for cannabis-related offenses. Training programs or initiatives developed and implemented pursuant to this section may be funded with revenue from the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in section 1101. The department office may adopt rules to implement this section.

Sec. B-18. 28-B MRSA §111, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A state, county or local agency or department, including, but not limited to, the department office and a criminal justice agency, may not:

Sec. B-19. 28-B MRSA §113, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Report required. By February 15, ~~2020~~ 2025, and annually thereafter, the department office shall submit a report to the joint standing committee of the Legislature having jurisdiction over adult use cannabis matters as provided in this section.

Sec. B-20. 28-B MRSA §113, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Report contents. The report required under subsection 1 must, at a minimum, include the following information:

A. The number of applications for each type of license submitted to the department office pursuant to this chapter during the prior calendar year, including, if applicable, the number of applications for license renewals, and the number of each type of license conditionally approved by the department office during the prior calendar year;

B. The total number of each type of active license issued by the department office pursuant to this chapter in the prior calendar year following local authorization of a conditionally approved licensee;

C. The total square footage of plant canopy approved by the department office for active cultivation facilities licensed in the prior calendar year, the percentage of active cultivation facility licenses by cultivation tier and, if applicable, the number of approved increases in the maximum plant canopy allowed under a tier 4 cultivation facility license in the prior calendar year pursuant to section 304;

D. The total amount of application fees and license fees collected pursuant to this chapter and the total amount of the excise and sales tax revenue collected on the sale of adult use cannabis and adult use cannabis products during the prior calendar year;

E. An overview of current adult use cannabis-related staffing at the department office and the cost to the department office to regulate the adult use cannabis industry in the State during the prior fiscal year and cost projections for the upcoming fiscal year;

F. The total reported volume and value of adult use cannabis cultivated and sold by all cultivation facilities in the prior calendar year, when available;

G. The total reported volume and value of adult use cannabis and adult use cannabis products sold by all cannabis stores in the prior calendar year, when available;

H. The number of inspections of the licensed premises of licensees performed by the department office during the prior calendar year and the results of those inspections, including, but not limited to, the number of inspections resulting in license violations and the percentage of all licensees inspected during the prior calendar year;

I. The number of license violations committed by licensees during the prior calendar year and a breakdown of those violations into specific categories based on the type of violation and the outcome of the violation, including, but not limited to, the total amount of monetary penalties imposed and collected by the department office and the percentage of total license violations resulting in the imposition of a monetary penalty, license suspension or license revocation;

J. Public health and safety data collected, received or analyzed by the department office pursuant to section 107 in the prior calendar year; ~~and~~

K. Recommendations, including any suggested legislation, to address any issues with the regulation of the adult use cannabis industry in the State encountered by the department office in the prior calendar year; ~~and~~

L. A detailed account of income and expenditures for the Adult Use Cannabis Regulatory Coordination Fund established in section 1102 and the Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund established in section 1101.

Sec. B-21. 28-B MRSA §201, as amended by PL 2019, c. 676, §5 and PL 2021, c. 669, §5, is further amended to read:

§201. License process; license types

The department office, upon receipt of an application in the prescribed form that meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter, shall issue to the applicant a conditional license to operate one or more of the following types of cannabis establishments or shall deny the application in accordance with section 206:

1. Cultivation facility. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;

2. Testing facility. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503, subsection 2, a testing facility license;

3. Products manufacturing facility. A products manufacturing facility license;

4. Cannabis store. Consistent with the restrictions of section 205, subsection 2, paragraph C, a cannabis store license; or

5. Sample collector. Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503-A, a sample collector license.

Except as provided in section 205, the department office may not impose any limitation on the number of each type of license that it issues to a qualified individual applicant or on the total number of each type of license that it issues to qualified applicants pursuant to this chapter.

Sec. B-22. 28-B MRSA §202, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

An applicant for a license to operate a cannabis establishment must meet each of the following requirements, if applicable. Except as otherwise provided in this section, if the applicant is a business entity, every

~~officer, director, manager and general partner~~ principal of the business entity must meet each of the requirements of this section. An applicant shall disclose in or include with its application the names and addresses of the applicant and all natural persons and business entities having a direct or indirect financial interest in the applied-for license and the nature and extent of the financial interest held by each person or entity and, if applicable, the nature and extent of any financial interest the person or entity has in any other license applied for or issued under this chapter.

Sec. B-23. 28-B MRSA §202, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

1. Age. The applicant must be at least 21 years of age. If the applicant is a business entity, every ~~officer, director, manager and general partner~~ principal of the business entity must be at least 21 years of age.

Sec. B-24. 28-B MRSA §202, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

Sec. B-25. 28-B MRSA §202, sub-§12, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

12. Compliance with application process; no false statement of material fact. The applicant must have completed all application forms required by the department office fully and truthfully and complied with all information requests of the department office relating to the license application. A license may not be issued to an applicant that has knowingly or recklessly made any false statement of material fact to the ~~department office~~ department office in applying for a license under this chapter. The department office shall revoke the license of a licensee pursuant to subchapter 8 if, subsequent to the issuance of the license, the department office determines that the licensee knowingly or recklessly made a false statement of material fact to the department office in applying for the license.

Sec. B-26. 28-B MRSA §203, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

An applicant for a license to operate a cannabis establishment shall submit, and the department office shall consider in determining whether to grant the license, the following additional information. If the applicant is a business entity, the applicant must submit the information required by this section for every ~~officer, director, manager and general partner~~ principal of the business entity.

Sec. B-27. 28-B MRSA §203, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

Sec. B-28. 28-B MRSA §204, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

The department office shall request a criminal history record check for each applicant for a an initial license under this chapter ~~and may at any time require a~~

licensee to submit to a criminal history record check in accordance with this section and for each licensee every 2 years thereafter. If the applicant or licensee is a business entity, every officer, director, manager and general partner principal of the business entity is required to submit to a criminal history record check in accordance with this section. A criminal history record check conducted pursuant to this section must include criminal history record information obtained from the Maine Criminal Justice Information System established in Title 16, section 631 and the Federal Bureau of Investigation.

Sec. B-29. 28-B MRSA §204, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

4. Fees. The department office shall by rule set the amount of the fee to be paid by an individual under subsection 3 for each criminal history record check required to be performed under this section.

Sec. B-30. 28-B MRSA §204, sub-§6, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

6. Use of criminal history record information. State and national criminal history record information obtained by the department office under this section may be used only for the purpose of screening an applicant for a license or a licensee under this chapter or as necessary for the issuance of an individual identification card under section 106.

Sec. B-31. 28-B MRSA §204, sub-§7, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

7. Confidentiality. All criminal history record information obtained by the department office pursuant to this section is confidential, is for the official use of the department office only and may not be disseminated outside of the department office or disclosed to any other person or entity except as provided in subsection 5.

Sec. B-32. 28-B MRSA §204, sub-§8, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

8. Rules. The department office, after consultation with the Department of Public Safety, Bureau of State Police, State Bureau of Identification, shall adopt rules to implement this section.

Sec. B-33. 28-B MRSA §205, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

1. Forms; payment of fees. An applicant shall file an application on forms prepared and furnished by the department office for the type of license sought along with the appropriate application fee as determined by the department office pursuant to section 207. The office may implement and maintain an online portal to receive applications and accept application fees electronically.

Sec. B-34. 28-B MRSA §205, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

3. Issuance of conditional license. Within 90 days of receipt of an application for a license to operate a cannabis establishment or for renewal of an existing license to operate a cannabis establishment, the department office either shall issue to the applicant a conditional license to operate the cannabis establishment if the applicant meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter or shall deny the application in accordance with section 206.

A. A licensee that has been issued a conditional license by the department office may not engage in the cultivation, manufacture, testing or sale of adult use cannabis or adult use cannabis products until the department office has issued an active license to the licensee pursuant to subsection 4.

B. A conditional license issued by the department office pursuant to this subsection is effective for a period of one year from the date of issuance and may not be renewed. If a licensee issued a conditional license by the department office fails to obtain an active license from the department office pursuant to subsection 4 within one year from the date of issuance of the conditional license, the conditional license expires.

Sec. B-35. 28-B MRSA §205, sub-§4, as amended by PL 2021, c. 226, §5 and c. 669, §5, is further amended to read:

4. Issuance of active license upon certification of local authorization and payment of applicable license fee. Except as otherwise provided in this subsection, the department office shall issue an active license to an applicant that has been issued a conditional license pursuant to subsection 3 and that meets all applicable requirements of this subsection. Prior to issuance of an active license pursuant to this subsection, the department office shall require an applicant that has been issued a conditional license to submit information necessary for the department office to determine that the applicant continues to meet all applicable requirements for conditional licensure under this subchapter. The department office may refuse to issue an active license to an applicant if the department office determines that the applicant no longer meets all applicable requirements for conditional licensure under this subchapter.

A. Within 10 days of receiving certification of local authorization from a municipality as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment to be located in the unorganized and deorganized areas, from the Maine Land Use Planning Commission as required by section 403, subsection 3, paragraphs B and C, the department office shall notify the applicant that

certification of local authorization has been confirmed and that, in order for the department office to issue an active license, the applicant must:

- (1) Pay the applicable license fee required pursuant to section 207;
- (2) Submit a facility plan that specifies the location, size and layout of the cannabis establishment within the municipality or, in the case of a cannabis establishment to be located in the unorganized and deorganized areas, within the town, plantation or township in which the cannabis establishment will be located;
- (3) If the application is for a license to operate a cultivation facility, submit updated operating and cultivation plans as required under section 302 based upon the actual premises to be licensed, except that, if no changes to the original operating and cultivation plans submitted by the applicant are necessary based upon the actual premises to be licensed, then the applicant may satisfy this requirement by resubmitting the original operating and cultivation plans and noting on those plans that no changes are necessary;
- (4) If the application is for any license except a sample collector license or a license to operate a testing facility, register with the State Tax Assessor pursuant to Title 36, section 1754-B to collect and remit the sales tax on the sale of adult use cannabis and adult use cannabis products imposed under Title 36, section 1811; and
- (5) If the application is for a license to operate a cultivation facility, register with the State Tax Assessor pursuant to Title 36, section 4922 to collect and remit the excise tax on the sale of adult use cannabis imposed under Title 36, chapter 723.

B. The department office shall prepare and furnish to applicants, municipalities and the Maine Land Use Planning Commission a certification form by which the municipality may certify to the department office that the applicant has obtained local authorization as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment to be located in the unorganized and deorganized areas, the Maine Land Use Planning Commission may certify to the department office that the applicant has obtained local authorization as required by section 403, subsection 3, paragraphs B and C. Notwithstanding any provision of this chapter to the contrary, applicants for a sample collector license are not required to seek local authorization prior to issuance of an active license by the department office but must submit all other information

required by the department office under this chapter and the rules adopted pursuant to this chapter.

C. Upon receipt of payment of the applicable license fee and any other documentation required under paragraph A, the department office shall issue an active license to the applicant. The license must specify the date of issuance of the license, the period of licensure, the date of expiration of the license, the name of the licensee and the address of the licensed premises.

Sec. B-36. 28-B MRSA §205, sub-§5, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

5. Each license separate. Each license issued by the department office to an applicant under this chapter is separate and distinct from any other license issued by the department office to that same applicant under this chapter. A person must obtain a separate license under this chapter for each proposed geographical location of any type of cannabis establishment.

Sec. B-37. 28-B MRSA §205, sub-§6, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

6. Licensee must maintain possession of premises. As a condition of licensure, a licensee must at all times maintain possession of the licensed premises of the cannabis establishment that the licensee is licensed to operate, whether pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises. If a licensee fails to maintain possession of the licensed premises, the licensee shall immediately cease all activities relating to the operation of the cannabis establishment and may apply to the department office for relocation of the licensed premises pursuant to section 211 or may terminate its license pursuant to section 212.

Sec. B-38. 28-B MRSA §206, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§206. Denial of license

1. Denial for good cause. The department office, for good cause, may deny an application for an initial license, a license renewal, a transfer of ownership interests or a relocation of licensed premises. Denial of an application by the department office pursuant to this section constitutes a final agency action as defined in Title 5, section 8002, subsection 4.

2. Good cause defined. As used in this section, "good cause" means a finding by the department office that:

- A. An applicant or licensee has violated, does not meet or has failed to comply with any of the ~~terms, conditions or~~ provisions of this chapter, the rules

adopted pursuant to this chapter or any other applicable state or local law, rule or regulation; or

B. An applicant or licensee has failed to comply with any special terms, consent decree or conditions placed upon the previously issued license pursuant to an order of the department office; the municipality in which the licensed premises are located; the town or plantation in the unorganized and deorganized areas in which the licensed premises are located; in the case of a township in the unorganized and deorganized areas in which the licensed premises are located, the county commissioners of the county in which the township is located; or, in the case of a cannabis establishment located in the unorganized and deorganized areas, the Maine Land Use Planning Commission.

3. Notification of denial and right to appeal.

Upon the department's office's determination to deny a license application, the department office shall notify the applicant in writing of the denial, the basis for the denial and the applicant's right to appeal the denial to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

Sec. B-39. 28-B MRSA §207, as amended by PL 2019, c. 676, §8 and PL 2021, c. 669, §5, is further amended to read:

§207. Application fees; license fees

The department office, in accordance with the provisions of this section, shall adopt by rule a licensing fee schedule establishing fees that are designed to meet, but not to exceed, the estimated licensing, enforcement and administrative costs of the department office under this chapter.

1. Fees for cultivation facilities. For a cultivation facility license, the department office shall require payment of an application fee and a license fee as follows:

A. For a tier 1 cultivation facility license, as described in section 301, subsection 1, an application fee of \$100 and a license fee as follows:

(1) If the applicant has applied for a plant-count-based tier 1 cultivation facility license as described in section 301, subsection 1, paragraph A, a license fee of not more than \$9 per mature cannabis plant for an outdoor cultivation facility and not more than \$17 per mature cannabis plant for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; or

(2) If the applicant has applied for a plant-canopy-based tier 1 cultivation facility license as described in section 301, subsection 1, paragraph B, a license fee of not more than \$250 for an outdoor cultivation facility and not more than \$500 for an indoor cultivation facility or

a cultivation facility with both indoor and outdoor cultivation areas;

B. For a tier 2 cultivation facility license, as described in section 301, subsection 2, an application fee of \$500 and a license fee of not more than \$1,500 for an outdoor cultivation facility and not more than \$3,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas;

C. For a tier 3 cultivation facility license, as described in section 301, subsection 3, an application fee of \$500 and a license fee of not more than \$5,000 for an outdoor cultivation facility and not more than \$10,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas;

D. For a tier 4 cultivation facility license, as described in section 301, subsection 4, an application fee of \$500 and a license fee of not more than \$15,000 for an outdoor cultivation facility and not more than \$30,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas, except that, for a tier 4 cultivation facility license for which an increased amount of licensed plant canopy has been approved by the department office pursuant to section 304, for each approved increase in the amount of licensed plant canopy, the department office may increase the maximum license fee by not more than \$5,000 for an outdoor cultivation facility and by not more than \$10,000 for an indoor cultivation facility or a cultivation facility with both indoor and outdoor cultivation areas; and

E. For a nursery cultivation facility license, as described in section 301, subsection 5, an application fee of \$60 and a license fee of \$350.

2. Fees for products manufacturing facilities and cannabis stores. For a products manufacturing facility license or a cannabis store license, the department office shall require payment of an application fee of \$250 and a license fee of not more than \$2,500.

3. Fees for testing facilities. For a testing facility license, the department office shall require payment of an application fee of \$250 and a license fee of not more than \$1,000.

3-A. Fees for sample collectors. For a sample collector license, the department office shall require payment of an application fee of \$100 and a license fee of not more than \$250.

4. Payment of fees; fees to be deposited into Adult Use Cannabis Regulatory Coordination Fund. An applicant shall pay the application fee required by the department office at the time that the applicant submits an application for licensure to the department office for processing. An applicant shall pay the license

fee required by the department office in accordance with section 205, subsection 4. All fees collected by the department office pursuant to this section must be deposited into the Adult Use Cannabis Regulatory Coordination Fund established in section 1102.

5. Return of fees prohibited. The department office may not return to an applicant or licensee or reimburse an applicant or licensee for any portion of an application or license fee paid by the applicant or licensee, regardless of whether the applicant withdraws its application prior to a final decision of the department office on the application, the licensee voluntarily terminates its license pursuant to section 212 or the department office suspends or revokes the licensee's license in accordance with the provisions of subchapter 8.

Sec. B-40. 28-B MRSA §208, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§208. License term

An active license issued by the department office pursuant to section 205, subsection 4 is effective for a period of one year from the date of issuance and may be renewed pursuant to section 209.

Sec. B-41. 28-B MRSA §209, as amended by PL 2019, c. 676, §9 and PL 2021, c. 669, §5, is further amended to read:

§209. License renewal

1. Notification of expiration date. Ninety days prior to the expiration of an existing license issued under section 205, subsection 4, the department office shall notify the licensee of the expiration date and the opportunity for renewal. Except as otherwise provided in this section, a licensee seeking to renew an existing license must file an application for renewal with the department office, on forms prepared and furnished by the department office, not less than 30 days prior to the date of expiration of the license.

2. Extension for good cause shown; late applications. Notwithstanding subsection 1, the department office may for good cause shown accept an application for renewal of an existing license less than 30 days prior to the date of expiration of the license upon the payment of a late application fee to the department office. The department office may not accept an application for renewal of a license after the date of expiration of that license.

3. Operation under expired license. A licensee that files an application for renewal of its existing license and pays all required fees under this section prior to the expiration of the license may continue to operate the cannabis establishment under that license notwithstanding its expiration until such time as the department office takes final action on the renewal application, except when the department office suspends or revokes

the license in accordance with the provisions of subchapter 8 prior to taking final action on the renewal application.

4. Expired license; cessation of activity and forfeiture of cannabis and cannabis products. Except as provided in subsection 3, a person whose license has expired shall immediately cease all activities relating to the operation of the cannabis establishment previously authorized under that license and ensure that all adult use cannabis and adult use cannabis products cultivated, manufactured or otherwise in the possession of the person pursuant to that license are forfeited to the department office for destruction in accordance with section 803.

5. Renewal application process; fees; rules. An applicant seeking renewal of a license to operate a cannabis establishment ~~must~~ shall pay to the department office a renewal application fee or, if applicable, a late renewal application fee, and ~~must~~ shall demonstrate continued compliance with all applicable licensing criteria under this chapter, including, but not limited to, obtaining local authorization as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, except that an applicant seeking renewal of a license is not required to submit to a criminal history record check under section 204 unless specifically required to do so by the department office.

A. The department office may not issue an active license to a licensee seeking renewal of a license until the licensee obtains local authorization as required by section 402, subsection 3, paragraph B or, in the case of a cannabis establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, pays the applicable license fee required under section 207 and meets all other applicable requirements for the issuance of an active license under section 205, subsection 4. Notwithstanding any provision of this chapter to the contrary, a sample collector licensee is not required to seek local authorization as a condition for renewal of that license by the department office but must submit all other information required by the department office under this chapter and the rules adopted pursuant to this chapter.

B. The department office shall by rule set forth requirements for the submission, processing and approval of a renewal application, which must include, but are not limited to, setting of a reasonable renewal application fee and a reasonable late renewal application fee.

Sec. B-42. 28-B MRSA §210, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§210. Transfer of ownership interests

1. Transfer application. A licensee may apply to the department office, on forms prepared and furnished by the department office, for approval to transfer ownership interests in the license, including, but not limited to, a transfer of only a portion of the ownership interests in the license.

1-A. Prior notice and approval not required. If a transfer of ownership interest in a license does not result in a new person obtaining, or an existing person increasing an ownership interest in the license equal to or greater than 5%, the licensee is not required to obtain prior approval for the transfer from the office and the licensee may report the transfer of ownership interest at the time the license is renewed. Nothing in this subsection may be construed to allow a licensee to add an owner or increase ownership interest in violation of this chapter.

2. Compliance with licensure requirements; rules. A person seeking to assume an ownership interest in a license pursuant to this section must demonstrate to the department office compliance with all applicable requirements for licensure under this chapter and the rules adopted under this chapter. The department office shall by rule adopt requirements for the submission of a license transfer application and standards for the approval of a license transfer application, including, but not limited to, provisions relating to local authorization of a transfer of ownership interests in a license.

3. Temporary appointee. Notwithstanding any other provision of this chapter to the contrary, in cases of death, disability, bankruptcy, judicial dissolution or other exceptional circumstances, unless a court appoints a temporary appointee, the office may approve a temporary appointee to take possession of, operate, manage, control or wind down a licensee's operations. Under such circumstances:

A. A temporary appointee must be otherwise qualified under the provisions of this chapter to be a licensee;

B. A temporary appointee may not transfer adult use cannabis or adult use cannabis products unless authorized as a licensee under this chapter; and

C. The licensee shall submit a plan of temporary appointment, on forms made available by the office, as soon as practicable but no later than 60 days after a qualifying event.

For purposes of this subsection, "temporary appointee" means a court-appointed receiver, personal representative, executor, administrator, guardian, conservator, trustee or similarly situated person or person approved by the office pursuant to this section.

Sec. B-43. 28-B MRSA §211, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§211. Relocation of licensed premises

1. Relocation application. A licensee may apply to the department office, on forms prepared and furnished by the department office, for approval to relocate the licensed premises of the cannabis establishment that the licensee is licensed to operate.

2. Local authorization required. The department office shall, within 10 days of receiving certification of local authorization pursuant to section 402, subsection 3, paragraph B from the municipality in which the relocated licensed premises are to be located or pursuant to section 403, subsection 3, paragraphs B and C from the Maine Land Use Planning Commission if the relocated licensed premises are to be located in the unorganized and deorganized areas, notify the licensee that local authorization has been confirmed for the relocation and that the licensee may proceed with relocation, and the department office shall issue to the licensee an updated license specifying the address of the new premises.

3. Effect on license term. A relocation of licensed premises pursuant to this section does not extend or otherwise modify the license term of the license subject to relocation.

4. Rules. The department office shall by rule adopt requirements for the submission of a license relocation application and standards for the approval of a relocation application.

Sec. B-44. 28-B MRSA §212, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§212. Termination Abandonment or cessation of license

1. Notification of termination abandonment or cessation required. ~~A licensee may not permanently abandon the licensed premises of the licensee or otherwise permanently cease all activities relating to the operation of the cannabis establishment under its license, whether voluntarily or pursuant to a license revocation in accordance with subchapter 8, without notifying the department and the municipality in which the licensed premises are located that voluntarily abandons the licensed premises or otherwise permanently ceases all activities relating to the operation of a cannabis establishment under its license shall notify the office and the municipality in which the licensed premises are located at least 48 hours in advance of the abandonment or termination cessation.~~

2. Forfeiture and destruction of cannabis and cannabis products. Prior to abandoning the licensed premises of the licensee or ~~terminating ceasing~~ operations, a licensee shall provide the department office and the municipality in which the licensed premises are located with a full accounting of all adult use cannabis and adult use cannabis products located within the licensed premises and forfeit the cannabis and cannabis

products to the ~~department~~ office for destruction in accordance with section 803.

For the purposes of this section, "municipality" means, in the case of a cannabis establishment not located in the unorganized and deorganized areas, the city, town or plantation in which the cannabis establishment is located; or, in the case of a cannabis establishment located in the unorganized and deorganized areas, the Maine Land Use Planning Commission and the town or plantation in which the cannabis establishment is located or, in the case of a cannabis establishment located in a township, the county commissioners of the county in which the township is located.

Sec. B-45. 28-B MRSA §213, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§213. Notice of new ~~owner, officer, manager or employee~~ principal

Before any proposed new ~~owner, officer, manager or employee~~ principal may own, manage, work for or otherwise associate with a licensee, the licensee shall notify the ~~department~~ office in writing of the name, address and date of birth of the proposed new ~~owner, officer, manager or employee~~ and the principal. The proposed new ~~owner, officer, manager or employee~~ principal shall submit to a criminal history record check pursuant to section 204, obtain an individual identification card pursuant to section 106 and, in the case of a new ~~owner~~ principal or other person assuming an equity ownership interest or a partial equity ownership interest in the license, obtain approval for the transfer of ownership interests pursuant to section 210, unless the transfer of ownership interests is otherwise exempt from prior approval under section 210, subsection 1-A.

Sec. B-46. 28-B MRSA §214, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§214. Inactive licenses

The ~~department~~ office may revoke or refuse to renew any license if it determines that the licensed premises have been inactive without reasonable justification for a period of one year or more.

Sec. B-47. 28-B MRSA §215, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§215. Notification to municipality; sharing of information with Bureau of Revenue Services

The ~~department~~ office shall notify a municipality within 14 days of the date the ~~department~~ office approves, renews, denies, suspends or revokes the license of a licensee whose licensed premises are located or proposed to be located in the municipality; imposes a monetary penalty on a licensee located within the municipality; approves relocation of the licensed premises of a cannabis establishment to or from the municipality; or approves a transfer of ownership interest in a license

with respect to which the licensed premises are located within the municipality.

The ~~department~~ office shall provide the ~~department's~~ Bureau of Revenue Services with the same information provided to a municipality under this section at the time that the ~~department~~ office notifies the municipality.

For the purposes of this section, "municipality" has the same meaning as in section 212.

Sec. B-48. 28-B MRSA §301, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is further amended to read:

Subject to the requirements and restrictions of this subchapter and the requirements of subchapter 2, the ~~department~~ office may issue to an applicant any of the following types of cultivation facility licenses:

Sec. B-49. 28-B MRSA §302, first ¶, as enacted by PL 2017, c. 409, Pt. A, §6, is further amended to read:

In addition to the information required to be submitted to the ~~department~~ office pursuant to subchapter 2 and the rules relating to licensure of a cultivation facility adopted pursuant to this chapter, an applicant for a cultivation facility license shall submit to the ~~department~~ office the following information.

Sec. B-50. 28-B MRSA §303, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§303. Increase in cultivation tier upon renewal

A licensee seeking renewal of a cultivation facility license may, if applicable and in accordance with this section, apply for a tier of cultivation facility license with a greater area of authorized plant canopy than is authorized under the licensee's current cultivation facility license.

1. Approval criteria. The ~~department~~ office may issue the applied-for tier of cultivation facility license if the licensee otherwise meets all applicable requirements for continued licensure under this chapter and the rules adopted pursuant to this chapter and the licensee has demonstrated to the ~~department's~~ office's satisfaction that:

- A. The licensee has over the current period of licensure sold at least 85% of the adult use cannabis cultivated by the licensee at its cultivation facility; and
- B. The approval of the applied-for tier of cultivation facility license will not cause the licensee to exceed the combined plant canopy limitation in section 205, subsection 2, paragraph A.

2. Consideration of renewal of current license tier if approval criteria not met. If the ~~department~~ office determines that the licensee has failed to satisfy the

requirements of this section for the applied-for tier of cultivation facility license, the department office shall consider renewing the licensee's license at the current tier.

This section does not apply to a nursery cultivation facility licensee.

Sec. B-51. 28-B MRSA §304, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Approval criteria. The department office may approve the requested increase if the licensee otherwise meets all applicable requirements for continued licensure under this chapter and the rules adopted pursuant to this chapter and the licensee has demonstrated to the department's office's satisfaction that the licensee has over the past 2-year period of licensure sold at least 85% of the adult use cannabis cultivated by the licensee at its cultivation facility.

Sec. B-52. 28-B MRSA §304, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6, is further amended to read:

2. Consideration of renewal of current licensed amount of plant canopy if approval criteria not met. If the department office determines that the licensee has failed to satisfy the requirements of this section for the requested increase, the department office shall consider renewing the licensee's license at the current tier and currently authorized maximum area of plant canopy.

Sec. B-53. 28-B MRSA §402, sub-§1, ¶B, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

B. The person has been issued by the department office a conditional license to operate the cannabis establishment pursuant to section 205, subsection 3.

Sec. B-54. 28-B MRSA §402, sub-§3, ¶C, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

C. The person has been issued by the department office an active license to operate the cannabis establishment pursuant to section 205, subsection 4.

Sec. B-55. 28-B MRSA §402, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended by amending the first blocked paragraph to read:

A municipality may certify to the department office a person's compliance with the requirements of paragraph B on the form prepared and furnished by the department office pursuant to section 205, subsection 4, paragraph B.

Sec. B-56. 28-B MRSA §403, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Request for local authorization to operate cannabis establishment in town, plantation or township in unorganized and deorganized areas prohibited unless generally allowed by town or plantation or by county commissioners on behalf of township.

A person seeking to operate a cannabis establishment within a town, plantation or township located within the unorganized and deorganized areas may not request local authorization pursuant to subsection 3 to operate the cannabis establishment and the town, plantation or, in the case of a township, the county commissioners of the county in which the township is located may not accept as complete the person's request for local authorization unless:

A. In the case of a town or plantation, the legislative body of the town or plantation has voted to allow some or all types of cannabis establishments within the town or plantation, including the type of cannabis establishment the person seeks to operate and the person has been issued by the department office a conditional license to operate the cannabis establishment pursuant to section 205, subsection 3; or

B. In the case of a township, the county commissioners of the county in which the township is located have voted to allow some or all types of cannabis establishments within the township, including the type of cannabis establishment the person seeks to operate and the person has been issued by the department office a conditional license to operate the cannabis establishment pursuant to section 205, subsection 3.

Sec. B-57. 28-B MRSA §403, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Minimum authorization criteria. The Maine Land Use Planning Commission may not certify to the department office local authorization of a cannabis establishment within a town, plantation or township located within the unorganized and deorganized areas pursuant to subsection 3 if:

A. The cannabis establishment is proposed to be located within 1,000 feet of the property line of a preexisting public or private school, except that, if the Maine Land Use Planning Commission prohibits the location of cannabis establishments within a town, plantation or township at distances less than 1,000 feet but not less than 500 feet from the property line of a preexisting public or private school, that lesser distance applies. For the purposes of this paragraph, "school" has the same meaning as in section 402, subsection 2, paragraph A; or

B. The person requesting local authorization to operate the cannabis establishment fails to demonstrate possession or entitlement to possession of the

proposed licensed premises of the cannabis establishment pursuant to a lease, rental agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.

Sec. B-58. 28-B MRSA §403, sub-§3, ¶D, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

D. The person has been issued by the ~~department~~ office an active license to operate the cannabis establishment pursuant to section 205, subsection 4.

Sec. B-59. 28-B MRSA §403, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended by amending the first blocked paragraph to read:

The town, plantation or, in the case of a township, the county commissioners of the county in which the township is located, shall certify to the Maine Land Use Planning Commission that the person has obtained all applicable local approvals, permits or licenses not relating to land use planning and development as required under paragraph B. The Maine Land Use Planning Commission may certify to the ~~department~~ office a person's compliance with the requirements of paragraphs B and C on the form prepared and furnished by the ~~department~~ office pursuant to section 205, subsection 4, paragraph B.

Sec. B-60. 28-B MRSA §405, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§405. Information requests

A municipality may request that the ~~department~~ office provide any information obtained by the ~~department~~ office pursuant to the provisions of subchapter 2 or 3 that the municipality determines necessary for the administration of its local authorization process for cannabis establishments under this subchapter. Unless the information is confidential pursuant to law or rule, the ~~department~~ office, in a timely manner, shall provide the information requested pursuant to this section. For the purposes of this section, "municipality" has the same meaning as in section 212.

Sec. B-61. 28-B MRSA §501, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Retail sale of adult use cannabis without separate cannabis store license prohibited. Except as provided in subsection 3, a cultivation facility may not sell or offer to sell adult use cannabis, immature cannabis plants or seedlings to consumers unless the cultivation facility licensee obtains from the ~~department~~ office a separate license to operate a cannabis store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores. A cultivation facility may not give away adult use cannabis,

adult use cannabis products or cannabis plants to a consumer.

Sec. B-62. 28-B MRSA §501, sub-§3, ¶E, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

E. The ~~department~~ shall office may adopt rules regulating the operation of nursery cultivation facilities.

Sec. B-63. 28-B MRSA §501, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

4. Cannabis extraction without separate products manufacturing facility license prohibited. A cultivation facility may not engage in the manufacture of cannabis concentrate by cannabis extraction unless the cultivation facility licensee has obtained from the ~~department~~ office a separate license to operate a products manufacturing facility and otherwise meets the requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of a products manufacturing facility and concerning cannabis extraction. A cultivation facility licensee with a separate license to operate a products manufacturing facility may share hallways or other common areas with the products manufacturing facility.

Sec. B-64. 28-B MRSA §501, sub-§5, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37 and PL 2021, c. 669, §5, is further amended to read:

5. Use of shared facility for cultivation of adult use cannabis and cannabis for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a cultivation facility licensee that is also a registered caregiver or a registered dispensary may cultivate adult use cannabis pursuant to this chapter within the same facility in which the licensee also cultivates cannabis for medical use pursuant to the Maine Medical Use of Cannabis Act. A cultivation facility licensee may share a facility for cultivation with a registered caregiver or registered dispensary pursuant to this subsection as long as at least one owner of the cultivation facility is also the registered caregiver or an owner of the registered dispensary but is not required to have identical ownership.

A. A cultivation facility licensee that cultivates cannabis under this subsection must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of cultivation facilities.

B. Except as provided in paragraph C, the areas of the shared facility in which adult use cannabis is cultivated must be separated from the areas of the shared facility in which cannabis for medical use is cultivated in a manner that provides for a visually

conspicuous delineation of the physical space between the cultivation area for adult use cannabis and the cultivation area for cannabis for medical use. For the purposes of this paragraph, "visually conspicuous delineation" means a permanently constructed physical barrier including, but not limited to, a wall or fencing.

C. The following items or areas within the shared facility may be shared for both the cultivation of adult use cannabis and the cultivation of cannabis for medical use:

- (1) Cultivation-related and noncultivation-related equipment, except that cultivation-related equipment may not be simultaneously used for the cultivation of adult use cannabis and the cultivation of cannabis for medical use;
- (2) Cultivation-related and noncultivation-related supplies or products not containing cannabis or cannabis products and the storage areas for those supplies or products; and
- (3) General office space, bathrooms, entryways and walkways.

D. Each cannabis plant within the shared facility must be tagged or otherwise identified as an adult use cannabis plant or a cannabis plant for medical use.

~~E. The department shall adopt rules governing the use of a shared facility by a cultivation facility licensee that is also a registered caregiver or a registered dispensary, which must include, but are not limited to, requirements for the maintenance of a log or other record relating to the use of the shared facility space, shared equipment and shared supplies or products to ensure compliance with the requirements of this chapter and the rules adopted pursuant to this chapter and the requirements of the Maine Medical Use of Cannabis Act.~~

F. The office may require a cultivation facility licensee to provide a colocation plan describing how the licensee will ensure that cultivation-related equipment will not be simultaneously used for the cultivation of adult use cannabis and cannabis for medical use and how the licensee will ensure that adult use cannabis will be kept separate from cannabis for medical use pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act.

Sec. B-65. 28-B MRSA §501, sub-§6, as amended by PL 2019, c. 231, Pt. B, §3 and PL 2021, c. 669, §5, is repealed.

Sec. B-66. 28-B MRSA §501, sub-§7, ¶C, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

C. ~~The department shall~~ office may adopt rules regarding the outdoor cultivation of adult use cannabis by a cultivation facility licensee, including, but not limited to, security requirements specific to outdoor cultivation operations and requirements for shielding outdoor cultivation operations from public view.

Sec. B-67. 28-B MRSA §501, sub-§12 is enacted to read:

12. Acquisition of seeds and seedlings. Notwithstanding any provision of law to the contrary, a cultivation facility licensee or nursery cultivation facility licensee may acquire seeds or seedlings as follows:

A. By lawful purchase from another cultivation facility licensee, including a nursery cultivation facility licensee; or

B. By gift from an individual, who must be at least 21 years of age and a resident of the State:

(1) A licensee may not accept, during a 90-day period, more than one transfer of 2 1/2 ounces of seeds or more than one transfer of 12 seedlings from each individual gifting seeds or seedlings to that licensee during that 90-day period;

(2) Before accepting a gift of seeds or seedlings from an individual, the licensee must receive approval from the office, in writing, to accept the gift of seeds or seedlings. A licensee that receives seeds or seedlings as a gift from an individual shall record on forms made available by the office the full name, contact telephone number and the identification number of a valid state identification belonging to each individual;

(3) The individual gifting the seeds or seedlings to the licensee may not receive remuneration of any kind in return; and

(4) The gift of the seeds or seedlings must not be conditional or contingent upon any other terms or requirements of the licensee.

Any seeds or seedlings acquired pursuant to this subsection must be tracked pursuant to section 105.

Sec. B-68. 28-B MRSA §502, sub-§1-A is enacted to read:

1-A. Manufacture of products not containing cannabis. Notwithstanding subsection 1, a products manufacturing facility licensee that also has a license issued from the Department of Agriculture, Conservation and Forestry pursuant to subsection 10 may manufacture for sale or distribution any products that the facility is authorized to manufacture or distribute pursuant to the provisions of that license, including products that do not contain cannabis, except that a products manufacturing facility licensee is prohibited from extracting

hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D or manufacturing products that contain hemp or ingredients derived from hemp that do not also contain cannabis. Nothing in this subsection may be construed to prohibit a products manufacturing facility licensee from using ingredients derived from hemp in the manufacture of cannabis products.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures products that do not contain cannabis must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities.

B. The following items or areas within the facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of products that do not contain cannabis:

- (1) Manufacturing-related and nonmanufacturing-related equipment and supplies, except that manufacturing-related equipment and supplies may not be simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of products that do not contain cannabis;
- (2) Manufacturing-related and nonmanufacturing-related supplies or products that do not contain cannabis or cannabis products and the storage areas for those supplies or products; and
- (3) General office space, bathrooms, entryways and walkways.

C. A products manufacturing facility licensee must ensure that:

- (1) Manufacturing-related equipment and supplies are not simultaneously used for the manufacturing of cannabis and cannabis products and the manufacturing of products that do not contain cannabis;
- (2) Manufacturing-related equipment is sanitized between the manufacturing of cannabis and cannabis products and the manufacturing of products that do not contain cannabis;
- (3) Cannabis and cannabis products are kept separate from products that do not contain cannabis;
- (4) Cannabis and cannabis products are packaged and labeled accurately pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter;

(5) Products that do not contain cannabis are packaged and labeled accurately pursuant to the provisions of the license issued by another department to manufacture products that do not contain cannabis; and

(6) Any person manufacturing products that do not contain cannabis in a licensed manufacturing facility obtains an individual identification card from the office pursuant to section 106, except that the person is not required to submit to a criminal history record check.

Sec. B-69. 28-B MRSA §502, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Retail sale of adult use cannabis or adult use cannabis products without separate cannabis store license prohibited. A products manufacturing facility may not sell or offer to sell adult use cannabis or adult use cannabis products to consumers unless the products manufacturing facility licensee obtains from the ~~department~~ office a separate license to operate a cannabis store and otherwise complies with all applicable requirements under this chapter and the rules adopted pursuant to this chapter concerning the operation of cannabis stores. A products manufacturing facility may not give away adult use cannabis, adult use cannabis products or cannabis plants to a consumer.

Sec. B-70. 28-B MRSA §502, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

3. Cultivation of cannabis without separate cultivation facility license prohibited. A products manufacturing facility shall purchase all cannabis necessary for its manufacturing processes from a cultivation facility and may not engage in the cultivation of cannabis unless the products manufacturing facility licensee obtains from the ~~department~~ office a separate license to operate a cultivation facility and otherwise meets all applicable requirements under this chapter and under the rules adopted pursuant to this chapter concerning the operation of cultivation facilities. A products manufacturing facility licensee with a separate license to operate a cultivation facility may share hallways or other common areas with the cultivation facility.

Sec. B-71. 28-B MRSA §502, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37 and PL 2021, c. 669, §5, is further amended to read:

4. Use of shared facility for manufacture of adult use cannabis products and cannabis products for medical use. Subject to the requirements of this subsection and the rules adopted pursuant to this subsection, a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary may manufacture adult use cannabis and adult use cannabis products pursuant to this chapter within the same

facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use pursuant to the Maine Medical Use of Cannabis Act. A products manufacturing facility licensee that shares a facility for products manufacturing with a registered caregiver or registered dispensary pursuant to this subsection must have at least one owner that is the registered caregiver or an owner of the registered dispensary but is not required to have identical ownership.

A. A products manufacturing facility licensee that manufactures adult use cannabis and adult use cannabis products within the same facility in which the licensee also manufactures cannabis concentrate and cannabis products for medical use must comply with all applicable requirements of this chapter and the rules adopted pursuant to this chapter concerning the operation of products manufacturing facilities.

B. The following items or areas within the shared facility may be shared for both the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use:

- (1) Manufacturing-related and nonmanufacturing-related equipment, except that manufacturing-related equipment may not be simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis concentrate and cannabis products for medical use;
- (2) Manufacturing-related and nonmanufacturing-related supplies or products not containing cannabis or cannabis products and the storage areas for those supplies or products; and
- (3) General office space, bathrooms, entryways and walkways.

~~C. The department shall adopt rules governing the use of a shared facility by a products manufacturing facility licensee that is also a registered caregiver or a registered dispensary, including, but not limited to, requirements for the maintenance of a log or other record relating to the use of the shared facility space, shared equipment and shared supplies or products to ensure compliance with the requirements of this chapter and the rules adopted pursuant to this chapter and the requirements of the Maine Medical Use of Cannabis Act.~~

D. A manufacturing facility licensee must ensure that:

- (1) Manufacturing-related equipment is not simultaneously used for the manufacturing of adult use cannabis and adult use cannabis products and the manufacturing of cannabis

concentrate and cannabis products for medical use;

(2) Adult use cannabis and adult use cannabis products are kept separate from cannabis concentrate and cannabis products for medical use; and

(3) Cannabis and cannabis products are packaged and labeled accurately pursuant to the requirements of this chapter and the rules adopted pursuant to this chapter and the Maine Medical Use of Cannabis Act.

Sec. B-72. 28-B MRSA §502, sub-§7, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

7. Cannabis extraction. Subject to the requirements and restrictions of this subsection, a products manufacturing facility licensee may manufacture cannabis concentrate by cannabis extraction using water, lipids, gases, solvents or other chemicals or chemical processes.

A. A products manufacturing facility licensee may engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance if:

- (1) The solvent or other chemical or chemical process is listed by the ~~department~~ office by rule as approved for use in cannabis extraction; or
- (2) The products manufacturing facility licensee requests and obtains from the ~~department~~ office written approval to engage in cannabis extraction using a solvent or other chemical or chemical process that is not and does not involve an inherently hazardous substance and that is not listed by the ~~department~~ office by rule as approved for use in cannabis extraction.

The ~~department~~ office shall adopt by rule a list of those solvents or other chemicals or chemical processes that are not and do not contain an inherently hazardous substance that the ~~department~~ office approves for use in cannabis extraction by products manufacturing facilities.

B. A products manufacturing facility licensee may not engage in cannabis extraction involving the use of any inherently hazardous substance unless:

- (1) The licensee submits to the ~~department~~ office a request for approval of the cannabis extraction method the facility plans to engage in that includes a description of the proposed cannabis extraction method and a certification from an industrial hygienist or professional en-

gineer following a review of the facility's storage, preparation, electrical, gas monitoring, fire suppression and exhaust systems; and

(2) The department office approves in writing the proposed cannabis extraction method.

The department office, within 14 days of receipt of a request for approval under this paragraph, shall notify the products manufacturing facility licensee in writing whether the request is approved or denied.

Sec. B-73. 28-B MRSA §502, sub-§9, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

9. Compliance with sanitary standards. All areas within the licensed premises of a products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured must meet all sanitary standards specified in rules adopted by the department office.

Sec. B-74. 28-B MRSA §502, sub-§10, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

10. Commercial kitchen Food establishment license. A products manufacturing facility licensee must obtain a commercial kitchen food establishment license from the Department of Agriculture, Conservation and Forestry pursuant to Title 22, chapter 551 for any area within the licensed premises of the products manufacturing facility in which adult use cannabis and adult use cannabis products are manufactured and for which the department office requires a products manufacturing facility licensee to obtain a commercial kitchen food establishment license. The department office shall adopt rules requiring certain areas within the licensed premises of a products manufacturing facility to be licensed as commercial kitchens food establishments based upon the types of manufacturing processes conducted within those areas.

Sec. B-75. 28-B MRSA §502, sub-§11, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

11. Refrigeration. A products manufacturing facility licensee shall store and transport in a refrigerated environment all adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage. The department office shall adopt rules regarding the storage and transportation of adult use cannabis and adult use cannabis products that require refrigeration to prevent spoilage.

Sec. B-76. 28-B MRSA §503, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37 and PL 2021, c. 669, §5, is further amended by amending the first blocked paragraph to read:

Neither this chapter nor the rules adopted pursuant to this chapter prevent a testing facility from developing, researching or testing substances or products that are not cannabis or cannabis products for that facility or for another person.

Sec. B-77. 28-B MRSA §503, sub-§2, as amended by PL 2019, c. 354, §8, is further amended to read:

2. Certification; accreditation and provisional licensure; compliance with operational and technical requirements. A testing facility may not commence or continue operation unless the testing facility:

A. Is certified for operation under the certification program within the Department of Health and Human Services, Maine Center for Disease Control and Prevention established pursuant to Title 22, section 569 and, in accordance with rules adopted by the department office after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, which must allow for inspection of the proposed or operational testing facility by the department office and the Department of Health and Human Services, Maine Center for Disease Control and Prevention;

B. Except as otherwise provided in this paragraph, is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a 3rd-party accrediting body or is certified, registered or accredited by an organization approved by the department office. The department office shall adopt rules regarding the scope of certification, registration or accreditation required for licensure of a testing facility.

(1) The department office may issue a full testing facility license to an applicant that meets all applicable requirements of this chapter and rules adopted pursuant to this chapter and that has obtained accreditation pursuant to standard ISO/IEC 17025 of the International Organization for Standardization from a 3rd-party accrediting body or that is certified, registered or accredited by an approved organization.

(2) The department office may issue a provisional testing facility license to an applicant that otherwise meets all applicable requirements of this chapter and rules adopted pursuant to this chapter and that has applied for but not yet obtained accreditation from a 3rd-party accrediting body or that has applied for but not yet obtained certification, registration or accreditation from an approved organization. The department office may not renew a provisional testing facility license more than once.

An active full or provisional testing facility license may not be issued by the department office to an

applicant until the applicant satisfies all applicable requirements of section 205, subsection 4; and

C. Is determined by the ~~department~~ office to meet all operational and technical requirements for testing facilities under this chapter and the rules adopted under this chapter.

Sec. B-78. 28-B MRSA §503, sub-§3, as amended by PL 2019, c. 676, §11 and PL 2021, c. 669, §5, is further amended to read:

3. Compliance with testing protocols, standards and criteria. A testing facility shall follow all testing protocols, standards and criteria adopted by rule by the department for the testing of different forms of cannabis and cannabis products; determining batch size; sampling; testing validity; and approval and disapproval of tested cannabis and cannabis products. A testing facility may use a sample collector for the collection of samples for mandatory testing as long as the testing facility's operating plan and standard operating procedures indicate the use of a sample collector for that purpose.

Sec. B-79. 28-B MRSA §503, sub-§4, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

4. Remediation and retesting. If a testing facility determines that a sample of adult use cannabis or an adult use cannabis product has failed a mandatory test required under section 602, the testing facility shall offer to the owner of that sample an opportunity for remediation and retesting in accordance with rules adopted by the ~~department~~ office.

Sec. B-80. 28-B MRSA §503, sub-§4-A is enacted to read:

4-A. Retesting for potency. If requested by the licensee, a testing facility may retest for potency a sample of adult use cannabis or an adult use cannabis product from the same batch the testing facility initially tested. The retest for potency may be completed only once after the initial test, and the sample must be from the remaining representative sample of the same batch that was initially received by the testing facility. The results of the initial test and the retest must be reported by the testing facility in accordance with subchapter 6 and the rules governing testing facilities. A licensee that chooses to retest for potency shall include the potency values reported for the retest instead of the initial potency value reported by the testing facility.

Sec. B-81. 28-B MRSA §503, sub-§5, as enacted by PL 2017, c. 409, Pt. A, §6, is further amended to read:

5. Record keeping. A testing facility shall maintain records of all business transactions and testing results in accordance with the record-keeping requirements of section 511 and section 602, subsection 2 and in accordance with applicable standards for licensing

and accreditation under subsection 2 and testing protocols, standards and criteria adopted by the ~~department~~ office under subsection 3.

Sec. B-82. 28-B MRSA §503, sub-§6, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

6. Disposal of cannabis and cannabis products. A testing facility shall dispose of or destroy used, unused and waste cannabis and cannabis products in accordance with rules adopted by the ~~department~~ office.

Sec. B-83. 28-B MRSA §503, sub-§7, as enacted by PL 2017, c. 409, Pt. A, §6, is further amended to read:

7. Notification of test results. A testing facility shall notify the ~~department~~ office of test results in accordance with section 603.

Sec. B-84. 28-B MRSA §503, sub-§10, as amended by PL 2019, c. 491, §3 and PL 2021, c. 669, §5, is further amended to read:

10. Rules. The ~~department~~ office shall adopt rules regarding the provisional licensure, licensure, certification and accreditation of testing facilities and the testing of cannabis and cannabis products by testing facilities pursuant to this chapter, including, but not limited to, rules establishing acceptable testing and research practices for testing facilities, including, but not limited to, provisions relating to testing practices, methods and standards; remediation and retesting procedures; quality control analysis; equipment certification and calibration; chemical identification; testing facility record-keeping, documentation and business practices; disposal of used, unused and waste cannabis and cannabis products; and reporting of test results. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-85. 28-B MRSA §503-A, sub-§1, as enacted by PL 2019, c. 676, §13 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Authorized operation. A sample collector is authorized to collect samples of cannabis and cannabis products from a cannabis establishment for mandatory and other testing by a testing facility and to transport and deliver those samples to the testing facility for those purposes. A sample collector may operate as an independent contractor or employee of a testing facility or as an employee of a business entity that employs 2 or more sample collectors and that is not a cultivation facility, a products manufacturing facility, a cannabis store, a registered caregiver, a registered dispensary or a manufacturing facility as defined in Title 22, section ~~2422~~ 2421-A, subsection ~~4-R~~ 27.

Sec. B-86. 28-B MRSA §503-A, sub-§2, as enacted by PL 2019, c. 676, §13 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Compliance with sampling protocols, standards and criteria. A sample collector shall follow all sampling protocols, standards and criteria adopted by rule or otherwise approved by the ~~department~~ office for the sampling of different forms of cannabis and cannabis products.

Sec. B-87. 28-B MRSA §503-A, sub-§4, as enacted by PL 2019, c. 676, §13 and amended by PL 2021, c. 669, §5, is further amended to read:

4. Disposal of cannabis and cannabis products. A sample collector shall dispose of or destroy used, unused and waste cannabis and cannabis products in accordance with rules adopted by the ~~department~~ office.

Sec. B-88. 28-B MRSA §503-A, sub-§7, as enacted by PL 2019, c. 676, §13 and amended by PL 2021, c. 669, §5, is further amended to read:

7. Rules. The ~~department~~ office shall adopt rules regarding the licensing and operation of sample collectors pursuant to this chapter, including, but not limited to, rules establishing licensing requirements, acceptable sample collection methods, sample collector record keeping, documentation and business practices, and standards for the disposal of used, unused and waste cannabis and cannabis products. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-89. 28-B MRSA §504, sub-§2, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

A. ~~Give~~ Except as otherwise provided in subsection 12, give away adult use cannabis, adult use cannabis products or cannabis plants or sell or give away mature cannabis plants or consumable products containing tobacco or alcohol that do not contain cannabis;

Sec. B-90. 28-B MRSA §504, sub-§4, as amended by PL 2021, c. 667, §2 and c. 669, §5, is further amended to read:

4. Verification of purchaser's age. A person must be 21 years of age or older to make a purchase from a cannabis store. A cannabis store may not sell any item to a ~~person under 21 years of age~~ minor.

A. Prior to initiating a sale in a cannabis store, an employee of the cannabis store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older.

A-1. Prior to concluding a sale by delivery under subsection 9 or curbside pickup under subsection 10, an employee of the cannabis store licensee shall verify that the purchaser has a valid government-issued photographic identification card, or other

acceptable photographic identification, demonstrating that the purchaser is 21 years of age or older.

B. The department shall by rule determine the forms of photographic identification that a cannabis store licensee may accept when verifying a purchaser's age.

Sec. B-91. 28-B MRSA §504, sub-§4-A, as enacted by PL 2021, c. 314, §1 and amended by c. 669, §5, is repealed.

Sec. B-92. 28-B MRSA §504, sub-§9, as amended by PL 2023, c. 396, §10, is further amended to read:

9. Limited delivery service. A cannabis store, cultivation facility or products manufacturing facility may operate a limited delivery service for the delivery of immature cannabis plants, seedlings, adult use cannabis and adult use cannabis products in accordance with the requirements of this subsection. A cannabis store may not deliver adult use cannabis or an immature cannabis plant, seedling or adult use cannabis product to a ~~person under 21 years of age~~ minor. A municipality may not prohibit delivery of adult use cannabis and adult use cannabis products authorized under this subsection.

A. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service shall ensure that cannabis store employees engaging in delivery have received training, prescribed by the ~~department~~ office by rule, on how to properly verify the age of a person making a purchase for delivery and how to ensure that no deliveries are made to a person under 21 years of age.

B. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service may deliver to any location in a municipality, except locations within a safe zone designated by a municipality under Title 30-A, section 3253.

C. A cannabis store, cultivation facility or products manufacturing facility operating a limited delivery service may deliver to a hotel or business as long as the cannabis store, cultivation facility or products manufacturing facility has received written consent for delivery to the hotel or business from an authorized employee of the hotel or business and the cannabis store, cultivation facility or products manufacturing facility retains a copy of the written consent. The written consent must be maintained and open to inspection by the ~~department~~ office in accordance with section 511.

The ~~department shall~~ office may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-93. 28-B MRSA §504, sub-§10, as enacted by PL 2021, c. 667, §4 and amended by c. 669, §5, is further amended to read:

10. Curbside pickup. A cannabis store may allow curbside pickup of immature cannabis plants, seedlings, adult use cannabis and adult use cannabis products at a designated location outside of the cannabis store in accordance with the requirements of this subsection and any additional requirements imposed by the ~~department~~ office by rule.

A. A cannabis store that allows curbside pickup of immature cannabis plants, seedlings, adult use cannabis or adult use cannabis products shall designate a curbside pickup location outside of the cannabis store and near the entrance to the cannabis store and mark the location in a manner designated by the ~~department~~ office by rule.

B. A cannabis store that allows curbside pickup of immature cannabis plants, seedlings, adult use cannabis or adult use cannabis products shall implement security and record-keeping requirements for all sales concluded by curbside pickup as established by the ~~department~~ office by rule.

The ~~department~~ office shall may adopt rules to implement this subsection, including, but not limited to, rules establishing security and record-keeping requirements for sales concluded by curbside pickup. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-94. 28-B MRSA §504, sub-§12 is enacted to read:

12. Samples for consumers. Notwithstanding subsection 2, paragraph A, and in accordance with all other provisions of this chapter applicable to the sale by a cannabis store of adult use cannabis or adult use cannabis products, a cannabis store may give away samples of adult use cannabis or adult use cannabis products to persons at least 21 years of age as follows:

- A. No more than 1/2 gram of flower;
- B. No more than 10 milligrams of an edible;
- C. No more than one 1/2 gram vape cartridge; and
- D. No more than 2 samples in any combination per person per day.

A cannabis store shall package and label samples in accordance with the applicable provisions of this chapter and the rules adopted pursuant to this chapter. A cannabis store may not provide samples to a person who is visibly intoxicated. The total amount of samples, adult use cannabis and adult use cannabis products given or sold to a person in any one 24-hour period may not exceed the maximum amount of adult use cannabis or adult use cannabis products allowed under section 1501, subsection 1, paragraph F.

Sec. B-95. 28-B MRSA §504, sub-§13 is enacted to read:

13. Special retail sales prices. A cannabis store may establish special retail sales prices on adult use cannabis or adult use cannabis products, except that products may not be sold at a retail price that is significantly less than the wholesale price or the price paid by the cannabis store.

Sec. B-96. 28-B MRSA §504-A, first ¶, as amended by PL 2023, c. 408, §6, is further amended to read:

Notwithstanding any provision of law to the contrary, the ~~department~~ office shall issue a specified event permit to a cannabis store to sell adult use cannabis and adult use cannabis products on the permitted premises for a specified event in accordance with the requirements of this section. Transportation of adult use cannabis and adult use cannabis products between the licensed premises and the permitted premises for a specified event is subject to the requirements of section 505. A cannabis store authorized to sell adult use cannabis and adult use cannabis products under this section is subject to the provisions of section 504.

Sec. B-97. 28-B MRSA §504-A, sub-§1, as amended by PL 2023, c. 408, §7, is further amended to read:

1. Permit application. At least 30 days prior to a specified event, a cannabis store seeking authorization to sell adult use cannabis and adult use cannabis products at a specified event shall submit a permit application, on a form issued by the ~~department~~ office, and a nonrefundable \$200 permit application fee to the ~~department~~ office. The application must include or be appended with:

- A. Proof of approval, in accordance with subsection 2, from the municipality where the specified event will occur to sell adult use cannabis or adult use cannabis products at the specified event;
- B. The location and description of the specified event, including the date of the event, the date the cannabis store intends to sell adult use cannabis and adult use cannabis products and the name and description of the organization sponsoring the event;
- C. If the specified event is held on private property, the written permission of the property owner for the cannabis store to sell adult use cannabis and adult use cannabis products on the property;
- D. A description of the adult use cannabis and adult use cannabis products the cannabis store intends to sell at the specified event;
- E. The number of cannabis store employees required to work at the specified event;
- F. A diagram and description of the permitted premises for the specified event; and

G. As applicable, a diagram and description of the security measures the cannabis store intends to implement on the permitted premises for the specified event to prevent unauthorized access to adult use cannabis and adult use cannabis products, including access by persons under 21 years of age.

Sec. B-98. 28-B MRSA §504-A, sub-§1-A, as enacted by PL 2023, c. 408, §8, is amended to read:

1-A. Permit issuance. Within 14 calendar days of receipt of a permit application that meets the requirements of subsection 1, the ~~department~~ office shall review the application and issue a specified event permit to the cannabis store or deny the application for good cause in accordance with section 206, subsection 2.

Sec. B-99. 28-B MRSA §504-A, sub-§3, as amended by PL 2023, c. 408, §10, is further amended to read:

3. Limitations. A cannabis store issued a specified event permit under this section may sell adult use cannabis and adult use cannabis products at a specified event only as authorized under the permit. A specified event permit issued by the ~~department~~ office under this section for a specified event may not authorize:

- A. Sales at the specified event for a period greater than the duration of the event;
- B. Sales anywhere other than on the permitted premises for the specified event; or
- C. The consumption of adult use cannabis or adult use cannabis products on the permitted premises for the specified event.

Sec. B-100. 28-B MRSA §504-A, sub-§4, ~~¶E~~, as amended by PL 2023, c. 408, §11, is further amended to read:

E. A cannabis store shall record all sales conducted at the specified event using a video recording device in a manner that captures, to the extent practicable, only the individual making the purchase. The recording must be retained by the cannabis store for 45 days, and the cannabis store shall make it available for inspection at the ~~department's~~ office's request.

Sec. B-101. 28-B MRSA §504-A, sub-§5, as amended by PL 2023, c. 408, §12, is further amended to read:

5. Guidance. The ~~department~~ office shall develop and publish on a publicly accessible website guidance documents to assist cannabis stores in applying for a specified event permit under this section and to establish best practices for conducting sales of adult use cannabis and adult use cannabis products at a specified event.

Sec. B-102. 28-B MRSA §504-A, sub-§5-A, as enacted by PL 2023, c. 408, §13, is amended to read:

5-A. Suspension or revocation. On the ~~department's~~ office's own initiative or upon complaint and after investigation, the ~~department~~ office, by written order, may for good cause as described in section 206, subsection 2 suspend or revoke a specified event permit issued to a cannabis store. The ~~department~~ office shall revoke a specified event permit if:

- A. Municipal approval granted in accordance with subsection 2 is revoked by the municipality; or
- B. As applicable, the owner of the property where the specified event will occur revokes the property owner's written permission required under subsection 1, paragraph C.

Sec. B-103. 28-B MRSA §505, last ¶, as enacted by PL 2023, c. 408, §16, is amended to read:

All transportation of adult use cannabis and adult use cannabis products must be documented by the licensee or an employee of the licensee in accordance with rules adopted by the ~~department~~ office.

Sec. B-104. 28-B MRSA §506, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

§506. Employment of persons under 21 years of age prohibited minors

A licensee may not employ ~~any person under 21 years of age~~ minors.

Sec. B-105. 28-B MRSA §507, as amended by PL 2021, c. 314, §2 and c. 669, §5, is repealed and the following enacted in its place:

§507. Entry into cannabis establishment by minors

A minor may not enter the licensed premises of a cannabis store unless accompanied by the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002, subsection 5. An individual identification card holder who is the parent, legal guardian or custodian of a minor may bring that minor into the licensed premises of a cultivation facility, products manufacturing facility or cannabis testing facility in an emergency.

Sec. B-106. 28-B MRSA §508, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended by amending the section headline to read:

§508. Use of ~~adult-use~~ cannabis and ~~adult-use~~ cannabis products within licensed premises

Sec. B-107. 28-B MRSA §508, sub-§1, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

1. Employee use of cannabis or cannabis products for medical use. A licensee may allow an employee who is a qualifying patient pursuant to the Maine Medical Use of Cannabis Act to privately consume cannabis and cannabis products for medical use within its licensed premises.

Sec. B-108. 28-B MRSA §510, as amended by PL 2019, c. 491, §4 and PL 2021, c. 669, §5, is further amended to read:

§510. Limited access areas

Except as provided in subsection 1, a person may not enter or remain in any limited access area unless the person displays an individual identification card issued by the ~~department~~ office pursuant to section 106.

1. Contractors. A licensee may allow a person to enter or remain in any limited access area without displaying an individual identification card if the person is a contractor of the licensee, including, but not limited to, an electrician, a plumber, an engineer or an alarm technician, whose scope of work will not involve the handling of cannabis or cannabis products; ~~and the person signs a visitor entry log provided and maintained by the licensee and is issued a visitor identification badge by the licensee; and, if the person is working in a limited access area with immediate access to cannabis or cannabis products, the person is supervised at all times by the licensee or an employee of the licensee.~~

1-A. Visitors. A licensee may allow a visitor who is not a minor to enter or remain in any limited access area without displaying an individual identification card if the visitor signs a visitor entry log provided and maintained by the licensee, the visitor is issued a visitor identification badge by the licensee and, if the visitor is visiting in a limited access area with immediate access to cannabis or cannabis products, the visitor is accompanied at all times by the licensee or an employee of the licensee.

2. Licensee compliance. A licensee shall ensure that all areas of ingress to and egress from limited access areas within its licensed premises are conspicuously marked and that a person is not allowed to enter or remain in any limited access area without displaying the person's individual identification card issued by the ~~department~~ office pursuant to section 106.

Sec. B-109. 28-B MRSA §511, as amended by PL 2019, c. 231, Pt. A, §1, is further amended to read:

§511. Record keeping and inspection of records; audits

1. Record keeping; inspection of records. A licensee shall maintain a complete set of all records of the licensee's business transactions, which ~~must be open to inspection and examination by the department upon demand and without notice during all business hours~~ may be stored electronically. Upon providing at least 24 hours' notice, the office may inspect or audit the licensee's records during regular business hours. The office may not conduct an audit of a licensee's records more than twice in any 6-month period. The cost of any audit must be paid by the office from the Adult Use Cannabis Regulatory Coordination Fund under section 1102. Nothing in this subsection may be construed to prevent

the office from reviewing at any time business records submitted through the tracking system in accordance with section 105. Records must be maintained by a licensee at a minimum for a period comprising the current tax year and the ~~5~~ 6 immediately preceding tax years in accordance with Title 36, section 135.

~~**2. Additional information may be required.** The department may require a licensee to furnish any additional information necessary for the proper administration of this chapter.~~

3. Audit. ~~The department office~~ may require a licensee to submit to an audit of the licensee's business records. If the ~~department office~~ requires a licensee to submit to an audit, the licensee shall provide the auditor selected by the ~~department office~~ with access to all business records of the licensee and the cost of the audit must be paid by the ~~licensee office from the Adult Use Cannabis Regulatory Coordination Fund under section 1102.~~

4. Confidentiality. This subsection governs the confidentiality of records under this section.

A. Documents of a licensee inspected or examined by the ~~department office~~ pursuant to this section are confidential and may not be disclosed except as needed in a civil or criminal proceeding to enforce any provision of this chapter and the rules adopted pursuant to this chapter or any criminal law.

B. Audit working papers are confidential and may not be disclosed to any person outside the ~~department office~~, except that audit working papers may be disclosed to the licensee subject to the audit. A final audit report is a public record for the purposes of Title 1, chapter 13, subchapter 1. For the purposes of this paragraph, "audit working papers" means all documentation and other information acquired, prepared or maintained by the ~~department office~~ and the auditor selected by the ~~department office~~ during the conduct of the audit, including, but not limited to, draft reports and portions of draft reports.

Sec. B-110. 28-B MRSA §512, as enacted by PL 2017, c. 409, Pt. A, §6 and PL 2021, c. 669, §5, is further amended to read:

§512. Inspection of licensed premises; testing and sampling for product quality control

1. Inspections. A licensee shall submit to an inspection of its licensed premises, including, but not limited to, any places of storage and any locked areas, upon demand and without notice during ~~all the licensee's business hours and other times of apparent activity~~ by the ~~department office~~, a criminal justice agency or an official authorized by the municipality in which the licensed premises are located.

For the purposes of this subsection, "municipality" has the same meaning as in section 212.

2. Testing and sampling for product quality control. A licensee shall submit to the sampling and testing of adult use cannabis or adult use cannabis products within its possession, upon demand and without notice during all business hours by the department office for the purposes of product quality control. The office may not collect more than a random, representative sample necessary to test the batch of cannabis or cannabis products cultivated, manufactured or sold to consumers by a licensee. The office may not sample more than 3 samples of adult use cannabis or adult use cannabis products per 60-day period unless the cannabis or cannabis products sampled continue to fail tests or such samples are taken as part of an investigation by the office in response to a complaint. The department office shall adopt rules governing the sampling and testing of adult use cannabis and adult use cannabis products under this subsection, consistent with the requirements of subchapter 6. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-111. 28-B MRSA §513, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

Sec. B-112. 28-B MRSA §601, as amended by PL 2021, c. 612, §1 and c. 669, §5, is further amended to read:

§601. Testing program established

The department office shall establish a testing program for adult use cannabis and adult use cannabis products. Except as otherwise provided in this subchapter, the program must require a licensee, prior to selling or distributing adult use cannabis or an adult use cannabis product to a consumer, to submit the cannabis or cannabis product to a testing facility for testing to ensure that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required and to ensure correct labeling. The department office shall adopt rules establishing a testing program pursuant to this section, rules identifying the types of contaminants that are injurious to health for which cannabis and cannabis products must be tested under this subchapter and rules regarding the maximum level of allowable contamination for each contaminant. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. B-113. 28-B MRSA §602, sub-§1, ¶C, as amended by PL 2023, c. 396, §12, is further amended to read:

C. Dangerous yeasts, molds and mildew as specified in rules adopted by the department office;

Sec. B-114. 28-B MRSA §602, sub-§1, as amended by PL 2023, c. 396, §12, is further amended by amending the first blocked paragraph to read:

The department office may temporarily waive mandatory testing requirements under this section for any contaminant or factor for which the department office has determined that there exists no licensed testing facility in the State capable of and certified to perform such testing.

Sec. B-115. 28-B MRSA §602, sub-§1-A, as enacted by PL 2023, c. 396, §13, is amended to read:

1-A. Testing of returns. Cannabis and cannabis products returned pursuant to section 502, subsection 14 or section ~~502~~ 504, subsection 11 ~~must be tested prior to being~~ may be resold or redistributed. ~~The department may limit the mandatory testing required for returned cannabis and cannabis products by rule. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A without retesting if the tamper-evident packaging indicates that the cannabis or cannabis products have not been tampered with. Cannabis and cannabis products returned by a consumer to any licensee may not be resold.~~

Sec. B-116. 28-B MRSA §602, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Record keeping. A licensee shall maintain a record of all mandatory testing that includes a description of the adult use cannabis or adult use cannabis product provided to the testing facility, the identity of the testing facility and the results of the mandatory test. A licensee that chooses to retest any adult use cannabis or adult use cannabis products for potency in accordance with section 503, subsection 4-A shall maintain a record of all mandatory potency test results.

Sec. B-117. 28-B MRSA §602, sub-§3, as amended by PL 2021, c. 558, §1 and c. 669, §5, is further amended to read:

3. Testing process, protocols and standards. The department office shall establish by rule processes, protocols and standards for mandatory and other testing of cannabis and cannabis products that conform with the best practices generally used within the cannabis industry, including, but not limited to, an allowable variance rate for determining the amount or potency of THC or other cannabinoids in edible cannabis products.

Sec. B-118. 28-B MRSA §603, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§603. Notification requirements

1. Notification of testing results required. If the results of a mandatory test conducted pursuant to section 602 indicate that the tested adult use cannabis or adult use cannabis product exceeds the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required, the testing facility immediately shall quarantine, document

and properly destroy the cannabis or cannabis product, except when the owner of the tested cannabis or cannabis product has successfully undertaken remediation and retesting, and within 30 days of completing the test shall notify the department office of the test results.

1-A. Notification of retesting results required.
If a licensee chooses to retest any cannabis or cannabis product for potency in accordance with section 503, subsection 4-A, the testing facility shall provide to the office and the licensee the results of the initial test for potency as well as the results of the retest for potency.

2. Notification of testing results not required. A testing facility is not required to notify the department office of the results of any test:

- A. Conducted on adult use cannabis or an adult use cannabis product at the direction of a licensee pursuant to section 602 that demonstrates that the cannabis or cannabis product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required;
- B. Conducted on adult use cannabis or an adult use cannabis product at the direction of a licensee for research and development purposes only, so long as the licensee notifies the testing facility prior to the performance of the test that the testing is for research and development purposes only;
- C. Conducted on cannabis or a cannabis product at the direction of a person who is not a licensee; or
- D. Conducted on a substance that is not cannabis or a cannabis product.

Sec. B-119. 28-B MRSA §604-A, as amended by PL 2021, c. 226, §6 and c. 669, §5, is further amended to read:

§604-A. Sample collecting for mandatory testing by licensee

1. Sample collecting by licensee authorized; rules. Notwithstanding any provision of this chapter to the contrary, a cultivation facility licensee, products manufacturing facility licensee or cannabis store licensee, or an employee of such licensee, may collect samples of the licensee's adult use cannabis or adult use cannabis products for mandatory testing under section 602 and may deliver those samples to a testing facility for testing. The department office shall adopt rules regarding the collection of representative samples of adult use cannabis and adult use cannabis products for mandatory testing by a licensee or an employee of a licensee as authorized under this section, which must include, but are not limited to:

- A. The establishment of sample collecting processes, protocols and standards, which must be complied with by the licensee and its employees in

collecting samples of adult use cannabis and adult use cannabis products for testing purposes;

B. Requirements for the licensee to provide video, onsite or other demonstration of its sample collecting practices to ensure compliance with paragraph A;

C. Provisions authorizing the department office to conduct audits of adult use cannabis or adult use cannabis products that were tested using samples collected by the licensee or its employees pursuant to this section, with all costs of the audits to be paid for by the licensee. The licensee may not be required to submit more than 3 representative samples of adult use cannabis or adult use cannabis products per 60-day period unless the cannabis or cannabis products continue to fail tests or pursuant to a complaint;

D. Requirements for the transportation, delivery and transfer of samples of adult use cannabis and adult use cannabis products collected by the licensee or an employee of the licensee to a testing facility, which must require the in-person transfer of the samples by the licensee or an employee of the licensee to the testing facility licensee or an employee of the testing facility licensee;

E. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process by a licensee or an employee of the licensee, which, notwithstanding any provision of this chapter to the contrary, may be treated by the department office as constituting a major license violation affecting public safety and as a basis for imposition of ~~a license suspension or revocation~~ administrative penalties pursuant to section ~~802~~ 802-A; and

F. Authorization for the department office to suspend or revoke the licensee's license following 2 or more failed sample collecting audits conducted by the department office pursuant to this section.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subsection 2-A.

Sec. B-120. 28-B MRSA §605, sub-§4, as amended by PL 2021, c. 612, §4 and c. 669, §5, is further amended to read:

4. No subsequent processing, manufacturing or alteration. Since the performance of the prior testing under subsection 1, the cannabis or cannabis product has not undergone any further processing, manufacturing or alteration that would result in an increase in the concentration of any contaminants or factors identified in section 602, subsection 1 or in any rules adopted by the department office pursuant to that section.

Sec. B-121. 28-B MRSA §606, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§606. Coordination with testing program and rules for cannabis and cannabis products for medical use

In adopting rules and regulating the testing of adult use cannabis and adult use cannabis products under this subchapter, the ~~department~~ office shall ensure that, when necessary and practicable, the regulation of the testing of adult use cannabis and adult use cannabis products under this subchapter is consistent with the regulation of the testing of cannabis and cannabis products for medical use under the Maine Medical Use of Cannabis Act.

Sec. B-122. 28-B MRSA §701, as amended by PL 2021, c. 558, §§2 and 3 and amended by c. 669, §5, is further amended to read:

§701. Labeling and packaging

1. Labeling requirements. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter must be labeled with the following information, as applicable based on the cannabis or cannabis product to be sold:

- A. The license numbers of the cultivation facility, the products manufacturing facility and the cannabis store where the adult use cannabis or adult use cannabis product was cultivated, manufactured and offered for sale;
- B. An identity statement and universal symbol;
- C. Health and safety warning labels as required by rules adopted by the ~~department~~ office after consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention;
- D. The batch number;
- E. A net weight statement;
- F. Information on the THC potency of the cannabis or cannabis product and the potency of such other cannabinoids or other chemicals in the cannabis or cannabis product, including, but not limited to, cannabidiol. If a licensee chooses to retest any cannabis or cannabis product for potency in accordance with section 503, subsection 4-A, the licensee shall include the THC potency information of the cannabis or cannabis product from the retest results. For edible cannabis products, the information required pursuant to this paragraph must be consistent with section 703, subsection 1, paragraphs F and F-1;
- G. Information on the amount of THC and cannabidiol per serving of the ~~cannabis or~~ edible cannabis product. ~~For edible cannabis products, the~~ The

information required pursuant to this paragraph must be consistent with section 703, subsection 1, paragraphs F and F-1 and contain the number of servings per package;

H. Information on gases, solvents and chemicals used in cannabis extraction;

I. Instructions on ~~usage~~ route of administration;

J. For adult use cannabis products:

- (1) The amount of cannabis concentrate per serving of the product, as measured in grams or milligrams, and the amount of cannabis concentrate per package of the product, as measured in grams or milligrams;
- (2) A list of ingredients and possible allergens; and
- (3) A recommended use date or expiration date;

K. For edible cannabis products, a nutritional fact panel; and

L. Any other information required by rule by the ~~department~~ office.

2. Packaging requirements. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter must be packaged in the following manner, as applicable based on the cannabis or cannabis product to be sold:

- A. Adult use cannabis and adult use cannabis products must be prepackaged in child-resistant and tamper-evident packaging or must be placed in child-resistant and tamper-evident packaging at the final point of sale to a consumer;
- ~~B. Adult use cannabis and adult use cannabis products must be prepackaged in opaque packaging or an opaque container or must be placed in opaque packaging or an opaque container at the final point of sale to a consumer;~~
- C. Packaging for ~~multiserving~~ liquid adult use cannabis products that contain more than one serving must include an integral measurement component that measures one serving of the adult use cannabis product and a child-resistant cap; ~~and or closure.~~
- ~~D. Packaging must conform to all other applicable requirements and restrictions imposed by rule by the department.~~

3. Other approved labeling and packaging. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter may include on the label or the packaging of the cannabis or cannabis product:

- A. A statement of compatibility with dietary practices;

- B. Depictions of geometric shapes or cannabis leaves;
- C. Use of the terms "organic," "organically cultivated" or "organically grown" in accordance with requirements regarding the use of such terms as adopted by rule by the ~~department~~ office; and
- D. Any other information that has been preapproved by the ~~department~~ office pursuant to subsection 5 or information that is not prohibited.

4. Labeling and packaging prohibitions. Adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter:

- A. May not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the cannabis or cannabis product was a trademarked product;
- B. May not be labeled or packaged in a manner ~~that is specifically designed to appeal particularly to a person under 21 years of age that targets minors or contains subject matter or an illustration that targets minors;~~
- C. May not be labeled or packaged in a manner that obscures identifying information on the label or uses a false or deceptive label;
- D. May not be sold or offered for sale using a label or packaging that depicts a human, animal or fruit; and
- E. May not be labeled or packaged in violation of any other labeling or packaging requirement or restriction imposed by rule by the ~~department~~ office.

5. Voluntary labeling and packaging approval. A licensee may submit to the office a request for approval of any labeling or packaging the licensee intends to use. The request must include the following information as applicable:

- A. A digital or physical sample of the label for which approval is requested or a physical sample of any package for which approval is requested;
- B. A description of any additional labels that will be affixed to the label or package and the information contained on these additional labels; and
- C. Any additional information required on an approval request form provided by the office and available on the office's publicly accessible website.

The office may not refuse to review any voluntary request for approval. The office may deny any label or package it determines does not comply with this chapter or the rules adopted pursuant to this chapter. Within 30 days of submission of the request, the office shall issue

a written decision either approving or denying the request, including the reason for denial, if applicable. If the request is approved, the office may not take any enforcement action of any kind against the licensee solely for using the approved labeling or packaging.

Sec. B-123. 28-B MRSA §702, sub-§1, ¶D, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

- D. May not violate any other requirement or restriction on signs, advertising and marketing imposed by the ~~department~~ office by rule pursuant to subsection 2.

Sec. B-124. 28-B MRSA §702, sub-§2, as amended by PL 2023, c. 396, §§15 to 17, is further amended to read:

2. Rules on signs, advertising and marketing.

~~The department shall~~ the office may adopt rules regarding the placement and use of signs, advertising and marketing by or on behalf of a licensee, which may include, but are not limited to:

- A. A prohibition on health or physical benefit claims in advertising or marketing, including, but not limited to, health or physical benefit claims on the label or packaging of adult use cannabis or an adult use cannabis product;
- B. A prohibition on unsolicited advertising or marketing on the Internet, including, but not limited to, banner advertisements on mass-market websites;
- C. A prohibition on opt-in advertising or marketing that does not permit an easy and permanent opt-out feature;
- D. A prohibition on advertising or marketing directed toward location-based devices, including, but not limited to, cellular telephones, unless the marketing is a mobile device application installed on the device by the owner of the device who is 21 years of age or older and includes a permanent and easy opt-out feature; and

~~E. Specific limitations~~ Limitations on signs, advertising and marketing to minimize the appeal of specifically designed to target minors regarding adult use cannabis and adult use cannabis products to persons under 21 years of age.

Sec. B-125. 28-B MRSA §702, sub-§4 is enacted to read:

4. Voluntary sign, advertising and marketing approval. A licensee may submit to the office a request for approval of any sign, advertisement or marketing materials the licensee intends to use. The request must include the following information as applicable:

- A. A digital or physical sample of the sign, advertisement or marketing materials for which approval is requested; and

B. Any additional information required on the sign, advertisement or marketing materials approval request form provided by the office and available on the office's publicly accessible web-site.

The office may not refuse to review any voluntary request for approval. The office may deny any sign, advertisement or marketing materials it determines do not comply with this chapter or the rules adopted pursuant to this chapter. Within 30 days of submission of the request, the office shall issue a written decision either approving or denying the request, including the reason for denial, if applicable. If the request is approved, the office may not take any enforcement action of any kind against the licensee solely for using the approved sign, advertisement or marketing materials.

Sec. B-126. 28-B MRSA §703, sub-§1, ¶A, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed.

Sec. B-127. 28-B MRSA §703, sub-§1, ¶D, as amended by PL 2019, c. 491, §5, is repealed and the following enacted in its place:

D. Unless determined impracticable by the office by rule, must be stamped or embossed with a universal symbol on each serving of the edible cannabis product or each serving must be individually wrapped or blister packaged with a universal symbol clearly included on the wrapping or packaging. In the event the office determines by rule that stamping, embossing, individual wrapping or blister packaging for a particular type of edible cannabis product is impracticable, each serving of the product must be packaged together with the universal symbol affixed to the packaging. For purposes of this chapter, edible cannabis products that are determined to be impracticable to stamp, emboss, individually wrap or blister package include but are not limited to:

- (1) Potato or corn chips;
- (2) Popcorn;
- (3) Pretzels;
- (4) Loose granola; and
- (5) Gummies;

Sec. B-128. 28-B MRSA §703, sub-§1, ¶G, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

Sec. B-129. 28-B MRSA §703, sub-§1, ¶G-1 is enacted to read:

G-1. May not be adulterated or misbranded as described in Title 22, sections 2156 and 2157, respectively, or contain additives specifically formulated to increase the addictiveness of the edible cannabis product; and

Sec. B-130. 28-B MRSA §703, sub-§2, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

2. Health and safety rules. The department office shall adopt labeling, packaging and other necessary health and safety rules for adult use cannabis and adult use cannabis products to be sold or offered for sale by a licensee to a consumer in accordance with this chapter. Rules adopted pursuant to this subsection must establish mandatory health and safety standards applicable to the cultivation of adult use cannabis, the manufacture of adult use cannabis products and the ~~packaging and~~ labeling and packaging of adult use cannabis and adult use cannabis products sold by a licensee to a consumer. Such rules must address, but are not limited to:

- A. Requirements for the storage, warehousing and transportation of adult use cannabis and adult use cannabis products by licensees;
- B. Sanitary standards for cannabis establishments, including, but not limited to, sanitary standards for the manufacture of adult use cannabis and adult use cannabis products; and
- C. Limitations on the display of adult use cannabis and adult use cannabis products at cannabis stores.

Sec. B-131. 28-B MRSA §704, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§704. Coordination with labeling and packaging rules for cannabis and cannabis products for medical use

In adopting rules and regulating the labeling and packaging of adult use cannabis and adult use cannabis products under this subchapter, the department office shall ensure that, when necessary and practicable, the regulation of the labeling and packaging of adult use cannabis and adult use cannabis products under this subchapter is consistent with the regulation of the labeling and packaging of cannabis and cannabis products for medical use under the Maine Medical Use of Cannabis Act.

Sec. B-132. 28-B MRSA §801, as enacted by PL 2017, c. 409, Pt. A, §6, is repealed.

Sec. B-133. 28-B MRSA §802, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is repealed.

Sec. B-134. 28-B MRSA §802-A is enacted to read:

§802-A. Administrative or monetary penalties; appeals

1. Penalties. The office, in accordance with this section, on its own initiative or on complaint and after investigation, notification and the opportunity for a public hearing, may, by written order:

- A. Impose an administrative penalty in accordance with this section for a license violation;
- B. Seize and destroy cannabis or cannabis products; and
- C. Suspend or revoke a license issued under this chapter for a license violation.

For a first violation of any minor license violation as defined in subsection 2, paragraph C or for a first violation of this chapter or rules adopted pursuant to this chapter, the office may only provide technical assistance to the licensee and may not impose a penalty, suspend or revoke a license or seize and destroy cannabis or cannabis products.

2. License violation types. The following license violation types are established.

A. "Major license violation affecting public safety" means an intentional or knowing violation that imminently jeopardizes public health and safety or conduct that indicates a willful or reckless disregard for public health and safety. "Major license violation affecting public safety" is limited to:

- (1) Intentionally or recklessly selling cannabis or cannabis products containing any scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for any compounds naturally occurring in the cannabis plant;
- (2) Intentionally or recklessly using prohibited agricultural chemicals that pose a threat to public health and concealing their use from the office, other licensees or consumers;
- (3) Intentionally or knowingly treating or otherwise adulterating cannabis or cannabis products with a scheduled drug as defined in Title 17-A, section 1101, subsection 11, except for any compounds naturally occurring in the cannabis plant;
- (4) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so;
- (5) Intentionally or knowingly purchasing cannabis plants, cannabis or cannabis products from outside the State, from a person not authorized pursuant to this chapter or from the illicit market;
- (6) Three or more instances of a licensee failing to have on the premises at all times during business hours an individual identification card holder who is authorized to allow and cooperate with the office requests to inspect the premises;

(7) Intentionally or knowingly tampering with or interfering with mandatory testing processes, including sample collection or the auditing of test results; or

(8) Other intentional or knowing egregious conduct that imminently threatens public health and safety or conduct that shows a willful or reckless disregard for public health and safety that poses an imminent risk to public health and safety.

B. "Major license violation" means a serious violation that does not imminently jeopardize public safety. "Major license violation" is limited to:

- (1) Intentionally or recklessly misleading the office for the purposes of involving a person with a disqualifying drug offense in the operation of a cannabis establishment;
- (2) Intentionally or knowingly diverting cannabis or cannabis products to the illicit market;
- (3) Except as provided in paragraph A, subparagraphs (2) and (3), treating or otherwise adulterating cannabis or cannabis products with any chemical that alters the color, appearance, weight or smell of the cannabis or cannabis product or that increases its potency, toxicity or addictiveness in a manner not authorized under this chapter;
- (4) Selling cannabis plants, cannabis or cannabis products to a person under 21 years of age by failing to take all necessary steps to verify age;
- (5) Intentionally or knowingly making deliveries of adult use cannabis or adult use cannabis products to safe zones designated by a municipality pursuant to Title 30-A, section 3253;
- (6) Allowing any individual under 21 years of age to engage in any cannabis-related activity;
- (7) Cultivating cannabis plants for adult use in an amount that is equal to or greater than 150% of the total number of cannabis plants or plant canopy the licensee is authorized to cultivate under this chapter;
- (8) Intentionally or knowingly misrepresenting any cannabis product to a consumer, licensee or the public, including:
 - (a) Its contents;
 - (b) Its testing results; or
 - (c) Its potency;
- (9) Two or more instances of refusing to permit the office to inspect the licensed premises during the licensee's business hours;

(10) Intentionally or knowingly destroying, damaging, altering, removing or concealing potential evidence of a violation under this paragraph or asking or encouraging another person to do so;

(11) Selling or transferring cannabis plants, cannabis or cannabis products outside of the tracking system;

(12) Conduct that demonstrates a pattern of willful or reckless disregard for the tracking system requirements, sales tax obligations, excise tax obligations, mandatory testing obligations or facility requirements;

(13) Intentionally making false statements to the office in order to obtain or maintain a license; or

(14) Any violation in paragraph C that is a knowing violation that the licensee has committed 3 or more times.

C. "Minor license violation" means a negligent violation. "Minor license violation" is limited to:

(1) Procuring or in any way aiding or assisting in procuring, furnishing, selling or delivering cannabis or cannabis products for or to a minor;

(2) Cultivating more cannabis plants for adult use than the licensee is authorized to cultivate under this chapter, but less than 150% of the total number of cannabis plants or plant canopy authorized;

(3) Supplying adulterated or misbranded cannabis or cannabis products;

(4) Intentionally or knowingly purchasing, receiving, selling or transferring any cannabis, cannabis plant or cannabis product that was fraudulently entered into the tracking system;

(5) Failing to request and obtain from the office an approval for a change in ownership or principals prior to making the change in ownership or principals;

(6) Subletting any portion of the licensed premises;

(7) Making representations or claims that the cannabis or cannabis product has curative or therapeutic effects;

(8) Not operating in accordance with operations, cultivation or facility plans of record filed with the office;

(9) Failing to have on the licensed premises at all times during business hours an individual identification card holder who is authorized to

allow inspection and cooperate when the office requests to inspect the premises;

(10) Allowing consumption of cannabis on the licensed premises of a cannabis establishment, except as otherwise provided in this chapter; or

(11) A 2nd violation of any other requirement of this chapter or the rules adopted pursuant to this chapter that is not expressly listed in this subsection.

3. Monetary penalties. The office may impose monetary penalties for a license violation of this chapter as follows:

A. Not more than \$2,500 for each minor license violation;

B. Not more than \$10,000 for each major license violation; or

C. Not more than \$20,000 for each major license violation affecting public safety.

Monetary penalties collected pursuant to this subsection must be credited to the General Fund.

4. Notification of violation. If, after an inspection or investigation by the office or a criminal justice agency, the office identifies a violation of this chapter or the rules adopted pursuant to this chapter, the office shall, within 5 business days of identifying the violation, provide written notification of the violation to the licensee. The licensee, within 5 days of receiving notification, shall provide the office with a plan of correction, if applicable, for the identified violation, including a time frame for correction. If, after a follow-up inspection, the office decides to impose a monetary penalty on the licensee, the office shall notify the licensee of the monetary penalty in a timely manner after the follow-up inspection. Notice under this subsection does not constitute final agency action.

5. Suspension. The office may suspend a license in accordance with this subsection.

A. The office may suspend a cannabis establishment license, for a period of up to one year, upon a finding of:

(1) A major license violation affecting public safety;

(2) A pattern of major license violations in a 30-month period; or

(3) A violation of subsection 2, paragraph B, subparagraph (7).

B. A licensee whose license has been suspended pursuant to this subsection may not, for the duration of the period of suspension, engage in any activities relating to the operation of the cannabis es-

tablishment the licensee is licensed to operate, except that a cultivation facility licensee may harvest any plants currently growing but may not start any new plants.

C. The office may allow a transfer of license for a suspended license and may allow new owners to begin some or all operations prior to the end of the suspension.

6. Revocation. The office may revoke a license in accordance with this subsection.

A. Upon a finding of any major license violation affecting public safety or upon a finding of a pattern of major license violations in a 60-month period, the office may permanently revoke the cannabis establishment license of the licensee found in violation.

B. A licensee whose license has been revoked pursuant to this subsection shall cease all activities relating to the operation of the cannabis establishment.

C. A license that is permanently revoked may not be transferred or renewed.

7. Maine Administrative Procedure Act; final agency action; appeals. Except as otherwise provided in this chapter or in the rules adopted pursuant to this chapter, the imposition of a monetary penalty, suspension or revocation on a licensee by the office, including, but not limited to, the provision of notice and the conduct of hearings, is governed by the Maine Administrative Procedure Act. A final order of the office imposing a monetary penalty on a licensee or suspension or revocation of a license is a final agency action, as defined in Title 5, section 8002, subsection 4, and the licensee may appeal that final order to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

Sec. B-135. 28-B MRSA §803, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§803. Disposition of unauthorized cannabis or cannabis products of licensee

1. Order; destruction of cannabis or cannabis products. If the department office issues a final order imposing a monetary penalty on or a license suspension or revocation against a licensee pursuant to this subchapter, the department office may specify in the order, in addition to any other penalties imposed in the order, that all or a portion of the cannabis or cannabis products in the possession of the licensee are not authorized under this chapter and are subject to destruction. A licensee subject to a final order directing the destruction of cannabis or cannabis products in the possession of the licensee shall forfeit the cannabis and cannabis products described in the order to the department office for destruction.

2. Investigation. If the department office is notified by a criminal justice agency that there is a pending investigation of a licensee subject to an order imposed under subsection 1, the department office may not destroy any cannabis or cannabis products of that licensee until the destruction is approved by the criminal justice agency.

Sec. B-136. 28-B MRSA §803-A, as enacted by PL 2019, c. 491, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§803-A. Administrative holds

In accordance with the provisions of this section, the department office may impose an administrative hold on a licensee licensee’s cannabis plants, cannabis or cannabis products if, as a result of an inspection or investigation of the licensee by the department office or a criminal justice agency, the department office determines there are reasonable grounds to believe the licensee or an agent or employee of the licensee has committed or is committing a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license regarding labeling and packaging, testing results, contamination of cannabis plants and cannabis or cannabis products or cannabis plants or cannabis products tracking that is not in compliance with the tracking system.

1. Notice. The department office shall provide to a licensee subject to an administrative hold notice of the imposition of that hold, which must:

- A. Include a concise statement of the basis for the administrative hold;
- B. Detail the cannabis, cannabis products or cannabis plants subject to the administrative hold;
- C. Describe any operational restrictions to be placed on the licensee's license during the duration of the administrative hold; and
- D. Indicate actions that must be taken by the licensee as a result of the administrative hold.

An administrative hold takes effect at the time that the notice under this subsection is provided by the department office to the licensee.

2. Licensee actions. A licensee subject to an administrative hold must physically segregate in a limited access area any cannabis, cannabis products or cannabis plants subject to the hold, as detailed in the notice under subsection 1, from any other cannabis, cannabis products or cannabis plants not subject to the hold. For the duration of the administrative hold, the licensee may not sell, give away, transfer, transport, dispose of or destroy any cannabis, cannabis products or cannabis plants subject to the hold, but may, as applicable, cultivate, harvest, manufacture or otherwise maintain the cannabis, cannabis products or cannabis plants subject to the hold

unless specifically restricted by the department from engaging in such activities pursuant to subsection 1, paragraph C.

3. Operational responsibilities and restrictions.

A licensee subject to an administrative hold shall, for the duration of the hold, maintain the licensee's licensed premises and otherwise continue to operate the licensee's licensed cannabis establishment in accordance with the provisions of this chapter, the rules adopted pursuant to this chapter and the terms, conditions or provisions of the licensee's license and the provisions of the administrative hold. Except as specifically restricted by the department pursuant to a notice under subsection 1, the licensee may, for the duration of the administrative hold and as applicable to the licensee's license type, cultivate, manufacture, test or sell any cannabis, cannabis products or cannabis plants not subject to the administrative hold.

3-A. Required, permitted or prohibited conduct during administrative holds. For the duration of an administrative hold, a licensee:

A. Shall physically segregate any cannabis, cannabis products or cannabis plants subject to the hold from any other cannabis, cannabis products or cannabis plants not subject to the hold;

B. Shall maintain the licensed premises and otherwise continue to operate the cannabis establishment pursuant to the provisions of this chapter, the rules adopted pursuant to this chapter and the terms, conditions or provisions of the licensee's license and the provisions of the administrative hold;

C. May, as applicable to the license type, cultivate, harvest, manufacture or otherwise maintain the cannabis, cannabis products or cannabis plants subject to the hold, unless specifically restricted by the office pursuant to subsection 1, paragraph C;

D. May cultivate, manufacture, test or sell any cannabis, cannabis products or cannabis plants not subject to the administrative hold; and

E. May not sell, give away, transfer, transport, dispose of or destroy any cannabis, cannabis products or cannabis plants subject to the hold.

4. Termination; duration. The department office may terminate an administrative hold at any time following the imposition of the hold, except that a hold under this section may not be imposed for a period exceeding 30 consecutive days from the date notice is provided to the licensee in accordance with subsection 1. Notice of termination of an administrative hold must be provided by the department office to the licensee subject to the hold.

5. Department action; administrative hold not required prior to imposition of penalty. Subsequent to the termination of an administrative hold under sub-

section 4, the department, in accordance with the applicable provisions of this subchapter and the rules adopted pursuant to this subchapter, may impose a monetary penalty on the licensee that was subject to the hold or suspend or revoke the licensee's license for a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

The department is not required to impose an administrative hold on a licensee prior to imposing a monetary penalty on a licensee or suspending or revoking the licensee's license in accordance with the applicable provisions of this subchapter and the rules adopted pursuant to this subchapter for a violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

6. Administrative hold not required prior to imposition of penalty. The office is not required to impose an administrative hold on a licensee prior to imposing any penalty for any violation of the provisions of this chapter, the rules adopted pursuant to this chapter or the terms, conditions or provisions of the licensee's license.

Sec. B-137. 28-B MRSA §804, as amended by PL 2019, c. 491, §7 and PL 2021, c. 669, §5, is repealed.

Sec. B-138. 28-B MRSA §1101, first ¶, as amended by PL 2021, c. 645, §4 and c. 669, §5, is further amended to read:

The Adult Use Cannabis Public Health and Safety and Municipal Opt-in Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing fund within the department office for the purposes specified in this section.

Sec. B-139. 28-B MRSA §1101, sub-§2, as amended by PL 2023, c. 444, §1, is further amended to read:

2. Uses of fund. Money credited to the fund pursuant to subsection 1 may be used by the department office as provided in this subsection.

A. Money credited to the fund may be expended by the department office to fund public health and safety awareness and education programs, initiatives, campaigns and activities relating to the sale and use of adult use cannabis and adult use cannabis products conducted in accordance with section 108 by the department office, another state agency or department or any other public or private entity. The office may give priority consideration to funding public health and safety awareness and education programs, initiatives and campaigns designed specifically for minors.

B. Money credited to the fund may be expended by the department office to fund enhanced law enforcement training programs relating to the sale

and use of adult use cannabis and adult use cannabis products for local, county and state law enforcement officers conducted in accordance with section 109 by the ~~department office~~, the Maine Criminal Justice Academy, another state agency or department or any other public or private entity.

C. Money credited to the fund may be expended by the ~~department office~~ to provide reimbursement to a municipality for qualifying expenses incurred as a result of the municipality's opting to permit the operation of some or all adult use cannabis establishments within the municipality. For the purposes of this paragraph, "qualifying expenses" means legal fees and costs associated with the drafting and adoption of a warrant article or the adoption or amendment of an ordinance, including the conduct of a town meeting or election, by a municipality that opted to permit the operation of some or all cannabis establishments within the municipality. Each municipality may receive funds, not to exceed \$20,000, only once for the reimbursement of qualifying expenses in accordance with this paragraph. Nothing in this paragraph may be construed to require the ~~department office~~ to reimburse qualifying expenses incurred by a municipality if the ~~department office~~ determines there are insufficient funds available to provide reimbursement. Under no circumstances may a municipality submit an initial application for the reimbursement of qualifying expenses more than 3 years after the municipality adopts a warrant article or adopts or amends an ordinance to allow for the operation of some or all adult use cannabis establishments within the municipality. The ~~department office~~ may adopt rules to implement and administer the reimbursement of qualifying expenses to municipalities. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. The ~~department office~~ may not reimburse qualifying expenses under this paragraph accrued after July 1, 2027.

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

Sec. B-140. 28-B MRSA §1101, sub-§3, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

3. Application of fund to ~~departmental office~~ expenses prohibited. Money in the fund may not be applied to any expenses incurred by the ~~department office~~ in implementing, administering or enforcing this chapter.

Sec. B-141. 28-B MRSA §1102, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by PL 2021, c. 669, §5, is further amended to read:

§1102. Adult Use Cannabis Regulatory Coordination Fund

The Adult Use Cannabis Regulatory Coordination Fund, referred to in this section as "the fund," is established as a dedicated, nonlapsing Other Special Revenue Funds account in the ~~department office~~. The fund is administered and used by the ~~commissioner~~ director for the purposes of adopting rules under this chapter and for the purposes of implementing, administering and enforcing this chapter. The ~~commissioner~~ director may expend money in the fund to enter into contracts with consultants and employ staff, as determined necessary by the ~~commissioner~~ director, conduct meetings with stakeholders and conduct any other activities related to the implementation, administration and enforcement of this chapter.

Sec. B-142. 28-B MRSA §1505 is enacted to read:

§1505. Limitation

Notwithstanding any provision of law to the contrary, the Office of Cannabis Policy, established in section 104-A, may not enforce any provision of this chapter.

Sec. B-143. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Adult Use Cannabis Regulatory Coordination Fund Z264

Initiative: Provides funding for one OCP Compliance Inspector position and associated costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$121,154
All Other	\$0	\$16,451
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$137,605

PART C

Sec. C-1. 22 MRSA §2142, sub-§1-A, as enacted by PL 2023, c. 267, §1, is amended to read:

1-A. Certified nurse practitioner. "Certified nurse practitioner" has the same meaning as in section ~~2422, subsection 1-B~~ 2421-A, subsection 13.

Sec. C-2. 22 MRSA §2152, sub-§4-A, as amended by PL 2017, c. 452, §1 and PL 2021, c. 669, §5, is further amended to read:

4-A. Food establishment. "Food establishment" means a factory, plant, warehouse or store in which food and food products are manufactured, processed, packed, held for introduction into commerce or sold. "Food establishment" includes a caregiver, as defined in section ~~2422 2421-A~~, subsection ~~8-A 11~~, and a registered dispensary, as defined in section ~~2422 2421-A~~, subsection ~~6 41~~, that prepare food containing cannabis for medical use by a qualifying patient pursuant to chapter 558-C. The following establishments are not considered food establishments required to be licensed under section 2167:

- A. Eating establishments, as defined in section 2491, subsection 7;
- B. Fish and shellfish processing establishments inspected under Title 12, section 6101, 6102 or 6856;
- C. Storage facilities for native produce;
- D. Establishments such as farm stands and farmers' markets primarily selling fresh produce not including dairy and meat products;
- E. Establishments engaged in the washing, cleaning or sorting of whole produce, ~~provided as long as~~ provided as long as the produce remains in essentially the same condition as when harvested. The whole produce may be packaged for sale, ~~provided that as long as~~ provided that as long as packaging is not by a vacuum packaging process or a modified atmosphere packaging process;
- F. Establishments that are engaged in the drying of single herbs that are generally recognized as safe under 21 Code of Federal Regulations, Sections 182 to 189. The single herbs may be packaged for sale, ~~provided that as long as~~ provided that as long as packaging is not by a vacuum packaging process or a modified atmosphere packaging process; and

G. A caregiver, as defined in section ~~2422 2421-A~~, subsection ~~8-A 11~~, conducting an activity allowed in section 2423-A for a qualifying patient who is a member of the family, as defined in section ~~2422 2421-A~~, subsection ~~5-A 32~~, or member of the same household, as defined in section ~~2422 2421-A~~, subsection ~~5-B 33~~, of the caregiver.

Sec. C-3. 22 MRSA §2158-B, as enacted by PL 2019, c. 491, §1 and amended by PL 2021, c. 669, §5, is further amended to read:

§2158-B. Food, food additives and food products containing adult use cannabis not adulterated

Notwithstanding any provision of law to the contrary, food, food additives or food products that contain adult use cannabis are not considered to be adulterated under this subchapter based solely on the inclusion of adult use cannabis. For the purposes of this section, "adult use cannabis" has the same meaning as in Title 28-B, section ~~102 102-A~~, subsection 1.

Sec. C-4. 22 MRSA §3763, sub-§11, ¶J, as amended by PL 2017, c. 409, Pt. A, §4 and PL 2021, c. 669, §5, is further amended to read:

J. Adult use cannabis and adult use cannabis products, as defined by Title 28-B, section ~~102 102-A~~.

Sec. C-5. 36 MRSA §172, sub-§3, as enacted by PL 2019, c. 231, Pt. A, §4 and amended by PL 2021, c. 669, §5, is further amended to read:

3. Adult use cannabis licensed establishment. If the taxpayer is a cannabis establishment, as defined in Title 28-B, section ~~102 102-A~~, subsection ~~29 10~~, to the Department of Administrative and Financial Services, which shall construe that liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's cannabis establishment license in accordance with Title 28-B, chapter 1, subchapter 8.

Sec. C-6. 36 MRSA §1752, sub-§1-I, as enacted by PL 2017, c. 409, Pt. D, §1 and amended by PL 2021, c. 669, §5, is further amended to read:

1-I. Adult use cannabis. "Adult use cannabis" has the same meaning as in Title 28-B, section ~~102 102-A~~, subsection 1.

Sec. C-7. 36 MRSA §1752, sub-§1-J, as enacted by PL 2017, c. 409, Pt. D, §1 and amended by PL 2021, c. 669, §5, is further amended to read:

1-J. Adult use cannabis product. "Adult use cannabis product" has the same meaning as in Title 28-B, section ~~102 102-A~~, subsection 2.

Sec. C-8. 36 MRSA §1752, sub-§6-D, as enacted by PL 2017, c. 409, Pt. D, §1 and amended by PL 2021, c. 669, §5, is further amended to read:

6-D. Cannabis establishment. "Cannabis establishment" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~29 10~~.

Sec. C-9. 36 MRSA §1752, sub-§6-H, as enacted by PL 2019, c. 231, Pt. A, §7 and reallocated by RR 2019, c. 1, Pt. A, §57 and amended by PL 2021, c. 669, §5, is further amended to read:

6-H. Cannabis. "Cannabis" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~27 8~~.

Sec. C-10. 36 MRSA §1752, sub-§6-I, as enacted by PL 2019, c. 231, Pt. A, §8 and reallocated by RR 2019, c. 1, Pt. A, §58 and amended by PL 2021, c. 669, §5, is further amended to read:

6-I. Cannabis product. "Cannabis product" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~33 15~~.

Sec. C-11. 36 MRSA §1752, sub-§9-G, as enacted by PL 2019, c. 231, Pt. A, §9, is amended to read:

9-G. Qualifying patient. "Qualifying patient" has the same meaning as in Title 22, section ~~2422 2421-A~~, subsection ~~9 39~~.

Sec. C-12. 36 MRSA §4921, as amended by PL 2021, c. 323, §§1 and 2 and c. 669, §5, is further amended to read:

§4921. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Adult use cannabis. "Adult use cannabis" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection 1.

2. Cultivation facility. "Cultivation facility" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~43 25~~.

3. Immature cannabis plant. "Immature cannabis plant" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~49 32~~.

4. Licensee. "Licensee" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~24 37~~.

5. Cannabis establishment. "Cannabis establishment" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~29 10~~.

6. Cannabis flower. "Cannabis flower" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~34 12~~.

7. Cannabis plant. "Cannabis plant" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~32 14~~.

8. Cannabis trim. "Cannabis trim" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~35 17~~.

9. Mature cannabis plant. "Mature cannabis plant" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~36 41~~.

10. Registered caregiver. "Registered caregiver" has the same meaning as in Title 22, section ~~2422 2421-A~~, subsection ~~44 40~~.

11. Registered dispensary. "Registered dispensary" has the same meaning as in Title 22, section ~~2422 2421-A~~, subsection ~~6 41~~.

12. Seedling. "Seedling" has the same meaning as in Title 28-B, section ~~402 102-A~~, subsection ~~54 59~~.

13. Wet cannabis flower. "Wet cannabis flower" means cannabis flower that is not dried, cured or otherwise prepared in any manner to reduce or eliminate any water weight.

14. Wet cannabis trim. "Wet cannabis trim" means cannabis trim that is not dried, cured or otherwise prepared in any manner to reduce or eliminate any water weight.

Sec. C-13. 36 MRSA §4923, sub-§5, as enacted by PL 2019, c. 231, Pt. B, §7 and amended by PL 2021, c. 669, §5, is further amended to read:

5. Excise tax on purchases from registered caregivers and registered dispensaries. A cultivation facility licensee authorized pursuant to Title 28-B, section ~~501, subsection 6, paragraph A~~ to purchase cannabis plants and cannabis seeds from registered caregivers and registered dispensaries that transacts such a purchase shall pay to the assessor the excise taxes that would have been imposed under subsections 1 to 4 on the sale of the cannabis plants and cannabis seeds if the cannabis plants and cannabis seeds had been sold by a cultivation facility licensee to another licensee.

Sec. C-14. 36 MRSA §5122, sub-§2, ¶PP, as amended by PL 2023, c. 444, §2, is further amended to read:

PP. For taxable years beginning on or after January 1, 2018, for business expenses related to carrying on a trade or business as a registered caregiver or a registered dispensary, as defined in Title 22, section ~~2422 2421-A~~, an amount equal to the deduction that would otherwise be allowable under this Part to the extent that the deduction is disallowed under the Code, Section 280E. For taxable years beginning on or after January 1, 2023, for business expenses related to carrying on a trade or business as a registered caregiver, a registered dispensary or a manufacturing facility, as defined in Title 22, section ~~2422 2421-A~~, or a cannabis establishment or testing facility, as defined in Title 28-B, section ~~402 102-A~~, an amount equal to the deduction that would otherwise be allowable under this Part to the extent that the deduction is disallowed under the Code, Section 280E.

Sec. C-15. 36 MRSA §5200-A, sub-§2, ¶BB, as amended by PL 2023, c. 444, §3, is further amended to read:

BB. For taxable years beginning on or after January 1, 2018, for business expenses related to carrying on a trade or business as a registered caregiver or a registered dispensary, as defined in Title 22, section ~~2422~~ 2421-A, an amount equal to the deduction that would otherwise be allowable under this chapter to the extent that the deduction is disallowed under the Code, Section 280E. For taxable years beginning on or after January 1, 2023, for business expenses related to carrying on a trade or business as a registered caregiver, a registered dispensary or a manufacturing facility, as defined in Title 22, section ~~2422~~ 2421-A, or a cannabis establishment or testing facility, as defined in Title 28-B, section ~~102~~ 102-A, an amount equal to the deduction that would otherwise be allowable under this chapter to the extent that the deduction is disallowed under the Code, Section 280E.

PART D

Sec. D-1. Cannabis hospitality task force.

The Department of Administrative and Financial Services, Office of Cannabis Policy shall convene a task force to review how other states regulate cannabis hospitality establishments and draft recommendations for a bill to regulate cannabis hospitality establishments in this State. The task force shall consider, at a minimum:

1. Whether the office should issue a single type of cannabis hospitality establishment license or various license types for different business models;
2. How different methods of consumption are to be regulated;
3. What other products or services, including food or entertainment, may be offered at cannabis hospitality establishments;
4. Training for cannabis hospitality establishment employees; and
5. Local control, including whether municipalities need to opt in or opt out of allowing cannabis hospitality establishments and how municipalities may or may not regulate an establishment.

The office shall appoint members to the task force that include a supporter of the 2016 cannabis legalization ballot measure; an expert on cannabis policy; an expert on cannabis culinary arts; an individual representing the interests of adult use cannabis consumers; an individual representing the interests of municipal governments; an individual representing the interests of adult use cannabis licensees; an individual representing the interests of the hospitality industry; an individual representing public health; and any other stakeholder the office determines necessary.

No later than February 1, 2025, the office shall submit a report to the joint standing committee of the Legislature having jurisdiction over cannabis matters that includes the task force's findings and recommendations, including suggested legislation. The committee may report out legislation to any regular or special session of the 132nd Legislature based upon the task force's recommendations.

Sec. D-2. Self-populating online license renewal application.

Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Office of Cannabis Policy shall develop an online license renewal application that self-populates all of the active licensee's information on file as previously submitted to the office for approval, including, but not limited to, information pertaining to principals and plans of record. The online license renewal application must provide a licensee the opportunity to verify with a single action that information on file with the office has not changed or to make edits, as applicable, to information on file.

Sec. D-3. Staggered implementation of 2-year identification cards.

Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Office of Cannabis Policy shall implement the 2-year registry identification card provisions of this legislation in section 2425-A, subsection 3 of the Maine Medical Use of Cannabis Act one calendar year prior to implementing the 2-year individual identification card provisions of this legislation in section 106 of the Cannabis Legalization Act.

PART E

Sec. E-1. Adoption; Chapter 10: Rules for the Administration of the Adult Use Cannabis Program.

Notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5, section 8072, subchapter 11, final adoption of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;
2. The rule must be amended in the subsection labeled "Definitions" to expand the definition of "principal" to better identify the natural persons associated with the various types of business entities licensed under the Maine Revised Statutes, Title 28-B, chapter 1;
3. The rule must be amended in section 1.4 and any other relevant sections to remove the requirement that

packaging for adult use cannabis and adult use cannabis products be opaque;

4. The rule must be amended, as necessary, to allow the requirement for child-resistant and tamper-evident packaging to be met either through the packaging of or the exit packaging for adult use cannabis or adult use cannabis products;

5. The rule must be amended, as necessary, to conform the rule to any changes to the Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the 131st Legislature, including, but not limited to, changes to definitions;

6. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, and any necessary correction of the description of the units of the rule must be made to ensure proper reference and application of the provisions of the rule; and

7. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this section and between the rule and the provisions of the Maine Revised Statutes, Title 28-B, chapter 1.

The Department of Administrative and Financial Services, Office of Cannabis Policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. E-2. Adoption; Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments. Notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5, section 8072, subsection 11, final adoption of Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;

2. The rule must be amended, as necessary, to allow a licensee to use equipment not included on the licensee's plan of record in emergency or exigent circumstances to the extent use of the equipment is necessary to mitigate loss of or damage to a licensee's inventory or property;

3. The rule must be amended, as necessary, to allow the requirement for child-resistant and tamper-

evident packaging to be met either through the packaging of or the exit packaging for adult use cannabis or adult use cannabis products;

4. The rule must be amended, as necessary, to conform the rule to any changes to the Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the 131st Legislature, including, but not limited to, changes to definitions;

5. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, and any necessary correction of the description of the units of the rule must be made to ensure proper reference and application of the provisions of the rule; and

6. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this section and between the rule and the provisions of the Maine Revised Statutes, Title 28-B, chapter 1.

The Department of Administrative and Financial Services, Office of Cannabis Policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. E-3. Adoption; Chapter 30: Compliance Rules for Adult Use Cannabis Establishments. Notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this Part as permitted in Title 5, section 8072, subsection 11, final adoption of Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, Office of Cannabis Policy that has been submitted to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made:

1. The rule must be amended, as necessary, to substitute the words "minor" and "minors" for the phrases "individual under 21 years of age" and "individuals under 21 years of age," respectively;

2. The rule must be amended, as necessary, to substitute the phrase "targets minors," or a similar phrase, for the phrase "appeals to individuals under 21 years of age," and similar phrases;

3. The rule must be amended, as necessary, to allow a licensee to use equipment not included on the licensee's plan of record in emergency or exigent circumstances to the extent use of the equipment is necessary to mitigate loss of or damage to a licensee's inventory or property;

4. The rule must be amended, as necessary, to allow a cultivation facility licensee or nursery cultivation facility licensee to acquire cannabis plants and seeds

through a lawful purchase from another cultivation facility licensee or nursery cultivation facility licensee. The rule must allow a cultivation facility licensee or nursery cultivation facility licensee to acquire seeds or seedlings as a gift from a resident of the State who is at least 21 years of age as long as the acquisition, within any 90-day period, is not more than one transfer of 2 1/2 ounces of seeds or more than one transfer of 12 seedlings from each individual gifting seeds or seedlings to the licensee; the office of cannabis policy has provided prior written approval of the gift of seeds or seedlings; the individual gifting the seeds or seedlings does not receive any form of remuneration; the gift is not conditional or contingent upon any other term or requirement of the licensee; and the licensee records the name and telephone number of the person gifting the seeds or seedlings, along with the identification number from that individual's valid state identification card. The rule must provide that, whether the seeds or seedlings are acquired by purchase or gift, the licensee must track the seeds or seedlings pursuant to the Maine Revised Statutes, Title 28-B, section 105;

5. The rule must be amended in sections 1.9, 5.3.A.1(d), 5.4.A(7), 5.5.A(4) and 5.6.A(4) and any other relevant sections to remove the requirement that the packaging of or exit packaging for adult use cannabis or adult use cannabis products be opaque;

6. The rule must be amended, as necessary, to allow the Office of Cannabis Policy to require labeling of adult use cannabis and adult use cannabis products that includes information on whether the adult use cannabis or adult use cannabis product has been remediated and by what method;

7. The rule must be amended, as necessary, to conform the rule to any changes to the Maine Revised Statutes, Title 28-B, chapter 1 enacted in the Second Regular Session of the 131st Legislature, including, but not limited to, changes to definitions;

8. All necessary grammatical, formatting, punctuation or other technical nonsubstantive editing changes must be made to the rule, and any necessary correction of the description of the units of the rule must be made to ensure proper reference and application of the provisions of the rule; and

9. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of this section and between the rule and the provisions of the Maine Revised Statutes, Title 28-B, chapter 1.

The Department of Administrative and Financial Services, Office of Cannabis Policy is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

Sec. E-4. Report to Legislature. By December 15, 2024, the Department of Administrative and Financial Services, Office of Cannabis Policy shall submit a copy of each finally adopted rule under this Part to the joint standing committee of the Legislature having jurisdiction over cannabis matters and shall clearly identify all differences between the provisionally adopted rules and the finally adopted rules. The committee may report out legislation related to one or more of the rules to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 680
H.P. 485 - L.D. 796**

**An Act Concerning Prior
Authorizations for Health Care
Provider Services**

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 24-A MRSA §4301-A, sub-§1, as amended by PL 2011, c. 364, §20, is further amended to read:

1. Adverse health care treatment decision. "Adverse health care treatment decision" means a health care treatment decision made by or on behalf of a carrier offering or renewing a health plan denying in whole or in part payment for or provision of otherwise covered services requested by or on behalf of an enrollee. "Adverse health care treatment decision" includes a rescission determination and an initial coverage eligibility determination, consistent with the requirements of the federal Affordable Care Act, and a prior authorization determination in accordance with section 4304.

Sec. A-2. 24-A MRSA §4301-A, sub-§2, as enacted by PL 1999, c. 742, §3, is amended to read:

2. Authorized representative. "Authorized representative" means:

- A. A person to whom an enrollee has given express written consent to represent the enrollee in an external review;
- B. A person authorized by law to provide consent to request an external review for an enrollee; ~~or~~
- C. A family member of an enrollee or an enrollee's treating health care provider when the enrollee is unable to provide consent to request an external review; ~~or~~
- D. A provider that is actively treating an enrollee.

Sec. A-3. 24-A MRSA §4303, sub-§4, as amended by PL 2019, c. 5, Pt. A, §20, is further amended to read:

4. Grievance procedure for enrollees. A carrier offering or renewing a health plan in this State shall establish and maintain a grievance procedure that meets standards developed by the superintendent to provide for the resolution of claims denials, prior authorization denials or other matters by which enrollees are aggrieved.

A. The grievance procedure must include, at a minimum, the following:

(1) Notice to the enrollee and the enrollee's provider promptly of any claim denial, prior authorization denial or other matter by which enrollees are likely to be aggrieved, stating the basis for the decision, the right to file a grievance, the procedure for doing so and the time period in which the grievance must be filed;

(2) Timelines within which grievances must be processed, including expedited processing for exigent circumstances. Timelines must be sufficiently expeditious to resolve grievances promptly. Decisions for second level grievance reviews as defined by bureau rules must be issued within 30 calendar days if the insured has not requested the opportunity to appear in person before authorized representatives of the health carrier;

(3) Procedures for the submission of relevant information and enrollee or provider participation;

(4) Provision to the aggrieved party of a written statement upon the conclusion of any grievance process, setting forth the reasons for any decision. The statement must include notice to the aggrieved party of any subsequent appeal or external review rights, the procedure and time limitations for exercising those rights and notice of the right to file a complaint with the Bureau of Insurance and the toll-free telephone number of the bureau; ~~and~~

(5) Decision-making by one or more individuals not previously involved in making the decision subject to the grievance; and

(6) Procedures for a provider actively treating an enrollee to act as an authorized representative of the enrollee within the meaning of section 4301-A subsection 2, paragraph D and file a grievance on the enrollee's behalf as long as the provider notifies the enrollee in writing at least 14 days prior to filing a grievance and within 7 days after filing a grievance or withdrawing a grievance. The enrollee has the right to affirmatively object to a provider that has filed a grievance at any time, and the enrollee has the right to notify the health carrier at any time that the enrollee intends to take the

place of the provider as a party to the grievance.

B. In any appeal under the grievance procedure in which a professional medical opinion regarding a health condition is a material issue in the dispute, the aggrieved party is entitled to an independent 2nd opinion, paid for by the plan, of a provider of the same specialty participating in the plan. If a provider of the same specialty does not participate in the plan, then the 2nd opinion must be given by a nonparticipating provider.

C. In any appeal under the grievance procedure, the carrier shall provide auxiliary telecommunications devices or qualified interpreter services by a person proficient in American Sign Language when requested by an enrollee who is deaf or hard-of-hearing or printed materials in an accessible format, including Braille, large-print materials, computer diskette, audio cassette or a reader when requested by an enrollee who is visually impaired to allow the enrollee to exercise the enrollee's right to an appeal under this subsection.

D. Notwithstanding this subsection, a group health plan sponsored by an agricultural cooperative association located outside of this State that provides health insurance coverage to members of one or more agricultural cooperative associations located within this State may employ a grievance procedure for enrollees in the group health plan that meets the requirements of the state in which the group health plan is located if enrollees in the group health plan that reside in this State have the right to independent external review in accordance with section 4312 following any adverse health care treatment decision. Any difference in the grievance procedure requirements between those of the state in which the group health plan is located and those of this State must be limited to the number of days required for notification of prior authorization for nonemergency services and the number of days required for the issuance of a decision following the filing of an appeal of an adverse health care treatment decision. Enrollees in the group health plan that reside in this State must be notified as to the grievance procedure used by the group health plan and their right to independent external review in accordance with section 4312.

E. Health plans may not reduce or terminate benefits for an ongoing course of treatment, including coverage of a prescription drug, during the course of an appeal pursuant to the grievance procedure used by the carrier or any independent external review in accordance with section 4312.

Sec. A-4. 24-A MRSA §4304, sub-§2, ¶E is enacted to read:

E. If a covered medically necessary service cannot be delivered on the approved date of an approved prior authorization request, a carrier may not deny the claim if the covered medically necessary service is provided within 14 days before or after the approved date.

Sec. A-5. 24-A MRSA §4304, sub-§2, ¶F is enacted to read:

F. For nonemergency services provided without a required prior authorization approval, a carrier may not deny a claim for nonemergency services that were within the scope of the enrollee's coverage pending medical necessity review and may not impose a penalty on the provider for failing to obtain a prior authorization of greater than 15% of the contractually allowed amount for the services that required prior authorization approval.

Sec. A-6. 24-A MRSA §4304, sub-§5, ¶B is enacted to read:

B. The medical necessity of emergency services may not be based on whether those services were provided by participating or nonparticipating providers. Restrictions on coverage of emergency services provided by nonparticipating providers may not be greater than restrictions that apply when those services are provided by participating providers.

Sec. A-7. 24-A MRSA §4304, sub-§5, ¶C is enacted to read:

C. If an enrollee receives an emergency service that requires immediate post-evaluation or post-stabilization services, a carrier may not require prior authorization for the post-evaluation or post-stabilization services provided during the same encounter. If the post-evaluation or post-stabilization services require an inpatient level of care, the carrier shall make a utilization review determination within 24 hours of receiving a request for those services and the carrier is responsible for payment for those services for the duration until the carrier affirmatively notifies the provider otherwise. If the utilization review determination is not made within 24 hours, the services for which the utilization review was requested are deemed approved until the carrier affirmatively notifies the provider otherwise.

Sec. A-8. 24-A MRSA §4312, first ¶, as amended by PL 2007, c. 199, Pt. B, §17, is further amended to read:

An enrollee or the enrollee's authorized representative has the right to an independent external review of a carrier's adverse health care treatment decision made by or on behalf of a carrier offering or renewing a health plan in accordance with the requirements of this section.

An enrollee's failure to obtain authorization prior to receiving an otherwise covered service may not preclude an enrollee from exercising the enrollee's rights under this section.

Sec. A-9. 24-A MRSA §4312, sub-§1-A is enacted to read:

1-A. Request for independent external review by enrollee's authorized representative. A request for an independent external review may be made by an enrollee's authorized representative as defined in section 4301-A, subsection 2, paragraph D in accordance with this subsection.

A. The enrollee's authorized representative shall notify the enrollee in writing at least 14 days prior to filing a request for independent external review and within 7 days after filing the request or withdrawing the request.

B. The enrollee may affirmatively object to the request for independent external review at any time prior to the filing of a request by an enrollee's authorized representative and, after a request has been filed, may notify the bureau at any time that the enrollee intends to take the place of the enrollee's authorized representative as a party in the independent external review.

Sec. A-10. Application. This Part applies to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2025. For purposes of this Part, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

PART B

Sec. B-1. 24-A MRSA §4302, sub-§2, as amended by PL 2007, c. 199, Pt. B, §3, is further amended to read:

2. Plan complaint; complaints and adverse decisions; prior authorization statistics. A carrier shall provide annually to the superintendent information for each health plan that it offers or renews on plan complaints; and adverse decisions and prior authorization statistics. This statistical information must contain, at a minimum:

A. The ratio of the number of complaints received by the plan to the total number of enrollees, reported by type of complaint and category of enrollee;

B. The ratio of the number of adverse decisions issued by the plan to the number of complaints received, reported by category;

C. The ratio of the number of prior authorizations denied by the plan to the number of prior authorizations requested, reported by category;

D. The ratio of the number of successful enrollee appeals overturning the original denial to the total number of appeals filed;

E. The percentage of disenrollments by enrollees and providers from the health plan within the previous 12 months and the reasons for the disenrollments. With respect to enrollees, the information provided in this paragraph must differentiate between voluntary and involuntary disenrollments; and

F. Enrollee satisfaction statistics, including provider-to-enrollee ratio by geographic region and medical specialty and a report on what actions, if any, the carrier has taken to improve complaint handling and eliminate the causes of valid complaints.

Sec. B-2. 24-A MRSA §4302, sub-§2-A is enacted to read:

2-A. Reporting of information related to prior authorization. In addition to the information required to be provided under subsection 2, a carrier shall annually report to the superintendent the following information related to prior authorization determinations for the prior calendar year:

A. A list of all items and services that require prior authorization;

B. The number and percentage of standard prior authorization requests that were approved, aggregated for all items and services;

C. The number and percentage of standard prior authorization requests that were denied, aggregated for all items and services;

D. The number and percentage of standard prior authorization requests that were approved after appeal, aggregated for all items and services;

E. The number and percentage of prior authorization requests for which the time frame for review was extended and the request approved, aggregated for all items and services;

F. The number and percentage of expedited prior authorization requests that were approved, aggregated for all items and services;

G. The number and percentage of expedited prior authorization requests that were denied, aggregated for all items and services;

H. The average and median time that elapsed between the submission of a request and a determination by the carrier, for standard prior authorizations, aggregated for all items and services;

I. The average and median time that elapsed between the submission of a request and a decision by the carrier for expedited prior authorizations, aggregated for all items and services; and

J. The average and median time that elapsed between the submission of a concurrent care prior authorization request to extend a course of treatment and a determination by the carrier, aggregated for all items and services.

Sec. B-3. 24-A MRSA §4302, sub-§2-B is enacted to read:

2-B. Data reporting; utilization review data. Beginning April 1, 2025 and April 1st of each year thereafter, the superintendent shall collect the information required under subsections 2 and 2-A, together with the utilization review information collected pursuant to section 2749, and post this information on the bureau's publicly accessible website.

Sec. B-4. Reporting on data submitted by health insurance carriers on prior authorization determinations. The Superintendent of Insurance shall survey health insurance carriers in this State to request data from carriers for calendar years 2021, 2022 and 2023 that, at a minimum, provides information related to prior authorization determinations as described in the Maine Revised Statutes, Title 24-A, section 4302, subsection 2-A. No later than January 15, 2025, the Superintendent shall submit to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters a report that collects the data submitted by each carrier related to prior authorization determinations. The joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters may report out a bill to the 132nd Legislature in 2025 based on the report provided in accordance with this section.

See title page for effective date.

CHAPTER 681

S.P. 374 - L.D. 877

**An Act to Increase
Cybersecurity in Maine**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA c. 164 is enacted to read:

CHAPTER 164

**CYBERSECURITY AND PROTECTION OF
CRITICAL INFRASTRUCTURE**

§2021. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Chief Information Officer. "Chief Information Officer" has the same meaning as in section 1972, subsection 2.

2. Foreign adversary. "Foreign adversary" means a foreign government or foreign nongovernment person whom the United States Secretary of Commerce has determined, pursuant to 15 Code of Federal Regulations, Section 7.4 (2024), has engaged in a long-term pattern or serious instances of conduct significantly adverse to the national security of the United States or the security and safety of United States persons.

3. Foreign adversary business entity. "Foreign adversary business entity" means any type of organization, entity or enterprise engaged in commerce, whether operated for profit, that is organized under the laws or rules of a foreign adversary, directly or indirectly owned or controlled by a foreign adversary or domiciled within the geographic borders of a foreign adversary.

4. Local governmental entity. "Local governmental entity" means any local government, political subdivision or school district and any other public or private agency, person, partnership, corporation or business entity acting on behalf of any local governmental entity.

5. State agency. "State agency" means the State, or any department, agency, board, commission or other body of State Government, including publicly funded institutions of higher education.

§2022. Chief Information Officer to establish lists

The Chief Information Officer shall establish and maintain:

1. List of prohibited companies. A list of companies, including foreign adversary business entities, that pose a national security risk or a risk to the security and safety of persons of the United States. The list must include, but is not limited to, all companies identified by statute, regulation or official guidance from the United States Department of Commerce, the Federal Communications Commission, the United States Department of Homeland Security or any other appropriate federal agency as posing a national security risk or a risk to the security and safety of persons of the United States; and

2. List of prohibited information and communications technology and services. A list of information and communications technology and services that pose a national security risk or a risk to the security and safety of persons of the United States. The list must include, but is not limited to, all information and communications technology and services identified by statute, regulation or official guidance from the United States Department of Commerce, the Federal Communications Commission, the United States Department of Homeland Security or any other appropriate federal

agency as posing a national security risk or a risk to the security and safety of persons of the United States.

The lists must be published on the publicly accessible website of the Department of Administrative and Financial Services, Office of Information Technology and updated at least annually.

§2023. Prohibited contract, use or purchase by state agency

Except as provided in sections 2027 and 2028, a state agency may not contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 or use, obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2.

§2024. Prohibited contract, use or purchase by local governmental entity

Except as provided in section 2027, a local governmental entity may not use state funds in a contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 or use, obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2.

§2025. Indirect transfer of state funds

A local governmental entity, when purchasing information or communications technology or services or entering into a contract for goods or services, shall take all reasonable steps to ensure state funds are not indirectly transferred to a company on the list of prohibited companies maintained by the Chief Information Officer pursuant to section 2022, subsection 1.

§2026. Prohibited contract, use or purchase by judicial branch and legislative branch

Except as provided in sections 2027, 2029 and 2030, an office of the legislative branch or judicial branch may not contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 or use, obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2.

§2027. Exemption; law enforcement

The prohibitions in sections 2023 and 2024 do not apply to law enforcement entities, such as the State Police, a county sheriff's office and local law enforcement departments, to the extent the prohibitions restrict a law enforcement entity's ability to protect the public or investigate criminal activity.

§2028. Waiver of prohibitions; executive branch

Upon written request from a state agency, the Chief Information Officer may waive the prohibitions imposed in sections 2023 and 2024 as long as the waiver does not pose a national security risk or a risk to the security and safety of persons of the United States.

§2029. Waiver of prohibitions; legislative branch

The Legislative Council, established in Title 3, section 161, or its designee, may waive the prohibitions imposed in sections 2023 and 2024 as long as the waiver does not pose a national security risk or a risk to the security and safety of persons of the United States.

§2030. Waiver of prohibitions; judicial branch

The State Court Administrator under Title 4, section 15, or the State Court Administrator's designee, may waive the prohibitions imposed in sections 2023 and 2024 as long as the waiver does not pose a national security risk or a risk to the security and safety of persons of the United States.

§2030-A. Certification required; civil violation

A person that submits a bid or proposal for a contract with the State for goods or services shall certify that the person is not a foreign adversary business entity. A person that submits a false certification under this section commits a civil violation for which a fine may be adjudged in an amount that is twice the amount of the contract for which the bid or proposal was submitted or \$250,000, whichever is greater.

§2030-B. Contracts void

The following contracts entered into by a state agency on or after the effective date of this chapter are void:

1. Foreign adversary business entity. A contract with a foreign adversary business entity;

2. Prohibited company. A contract with a company included on the list of prohibited companies established and maintained by the Chief Information Officer pursuant to section 2022, subsection 1 that was not granted a waiver under section 2028; and

3. Prohibited information or communications technology or services. A contract to purchase information or communications technology or services included on the list of prohibited information or communications technology or services established and maintained by the Chief Information Officer pursuant to section 2022, subsection 2 that was not granted a waiver under section 2028.

§2030-C. Rules

The department may adopt rules to implement this chapter. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 682

H.P. 725 - L.D. 1153

**An Act Regarding Municipal
Taxation of Certain Solar
Energy Equipment**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 36 MRSA §655, sub-§1, ¶T, as amended by PL 2019, c. 440, §2, is further amended to read:

T. Trail-grooming equipment registered under Title 12, section 13113; ~~and~~

Sec. 2. 36 MRSA §655, sub-§1, ¶U, as amended by PL 2021, c. 181, Pt. C, §2, is further amended to read:

U. Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility; and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

This paragraph applies to solar energy equipment for property tax years beginning before April 1, 2025; and

Sec. 3. 36 MRSA §655, sub-§1, ¶V is enacted to read:

V. For property tax years beginning on or after April 1, 2025, solar energy equipment that generates heat or electricity if:

(1) All of the energy is used on the site where the property is located;

(2) The equipment is collocated with a net energy billing customer that is or net energy billing customers that are subscribed to at least 50% of the facility's output; or

(3) All of the energy is transmitted through the facilities of a transmission and distribution utility and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A, section 3209-A or 3209-B and the generator of electricity entered into a fully executed interconnection agreement with a transmission and distribution utility prior to June 1, 2024.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

Sec. 4. 36 MRSA §656, sub-§1, ¶K, as amended by PL 2021, c. 181, Pt. C, §3, is further amended to read:

K. Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility, and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

This paragraph applies to solar energy equipment for property tax years beginning before April 1, 2025.

Sec. 5. 36 MRSA §656, sub-§1, ¶L is enacted to read:

L. For property tax years beginning on or after April 1, 2025, solar energy equipment that generates heat or electricity if:

(1) All of the energy is used on the site where the property is located;

(2) The equipment is collocated with a net energy billing customer that is or net energy billing customers that are subscribed to at least 50% of the facility's output; or

(3) All of the energy is transmitted through the facilities of a transmission and distribution utility and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A, section 3209-A or 3209-B and the generator of electricity entered into a fully executed interconnection agreement with a transmission and distribution utility prior to June 1, 2024.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or a substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

Sec. 6. State Tax Assessor duties. By January 1, 2025, the State Tax Assessor shall update the Department of Administrative and Financial Services, Bureau of Revenue Services' solar energy equipment exemption information bulletin to reflect any changes made to relevant laws after December 31, 2023. The assessor shall also establish a general method of valuation for commercial solar arrays similar to the general method of valuation for residential solar arrays and include information about the method of valuation in the bulletin. To update the bulletin, the assessor shall consult with municipal assessors, members of the solar industry and representatives of State Government.

See title page for effective date.

CHAPTER 683

H.P. 972 - L.D. 1517

An Act to Establish the Social Equity Program

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. A-1. 5 MRSA §12004-I, sub-§6-K is enacted to read:

6-K.

Economic	Social Equity	Not	5 MRSA
Development	Program	Authorized	§13302
	Advisory		
	Committee		

Sec. A-2. 5 MRSA c. 395 is enacted to read:

CHAPTER 395

SOCIAL EQUITY PROGRAM

§13301. Social equity program established

In accordance with the provisions of this chapter, the Department of Economic and Community Development, referred to in this chapter as "the department," shall establish and administer a social equity program, referred to in this chapter as "the program," to increase workforce development programs and provide support to individuals who are members of impacted communities and businesses that are owned by members of impacted communities. For purposes of this chapter, "impacted community" means a racial, ethnic or tribal population that has experienced incarceration at rates disproportionate to the racial, ethnic or tribal population's rate of criminality starting in or about the year 1971 and as a result the racial, ethnic or tribal population has experienced direct or indirect discrimination in access to housing, employment and education. The department may employ consultants, contract for services or enter into agreements with private and public entities, such as other state agencies, as necessary for the establishment and implementation of the program as long as costs associated with the program do not exceed \$300,000 per biennium.

§13302. Social Equity Program Advisory Committee

The Social Equity Program Advisory Committee, established by section 12004-I, subsection 6-K and referred to in this chapter as "the advisory committee," serves to advise the department on the development and implementation of the program. The advisory committee has 5 members who are members of impacted communities. Two members of the advisory committee are appointed by the President of the Senate and 3 members are appointed by the Speaker of the House. The first-named member appointed by the Speaker of the House is the chair of the advisory committee. The Commissioner of Economic and Community Development, or the commissioner's designee, shall convene the advisory committee as necessary to carry out its advisory duties.

§13303. Report

By December 15, 2026, and biennially thereafter, the department shall file a report with the joint standing committee of the Legislature having jurisdiction over economic and community development matters and the

joint standing committee of the Legislature having jurisdiction over cannabis matters detailing the components of the program, the progress and impact of the program and its components and the activities of the advisory committee. Each joint standing committee may report out legislation in the regular or special session of the Legislature in which the report was filed.

Sec. A-3. 28-B MRSA §1101, sub-§2, ¶C-1 is enacted to read:

C-1. Money credited to the fund may be expended by the department or transferred by the department to other state agencies to fund the social equity program established in Title 5, chapter 395.

Sec. A-4. 28-B MRSA §1101, sub-§2, ¶D, as enacted by PL 2023, c. 444, §1, is amended to read:

D. Any funds remaining in the fund after expenditures made in accordance with paragraphs A to C-C-1 must be used to fund:

(1) The cost of the tax deductions for business expenses related to carrying on a business as a cannabis establishment or a testing facility provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the State Tax Assessor shall determine the cost of those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund; and

(2) The cost of the position in the Bureau of Revenue Services within the department to administer the tax deductions provided pursuant to Title 36, section 5122, subsection 2, paragraph PP and Title 36, section 5200-A, subsection 2, paragraph BB. By June 1st annually, the commissioner shall determine the cost of the position in the bureau to administer those deductions during the prior calendar year and report that amount to the State Controller, who shall transfer that amount from the remaining funds in the fund to the General Fund.

PART B

Sec. B-1. Department of Labor; apprenticeship navigator. The Department of Labor shall establish a 2-year apprenticeship navigator position with the responsibility of increasing access to workforce development opportunities for impacted communities, including, but not limited to, apprenticeship and preapprenticeship programs. For purposes of this Part, "impacted community" means a racial, ethnic or tribal population that has experienced incarceration at rates disproportionate to the racial, ethnic or tribal population's rate of criminality starting in or about the year

1971 and as a result the racial, ethnic or tribal population has experienced direct or indirect discrimination in access to housing, employment and education.

Sec. B-2. Department of Economic and Community Development; business support services; seed funds. The Department of Economic and Community Development shall increase access to business support services to impacted communities by:

1. Providing outreach to impacted communities to support business development by and business success of members of impacted communities;

2. Providing technical assistance to support business development by and business success of members of impacted communities;

3. Providing funds to members of impacted communities starting, maintaining or expanding a business; and

4. Providing education and counseling about available tax credits to members of impacted communities.

Sec. B-3. Cannabis business advocate. The Commissioner of Administrative and Financial Services shall hire a cannabis business advocate as an employee of the Department of Administrative and Financial Services for a period of up to 2 years. The cannabis business advocate may be physically located within or near the office of cannabis policy, referred to in this section as "the office," but is not an employee of the office. The duties of the cannabis business advocate include:

1. Assisting licensees under the Cannabis Legalization Act and registrants under the Maine Medical Use of Cannabis Act, referred to in this section collectively as "participants," in navigating the regulatory process and resolving problems with the office;

2. Identifying areas in which participants have problems in dealings with the office;

3. Receiving complaints from participants, mediating conflicts between participants and the office and, when appropriate, making recommendations to the director of the office with respect to these complaints. Within 3 months of receiving recommendations, the director of the office shall provide a formal response to the cannabis business advocate on all recommendations submitted;

4. Proposing changes in the administrative practices of the office to mitigate problems identified under subsections 1, 2 and 3; and

5. Maintaining a record of the volume, nature and resolution status of complaints received from participants and providing the director of the office with this information by November 1st of each year.

Sec. B-4. Reports; authority to report out legislation. By December 15, 2026, the Department of Labor, the Department of Economic and Community

Development and the Department of Administrative and Financial Services shall separately file a report with the joint standing committee of the Legislature having jurisdiction over labor matters, the joint standing committee of the Legislature having jurisdiction over economic and community development matters and the joint standing committee of the Legislature having jurisdiction over cannabis matters. The departments must include in their reports details on the activities and impact of their efforts required under this Part. The Department of Administrative and Financial Services shall also include in its report the volume, nature and resolution of complaints received by the cannabis business advocate established in section 3 of this Part.

Sec. B-5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Adult Use Cannabis Public Health and Safety Fund and Municipal Opt-In Fund Z263

Initiative: Establishes one limited-period Public Service Coordinator II position for a cannabis business advocate effective August 1, 2024 through July 31, 2026 and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$118,854
All Other	\$0	\$9,453
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$128,307

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
	\$0	\$128,307
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$128,307

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Social Equity Program N495

Initiative: Allocates ongoing funds for the costs to implement and administer a social equity program to increase workforce development programs and provide support to individuals who are members of impacted communities and businesses that are owned by members of impacted communities.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$300,000

OTHER SPECIAL REVENUE	\$0	\$300,000
FUNDS TOTAL		

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
OTHER SPECIAL REVENUE FUNDS	\$0	\$300,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$300,000

LABOR, DEPARTMENT OF

Maine Apprenticeship Program Z375

Initiative: Establishes one limited-period CareerCenter Consultant position effective August 1, 2024 through July 31, 2026 to increase access to workforce development opportunities for impacted communities and provides funding for related All Other costs.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
Personal Services	\$0	\$79,335
All Other	\$0	\$9,500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$88,835
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LABOR, DEPARTMENT OF DEPARTMENT TOTALS	2023-24	2024-25
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OTHER SPECIAL REVENUE FUNDS	\$0	\$88,835
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$88,835
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SECTION TOTALS	2023-24	2024-25
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OTHER SPECIAL REVENUE FUNDS	\$0	\$517,142
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SECTION TOTAL - ALL FUNDS	\$0	\$517,142
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See title page for effective date.

§1610-Q. Additional securities; judicial branch facilities in Androscoggin, Hancock and Somerset counties

Notwithstanding any limitation on the amount of securities that may be issued pursuant to section 1606, subsection 2, the authority may issue additional securities from time to time in an aggregate amount not to exceed \$205,000,000 outstanding at any one time for the purposes of paying the costs associated with the planning, purchasing, financing, acquiring, constructing, renovating, furnishing, equipping, improving, extending, enlarging and consolidating new and existing facilities and projects relating to the judicial branch in the counties of Androscoggin, Hancock and Somerset and planning for other court facilities.

See title page for effective date.

CHAPTER 684

S.P. 883 - L.D. 2090

An Act to Modernize and Consolidate Certain Court Facilities

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 4 MRSA §1610-Q is enacted to read:

PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
2023

CHAPTER 17
H.P. 231 - L.D. 380

**An Act to Transfer the
Monhegan Water Company to
Monhegan Plantation and to
Repeal the Monhegan Water
Company Charter**

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

Whereas, the Monhegan Water Company was created by Private and Special Law 1913, chapter 35 for the purpose of supplying Monhegan Plantation in the county of Lincoln and the inhabitants of the plantation with pure water for domestic, sanitary, commercial, industrial, municipal and public purposes; and

Whereas, the Monhegan Water Company presently provides water service to the residents of Monhegan Plantation; and

Whereas, at its 2023 annual meeting on April 8, 2023, the voters of Monhegan Plantation voted in favor of warrant article 32, which asked whether the plantation wanted to vote to dissolve the Monhegan Water Company and transfer the company's assets to Monhegan Plantation; and

Whereas, this legislation provides for the transfer of the functions and assets of the Monhegan Water Company to Monhegan Plantation for the purpose of establishing and operating the Monhegan Plantation water district owned, controlled, managed and operated by Monhegan Plantation; and

Whereas, the Monhegan Water Company and the Monhegan Plantation seek to accomplish the transfer as soon as possible to ensure the health and welfare of persons receiving water service in the plantation; 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:

Sec. 1. Monhegan Water Company required to sell property to Monhegan Plantation. Upon the approval of a majority of the votes of Monhegan Plantation in a referendum vote pursuant to section 11 and the approval of a majority of the trustees of the Monhegan Water Company, the Monhegan Water Company, a public municipal corporation organized and existing pursuant to Private and Special Law 1913, chapter 35, under the terms contained in this Act, shall sell, transfer and convey to Monhegan Plantation by appropriate instruments of conveyance all, and not less than all, of its plants, properties, assets, franchises, rights and privileges, including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes, in consideration of the assumption by the Monhegan Plantation of all of the outstanding debts, obligations and liabilities of the Monhegan Water Company, including, without limitation, the assumption of any outstanding notes or bonds of the Monhegan Water Company that are due on or after the date of the transfer. The transfer in accordance with this section must occur before January 1, 2025.

Sec. 2. Monhegan Plantation's acquisition of property of Monhegan Water Company. The Monhegan Plantation shall acquire, under the terms contained in this Act, all, and not less than all, of the plants, properties, assets, franchises, rights and privileges owned by the Monhegan Water Company, including, without limitation, all lands, buildings, waters, water rights, springs, wells, reservoirs, tanks, standpipes, mains, pumps, pipes, machinery, fixtures, hydrants, meters, services, tools, equipment and appliances used or useful in supplying water for domestic, sanitary, commercial, industrial and municipal purposes. The consideration to be paid for the plants, properties, assets, franchises, rights and privileges is the assumption by the Monhegan Plantation of all of the outstanding debts, obligations and liabilities of the Monhegan Water Company, including, without limitation, the assumption by the Monhegan Plantation of any outstanding notes or bonds of the Monhegan Water Company that are due on or after the date of the transfer.

Sec. 3. Corporate successor to Monhegan Water Company. For purposes of assuming all debts and obligations of the Monhegan Water Company, the

Monhegan Plantation, operating the Monhegan Plantation water district, is the corporate successor to the Monhegan Water Company upon the transfer of the assets and obligations of the Monhegan Water Company to Monhegan Plantation pursuant to this Act.

Sec. 4. Contracts of Monhegan Water Company assumed by Monhegan Plantation.

All contracts between the Monhegan Water Company and any person, firm or corporation relating to supplying water that are in effect on the date of the transfer by the Monhegan Water Company to Monhegan Plantation are assumed and must be carried out by Monhegan Plantation, operating the Monhegan Plantation water district.

Sec. 5. Pledge of revenues. In order to carry out the purposes of this Act and notwithstanding the Maine Revised Statutes, Title 30-A, section 5772, Monhegan Plantation is authorized to issue its notes or bonds in the form of either a general obligation pledge or a revenue pledge, as the Monhegan Plantation board of assessors may determine, to replace or refinance any or all of the existing debts or obligations of the Monhegan Water Company and is authorized to deliver other instruments evidencing its assumption of the debts, obligations and other liabilities of the Monhegan Water Company without the need for any further action or approval from the Monhegan Plantation board of assessors or the voters of Monhegan Plantation. Any notes or bonds or other instruments evidencing the plantation's assumption of the debts, obligations and other liabilities of the Monhegan Water Company may be issued in the amounts necessary to pay the principal of, premium of, if any, and interest on the debts, obligations and other liabilities of the Monhegan Water Company and may mature up to but not later than the stated maturity date of the debts, obligations and other liabilities of the Monhegan Water Company.

Sec. 6. Approval of Public Utilities Commission. The sale and transfer by the Monhegan Water Company to Monhegan Plantation of its plants, properties, assets, franchises, rights and privileges; the acquisition of them by Monhegan Plantation and the assumption by Monhegan Plantation of all of the outstanding debts, obligations and liabilities of the Monhegan Water Company pursuant to this Act; and the subsequent use thereof by Monhegan Plantation operating the Monhegan Plantation water district, within the limits of the plantation, are subject to such approval of the Public Utilities Commission as may be required by applicable provisions of the Maine Revised Statutes, Title 35-A.

Sec. 7. Transfer of rights to acquire source of supply. Upon the transfer of the assets and obligations of the Monhegan Water Company to Monhegan Plantation pursuant to this Act, Monhegan Plantation, operating the Monhegan Plantation water district, may, for the purpose of providing water service

to its customers, take, collect, store, flow, use, detain, distribute and convey water from the so-called "meadow aquifer" on Monhegan Island. Monhegan Plantation has the right to maintain, repair and replace any water pipes, pumps and associated fixtures and appurtenances necessary to deliver water from these sources of supply to customers receiving water service from the Monhegan Plantation water district and is authorized to take and hold, as for public uses, by purchase or otherwise, including by right of eminent domain, any land or interest in land necessary for delivering water from these sources of supply and any rights-of-way or roadways to these sources of supply.

Sec. 8. Ordinance authority. Notwithstanding the Maine Revised Statutes, Title 30-A, section 7051, upon the transfer of the assets and obligations of the Monhegan Water Company to Monhegan Plantation pursuant to this Act, the Monhegan Plantation board of assessors may adopt ordinances in accordance with Title 30-A, section 3002 and not inconsistent with the general laws of the State to prevent the pollution and preserve the purity of the water of the so-called "meadow aquifer," and the Monhegan Plantation board of assessors may prescribe penalties for the violation of those ordinances. The ordinances may specifically restrict or prohibit boating or fishing in a manner consistent with the general laws of the State to prevent pollution and preserve the purity of the water. The ordinances may restrict swimming to prevent pollution and preserve the purity of the water, but any such restriction must be consistent with the general laws of the State. The ordinances have the same force and effect as municipal ordinances, and the District Court has jurisdiction over violations. Nothing contained in this section affects in any way the jurisdiction of the Land Use Planning Commission, including, without limitation, its authority to regulate land use matters under Title 12, chapter 206-A in Monhegan Plantation.

Sec. 9. Dissolution and termination of Monhegan Water Company; pledge of revenues. Prior to January 1, 2025, all debts, obligations and other liabilities of the Monhegan Water Company must be paid in full and discharged or the holders or owners of all debts, obligations and other liabilities that have not been paid in full and discharged must have assented to the assumption thereof by Monhegan Plantation and to the novation and substitution of Monhegan Plantation as obligor in place of the Monhegan Water Company. The clerk of the Monhegan Water Company shall file a certificate to that effect with the Secretary of State, which results in the termination and cessation of the Monhegan Water Company. Until the corporate existence of the Monhegan Water Company ceases and terminates pursuant to this section, the gross revenues derived by Monhegan Plantation from the sale of water must be applied first to the payment of expenses reasonably allocable to the operation of the water systems and 2nd

to payments of debts, obligations and other liabilities of the Monhegan Water Company assumed by Monhegan Plantation pursuant to this Act.

Sec. 10. P&SL 1913, c. 35 is repealed.

Sec. 11. Referendum; effective date; certificate to Secretary of State. In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of Monhegan Plantation at a regular election or at a special election called and held for the purpose no later than June 30, 2024. The election must be called, advertised and conducted according to the law relating to municipal elections. The subject matter of this Act must be reduced to the following question:

"Do you favor the dissolution of the Monhegan Water Company and the acquisition of the assets and liabilities of the Monhegan Water Company by Monhegan Plantation for the purpose of establishing and operating the Monhegan Plantation water district?"

The result of the vote must be declared by the Monhegan Plantation board of assessors and due certificate of the vote must be filed by the plantation's clerk with the Secretary of State. If a majority of the legal voters of Monhegan Plantation voting at a regular or special election called and held no later than June 30, 2024 vote in favor of the question, the provisions of this Act other than section 10 take effect for all purposes upon certification of that vote, and section 10 of this Act takes effect for all purposes on January 1, 2025.

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

Effective pending referendum.

CHAPTER 18

S.P. 916 - L.D. 2160

An Act to Provide for the 2024 and 2025 Allocations of the State Ceiling on Private Activity Bonds

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

Whereas, the Maine Revised Statutes, Title 10, section 363 and Private and Special Law 2023, chapter 5 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2024 but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of

private activity bonds that may require an allocation prior to the effective date of this Act if it is not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to the lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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:

Sec. 1. Allocation to the Treasurer of State.

The \$5,000,000 of the state ceiling on private activity bonds for calendar year 2024 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2024. Five million dollars of the state ceiling for calendar year 2025 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

Sec. 2. Allocation to the Finance Authority of Maine, including as successor to the Maine Educational Loan Authority.

The \$100,000,000 of the state ceiling on private activity bonds for calendar year 2024 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2024. The \$20,000,000 of the state ceiling on private activity bonds for calendar year 2024 previously allocated to the Finance Authority of Maine as successor to the Maine Educational Loan Authority remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2024. An additional \$105,000,000 of the state ceiling on private activity bonds for calendar year 2024, previously unallocated, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsections 6 and 8. One hundred ninety-five million dollars of the state ceiling for calendar year 2025 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsections 6 and 8.

Sec. 3. Allocation to the Maine Municipal Bond Bank.

The \$10,000,000 of the state ceiling on private activity bonds for calendar year 2024 previously

allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2024. Ten million dollars of the state ceiling for calendar year 2025 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to the Maine State Housing Authority. The \$50,000,000 of the state ceiling on private activity bonds for calendar year 2024 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2024. An additional \$50,000,000 of the state ceiling on private activity bonds for calendar year 2024, previously unallocated, is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4. One hundred million dollars of the state ceiling for calendar year 2025 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4.

Sec. 5. Unallocated state ceiling. Thirty-eight million two hundred thirty thousand dollars of the state ceiling on private activity bonds for calendar year 2024 is unallocated and must be reserved for future allocation in accordance with applicable laws. Sixty-eight million two hundred thirty thousand dollars of the state ceiling for calendar year 2025 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective March 14, 2024.

CHAPTER 19

H.P. 1404 - L.D. 2190

An Act to Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2025

Be it enacted by the People of the State of Maine as follows:

Sec. 1. Allocation. Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2025 must be segregated, apportioned and disbursed as designated in the following schedule.

MAINE TURNPIKE AUTHORITY		2025
Administration		
	Personal Services	\$1,346,428
	All Other	1,761,142
	TOTAL	\$3,107,570
Accounts and Controls		
	Personal Services	\$4,347,550
	All Other	1,954,469
	TOTAL	\$6,302,019
Highway Maintenance		
	Personal Services	\$6,729,527
	All Other	4,789,896
	TOTAL	\$11,519,423
Equipment Maintenance		
	Personal Services	\$1,546,143
	All Other	3,319,765
	TOTAL	\$4,865,908
Fare Collection		
	Personal Services	\$10,754,787
	All Other	4,704,482
	TOTAL	\$15,459,269
Public Safety and Special Services		
	Personal Services	\$641,677
	All Other	8,056,668
	TOTAL	\$8,698,345
Building Maintenance		
	Personal Services	\$817,109
	All Other	722,382
	TOTAL	\$1,539,491
	Subtotal of Line Items Budgeted	\$51,492,024
	General Contingency - 10% of line items budgeted for 2025 (10% allowed)	\$5,149,203
MAINE TURNPIKE AUTHORITY		
TOTAL REVENUE FUNDS		\$56,641,227

Sec. 2. Transfer of allocations. Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the

Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

Sec. 3. Encumbered balance at year-end. At the end of each calendar year, encumbered balances may be carried to the next calendar year.

Sec. 4. Supplemental information. As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2025 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2025, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

Turnpike Revenue Bond Resolution Adopted April 18, 1991; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsections 1 and 2-A	2025
Debt Service Fund	\$41,488,028
Reserve Maintenance Fund	42,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	41,771,152
Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A	2,442,800
TOTAL	<u>\$127,701,980</u>

See title page for effective date.

CHAPTER 20
S.P. 974 - L.D. 2257

An Act to Allow School Administrative District No. 52 to Issue Temporary Notes for a Wastewater Treatment Project

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

Whereas, School Administrative District No. 52, referred to in this preamble as "the district," owns and operates a wastewater treatment plant in the Town of Turner for its school facilities and other private users; and

Whereas, the Department of Environmental Protection authorized a project to replace the wastewater treatment plant with a new system with subsurface disposal to address overboard discharge affecting the Nezinscot River; and

Whereas, the voters of the district authorized the issuance of up to \$1,612,000 in bonds to fund the wastewater treatment project; and

Whereas, on March 31, 2021, the district issued a temporary note in the principal amount of \$1,612,000 through the State's Clean Water State Revolving Fund to provide temporary financing for the wastewater treatment project through project completion; and

Whereas, the wastewater treatment project has been unexpectedly delayed due to the COVID-19 emergency and difficulties locating a suitable site for subsurface disposal and is not expected to be completed until August 2025; and

Whereas, under state law, temporary notes issued by the district must mature not later than 3 years from the date the first temporary note is issued; and

Whereas, under the Clean Water State Revolving Fund, the district may not issue long-term bonds for the project until the project is completed; and

Whereas, the unexpected delays have made it necessary for the district to issue temporary notes later than 3 years from the date the first temporary note was issued; 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:

Sec. 1. Validation and authorization. Notwithstanding the Maine Revised Statutes, Title 20-A, section 1311, subsection 3, paragraph C, School Administrative District No. 52, referred to in this section as "the district," may issue temporary notes in a total principal amount not to exceed \$1,612,000 that mature not later than March 31, 2026 as necessary to finance a project authorized by the Department of Environmental Protection to replace the wastewater treatment plant with a new system with subsurface disposal in the Town of Turner. The district may, as necessary, issue refunding notes or renewal notes pursuant to this section. Any refunding notes or renewal notes issued pursuant to this section must meet the same requirements applicable to temporary notes as described in this section.

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

Effective March 28, 2024.

CHAPTER 21

S.P. 964 - L.D. 2242

An Act to Set a Debt Limit for the Anson and Madison Water District

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

Whereas, the Anson and Madison Water District's water main replacement project is under way and the district is paying invoices using a temporary loan; and

Whereas, the temporary financing can be converted to permanent financing only if the district's charter contains a debt limit sufficient to cover the district's debt; and

Whereas, the district is facing an untenable situation as its loan balance increases without having the certainty that its interim financing can be converted to permanent financing and this situation must be ameliorated as soon as possible; 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:

Sec. 1. P&SL 2011, c. 6, §2, sub-§1 is enacted to read:

1. District debt limit. Notwithstanding any provision of the Maine Revised Statutes, Title 35-A, chapter 64 to the contrary, the trustees may issue bonds, notes or other evidences of indebtedness payable within a period of more than 12 months after the date of issuance up to a total amount of \$20,000,000.

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

Effective April 9, 2024.

CHAPTER 22

S.P. 897 - L.D. 2104

An Act to Amend the Charter of the Wiscasset Water District

Be it enacted by the People of the State of Maine as follows:

Sec. 1. P&SL 1983, c. 82, §1 is amended to read:

Sec. 1. Territorial limits; name; purposes. ~~Subject to section 16, the~~ The inhabitants and territory within the Town of Wiscasset ~~shall constitute and the~~ Town of Edgecomb constitute a quasi-municipal corporation under the name of "Wiscasset Water District" for the purpose of supplying the inhabitants of the district with pure water for domestic, sanitary, manufacturing and municipal purposes. All incidental rights, powers and privileges necessary to the accomplishment of the main objectives set forth in this Act are granted to the Wiscasset Water District.

Sec. 2. P&SL 1983, c. 82, §1, sub-§1 is enacted to read:

1. Additional powers; water supply. The district is authorized to supply water to existing customers in the Town of Woolwich as allowed by the final order in Public Utilities Commission Docket No. 85-8, dated January 17, 1985. The district may also supply water to residents in the Town of Woolwich who are located outside the territory of the district to the extent permitted under and in accordance with applicable laws and rules and subject to approval by the Public Utilities Commission if required by the Maine Revised Statutes, Title 35-A.

Sec. 3. P&SL 1983, c. 82, §1, sub-§2 is enacted to read:

2. Additional powers; contracting with Wiscasset Wastewater Department. The district is authorized to contract with the Town of Wiscasset for the management, oversight, operations and billing

related to the functions of the Wiscasset Wastewater Department.

Sec. 4. P&SL 1983, c. 82, §8, first ¶ is amended to read:

Sec. 8. Board of trustees. All of the affairs of the district ~~shall be~~ are managed by a board of trustees composed of 5 members, ~~4 members~~ who are legal voters of the Town of Wiscasset ~~and one member who is a legal voter of the Town of Edgecomb. Initially the trustees shall be chosen by the municipal officers of Wiscasset.~~ Each trustee ~~shall serve~~ serves for a term of 3 years, ~~except that the initial trustees shall serve the following terms: One trustee shall serve until the next March town meeting; 2 trustees shall serve until the 2nd March town meeting; and 2 trustees shall serve until the 3rd March town meeting after the initial trustees are appointed. At the first meeting, the initial trustees may determine by agreement, or failing to agree, they shall determine by lot the term of office of each trustee. The term of office of the trustees shall end a trustee ends~~ at the annual town meeting ~~held in March for the town of which that trustee is a legal voter.~~ Whenever the term of office of a trustee ~~will expire~~ expires at the next town meeting ~~for the town of which that trustee is a legal voter,~~ a successor ~~shall must~~ be elected by secret ballot at the regular yearly municipal election ~~for the town of which that trustee is a legal voter to serve the full term of 3 years. In case any other vacancy arises, it shall must be temporarily filled by appointment by the selectmen members of the select board of the Town of Wiscasset with regard to a trustee who is a legal voter of the Town of Wiscasset or of the Town of Edgecomb with regard to the trustee who is a legal voter of the Town of Edgecomb, and shall must be permanently filled for the unexpired term at the next regular yearly town election for the town of which that trustee is a legal voter.~~ When any trustee ceases to be a resident of the Town of Wiscasset ~~with regard to a trustee who is a legal voter of the Town of Wiscasset or the Town of Edgecomb with regard to the trustee who is a legal voter of the Town of Edgecomb,~~ ~~he that person~~ vacates the office of trustee.

Sec. 5. Transition; trustees in office. Trustees of the Wiscasset Water District in office on the effective date of this Act may continue in office for the remainder of their terms. Notwithstanding Private and Special Law 1983, chapter 82, section 8, as amended by this Act, a legal voter of the Town of Edgecomb must be the successor to the trustee who is a legal voter of the Town of Wiscasset whose term expires first after the effective date of this Act or whose position is otherwise vacant prior to the expiration of that trustee's term. In the event that a trustee who is a legal voter of the Town of Wiscasset vacates that trustee's position prior to the expiration of that trustee's term and before the election of the first trustee who is a legal voter of the Town of Edgecomb, the vacancy must be temporarily filled for the unexpired term by appointment by the members of

the select board of the Town of Edgecomb of a trustee who is a legal voter of the Town of Edgecomb.

Sec. 6. Referendum; effective dates. Except as provided in section 7 of this Act, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters within the Town of Wiscasset and the Town of Edgecomb at elections called for that purpose and held within 3 years of the effective date of this Act. The elections must be called, advertised and conducted according to the law relating to municipal elections. The registrars of the Town of Wiscasset and the Town of Edgecomb shall make a complete list of all eligible voters of the proposed district as described in Private and Special Law 1983, chapter 82, section 1, as amended by this Act. The list prepared by the registrars governs the eligibility of a voter to vote in an election pursuant to this Act. For the purpose of registration of voters, the registrars of voters must be in session the secular day preceding the election. An election must be called by the municipal officers of each of the 2 towns named in this section and must be held at the regular voting places. The subject matter of this Act is reduced to the following question:

"Do you favor expanding the Wiscasset Water District's service territory to include the entire Town of Edgecomb?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Wiscasset and the Town of Edgecomb and due certificate of the results filed by the towns' clerks with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters voting at the elections. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, as long as the referenda are held within 3 years of the effective date of this Act.

Sec. 7. Effective date; Woolwich customers and contracting with Wiscasset Wastewater Department. Sections 2 and 3 of this Act take effect for all purposes 90 days after the adjournment of the Second Regular Session of the 131st Legislature.

Effective pending referendum, unless otherwise indicated.

CHAPTER 23
S.P. 986 - L.D. 2270

An Act to Create the Lincoln Mill Facilities District

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

Whereas, since 2017, the Town of Lincoln has been working to acquire, remediate and redevelop the former mill site known as the Lincoln Pulp and Paper Mill and the Lincoln Paper and Tissue mill site; and

Whereas, the Town of Lincoln intends to advance economic development activities to redevelop the mill site and encourage responsible development of the surrounding area, including, but not limited to, industrial and related investments, improvements and businesses; and

Whereas, the Town of Lincoln has identified key infrastructure and related services needed to support these economic development activities, including, but not limited to, wastewater treatment and other infrastructure and related services for industrial users; and

Whereas, the establishment through a private and special law of the Lincoln Mill Facilities District for the provision of infrastructure and related services is necessary to support the Town of Lincoln's efforts to secure federal funds to transform the Town of Lincoln's economy, including the development and financing of the infrastructure and related services; and

Whereas, the Town of Lincoln is presently engaged in securing financing for the acquisition, remediation and redevelopment of the mill site, which requires the creation of a district by state legislation, for infrastructure and related services; and

Whereas, it is vital that construction of these infrastructure and related services be developed and financed as soon as possible in order to maximize the benefits and economic potential for the Town of Lincoln; 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:

Sec. 1. Territorial limits; name. The Lincoln Mill Facilities District is established in the following territory, which includes the so-called Lincoln Paper and Tissue mill site: all the property other than the

properties described in subsection 1 within the portion of the Town of Lincoln bounded on the southwesterly side by Park Avenue running northwesterly to the Town of Lincoln's transfer station and to the property of the Lincoln Regional Airport and then along and around the airport property boundary to the Penobscot River, encompassing the airport property; on the northwesterly side by the Penobscot River; on the northeasterly side by and along the northeasterly Lincoln Paper and Tissue mill site and Town of Lincoln property boundary that runs parallel to Haynes Street and an extension thereof to the Penobscot River; on the easterly side by the railroad track that runs parallel to Main Street; and on the southeasterly side by United States Route 2.

1. The territory does not include the following properties within the Town of Lincoln designated as: 43, 49, 55, 93 and 95 West Broadway; 2 - 4, 6 - 9, 11 and 13 - 18 Katahdin Avenue; 1 - 2, 4 - 8, 10 - 13 and 15 Spring Street; and 25 and 29 Park Avenue as of the effective date of this Act.

Sec. 2. Purpose. The district is authorized to provide infrastructure and related services to properties and persons within its territorial limits. The district may also provide infrastructure and related services to properties and persons outside of the district territory upon petition by the property owner or person to the district subject to the limitations in this section.

If the infrastructure and related services petitioned for are not public utility services and are in a geographic area in which another entity is authorized to provide such infrastructure and related services, the infrastructure and related services provided by the district may not materially conflict with the infrastructure and related services provided by the other entity or the growth boundaries planned by the other entity.

If the infrastructure and related services petitioned for are public utility services and are in a geographic area in which a public utility is providing or is authorized to provide such infrastructure and related services, the district's provision of infrastructure and related services must comply with applicable provisions of the Maine Revised Statutes, Title 35-A.

Sec. 3. Definitions. As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Bond. "Bond" means a bond or note or other evidence of indebtedness authorized under this Act, whether issued under or pursuant to a bond resolution, trust indenture, loan or other security agreement, including revenue bond financing.

2. District. "District" means the Lincoln Mill Facilities District as established in this Act.

3. Infrastructure and related services. "Infrastructure and related services" means services that

include wastewater treatment, including sewer and sanitary services, for commercial and industrial users; water service for industrial purposes, including cooling water, but not for municipal or domestic use; and services incidental to providing and facilities and infrastructure necessary to provide such wastewater treatment and water service.

4. Operating revenues. "Operating revenues" means funds available to the district from fees, fares, royalties, sales, rental or sale of property and miscellaneous revenue and interest not otherwise pledged or dedicated.

5. Real or personal property. "Real or personal property" means those properties and assets existing within or properties served by the district.

6. Reconstruction. "Reconstruction" means any activities undertaken to maintain or improve the infrastructure and facilities of the district, or any part of those facilities, as modern, safe and efficient facilities and includes, but is not limited to, any rebuilding, redesign, improvement or enlargement of the real properties or environmental mitigation activities within the district.

Sec. 4. Powers. The district may:

1. Sue and be sued. Sue and be sued;

2. Bylaws or rules. Adopt bylaws or rules consistent with this Act for the governance of its affairs and the operation of its facilities and as necessary to carry out the provisions of this Act;

3. General powers. Exercise all of the general powers of corporations under the Maine Revised Statutes, Title 13-C, section 302;

4. Public safety. Provide for the public safety by imposing appropriate rules, regulating appropriate use of the facilities and enforcing laws and rules as they apply to the use of the facilities operated by the district;

5. Fees, charges, rents and sales. Charge and collect fees, charges and rents for services, sell any products or by-products derived from or related to the provision of infrastructure and related services and use the proceeds of those fees, charges, rents and sales for the purposes provided in this Act, both subject to and in accordance with any agreement with bondholders that may be made as provided in this Act;

6. Licenses and permits. Apply for licenses and permits required to provide infrastructure and related services authorized by this Act;

7. Land and facilities. Own land, and own, construct, manage and maintain associated facilities, necessary for the provision of infrastructure and related services. The district may transfer properties and issue easements required for those facilities and may own properties and facilities jointly or in common with other public and private entities;

8. Government contracts. Contract with the Federal Government or its instrumentalities or agencies, the State or its agencies, instrumentalities or municipalities, public bodies, private corporations, partnerships, associations and individuals in furtherance of and to carry out the purposes of this Act;

9. Financial assistance. Borrow money and apply for and accept advances, loans, grants, contributions and other forms of financial assistance from the Federal Government, the State, municipalities, quasi-municipal entities or other public bodies or from other sources, public or private, for the purposes of this Act, give any security that is required and enter into and carry out contracts in connection with that financial assistance;

10. Bonds. Enter into loan or security agreements with lending institutions for the issuance of bonds and exercise with respect to those loan or security agreements the powers under this Act for the issuance of bonds;

11. Operating revenues; facilities. Provide from operating revenues for the ownership, maintenance, construction or reconstruction or operation of facilities to ensure the public safety for which the district has not otherwise provided; and

12. Other actions. Take other lawful actions necessary and incidental to these powers.

Sec. 5. Trustees, appointment; tenure of office; vacancies; first meeting and organization of board; transition provisions; annual report. The affairs of the district are managed by a board of trustees composed of 5 trustees who are chosen as provided in this section.

The trustees of the first board of trustees are appointed to initial terms, and thereafter trustees are appointed, by the town council of the Town of Lincoln, with one council member serving as a direct representative of the Town of Lincoln. Trustees need not be residents of the Town of Lincoln except for the trustee serving as a direct representative of the council. Each trustee is initially appointed to a one-year, 2-year, 3-year, 4-year or 5-year term in order to create staggered terms for the full board of trustees. Vacancies are filled by appointment by the council for the unexpired term.

As soon as convenient after their appointments, the first board of trustees shall hold a meeting at some convenient place in the Town of Lincoln, to be called by any trustee thereof in writing, designating the time and place and delivered to the other 4 trustees, not less than 7 days before the meeting. The board shall then organize by electing from their own members a chair and a clerk. The board shall choose a treasurer of the district, adopt a corporate seal and bylaws and perform other acts within the powers delegated to the board by law. The board may choose and fix the compensation of any other necessary officers and agents, who serve at

the pleasure of the board. The treasurer shall furnish bond in such sum and with such sureties as the trustees approve, the cost thereof to be paid by the district. Members of the board are eligible to serve in any office of the board. The board may employ an executive director, technical experts and other agents and employees, permanent and temporary, that the board requires and may determine their qualifications, duties and compensation. For required legal services, the board may employ or retain the board's own counsel and legal staff.

The trustees must be sworn in to faithfully perform their duties, which include the duties of a member who serves as clerk or clerk pro tem. The trustees shall make and publish an annual report, including a report of the treasurer.

After the appointment of the first board of trustees, subsequent trustees are appointed by the council to 5-year terms in accordance with this section.

Sec. 6. Property tax-exempt. The property, rights and franchises of the district are forever exempt from taxation.

Sec. 7. Authorization to borrow money and to issue bonds and notes. For accomplishing the purposes of this Act, the district, by resolution of the board of trustees, is hereby authorized to borrow money temporarily and to issue its negotiable notes and, for the purpose of renewing and refunding the indebtedness so created, of paying necessary expenses and liabilities incurred under the provisions of this Act, including organizational and other necessary expenses and liabilities, and in acquiring properties, paying damages, laying sewers, drains and conduits, constructing, maintaining and operating a sewage plant or system and making renewals, extensions, additions and improvements to the same, and to cover interest payments during the period of construction. The district, by resolution of the board, is also hereby authorized to issue bonds, notes or other evidence of indebtedness of the district in one series, or in separate series, in an amount or amounts at such rates of interest and on such terms and conditions as the board determines. The bonds, notes and other evidence of indebtedness are legal obligations of the district and may be secured by the revenues of and properties owned by the district and must bear the seal of the district and must be signed by the treasurer of the district and countersigned by the chair of the board, and any attached interest coupons must bear the facsimile of the signature of the treasurer. The district may refund and reissue in one series, or in separate series, its bonds, notes and other evidence of indebtedness, and each authorized issue constitutes a separate loan. All bonds issued by the district are legal investments for savings banks in the State and are tax-exempt.

Sec. 8. Rates and tolls; application of revenues. Except as otherwise established through a

specific infrastructure, services or comparable agreement with the district, all persons and corporations, whether public, private or municipal, shall pay to the treasurer of the district the entrance rates, tolls, rents and charges and other lawful charges established by the trustees for the wastewater treatment, including sewer and sanitary services, and water services used, or to which such beneficial services are available with respect to their lots or parcels of land, and, in determining real estate interests, the term "real estate" as defined in the general laws of the State pertaining to sewer and sanitary districts may be applied by the trustees.

The entrance rates, tolls, rents and charges and other lawful charges for infrastructure and related services may be so established as to provide revenue for the following purposes:

1. Expenses. To pay expenses for operating and maintaining the sewer and water system; and

2. Principal and interest; reserves. To provide for the payment of the principal and interest on the indebtedness created by the district and to create such reserves as may be necessary for the operation of the district.

Sec. 9. Lien for payment of rates. Except as otherwise established through a specific infrastructure, services or comparable agreement with the district, there is a lien to secure the payment of rates, tolls, rents and charges established under section 8 and legally assessed on real estate within the district, which takes precedence over all other claims on such real estate, excepting only claims for taxes.

The treasurer of the district may sue for and collect the rates, tolls, rents and charges, all of which must be committed to the treasurer.

In addition to other methods previously established by law for the collection of the rates, tolls, rents and charges, the lien created pursuant to this section may be enforced pursuant to this section, as long as in making the assessment there is a description of the real estate served by the several sewers of the district sufficiently accurate to identify the real estate against which any of the several rates, tolls, rents and charges may be levied. When a rate, toll, rent or charge has been committed to the treasurer for collection, the treasurer may, after the expiration of 8 months and within one year after date of commitment, in the case of a person residing in the town where the rate, toll, rent or charge is assessed, give to the person against whom the same is assessed, or leave at the person's last and usual place of abode, a notice in writing signed by the treasurer stating the amount of the rate, toll, rent or charge and describing the real estate on which it is assessed, alleging that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or charge and demanding its payment within 10 days after the service of the notice. After the expiration of the

10 days and within 2 days thereafter in the case of a resident of the town where the rate, toll, rent or charge is assessed and in all other cases within one year from the date of commitment of the rate, toll, rent or charge to the treasurer, the treasurer shall record in the registry of deeds of Penobscot County a certificate signed by the treasurer setting forth the amount of such rate, toll, rent or charge, a description of the real estate on which the same is assessed and an allegation that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or charge, that a demand for payment of the same has been made in accordance with the provisions of this Act and that the rate, toll, rent or charge remains unpaid. In all cases, except in the case of a resident of the town where the rate, toll, rent or charge is assessed, the certificate so filed need not contain the allegation that payment of the rate, toll, rent or charge has been demanded. At the time of the recording of the certificate in the registry of deeds pursuant to this section, the treasurer shall file in the office of the district a true copy of the certificate and also mail by registered letter to each record holder of a mortgage on the real estate, addressed to each at the record holder's last and usual place of abode, a true copy of the certificate. The fee to be charged for such notice and filing is \$1 plus the fee of the registry of deeds for the filing; these fees become an expense of the person owing the rate, toll, rent or charge. The filing of a certificate in the registry of deeds pursuant to this section creates a mortgage on the real estate to the district having priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually incident to a mortgage, except that the mortgagee does not have any right of possession of the real estate until the right of redemption under this section has expired.

If the mortgage, together with interest and costs, is not paid within 18 months after the date of filing of the certificate in the registry of deeds pursuant to this section, the mortgage is foreclosed and the right of redemption expires.

The filing of the certificate in the registry of deeds is sufficient notice of the existence of the mortgage provided for in this section.

If the rate, toll, rent or charge with interest and costs is paid within the period of redemption provided for in this section, the treasurer of the district shall discharge the mortgage in the same manner as is provided for discharge of real estate mortgages.

Sec. 10. Use of operating revenues. Operating revenues may be used pursuant to this section.

1. Principal use of revenues. Operating revenues must be used principally to support facilities owned or operated by the district.

2. Permitted liability limited. Except as otherwise established through an agreement to provide

funds outside of this Act, the expenses incurred in carrying out this Act must be paid solely from funds provided pursuant to this Act, and no liability or obligation may be incurred pursuant to this Act beyond the extent to which money has been provided pursuant to this Act or as otherwise authorized by an agreement to provide funds outside of this Act.

Sec. 11. Property of district. The district holds property pursuant to this section.

1. Lease or sale. Property may be leased or sold to accomplish the purpose or reuse of the district as determined appropriate by the district. Resources acquired as a result of the lease or sale of property become operating revenues or assets of the district.

2. Entry upon lands. The district and its authorized agents and employees may enter upon lands, waters and premises in the district for the purpose of making surveys, soundings, drillings and examinations that the district determines necessary or convenient for the purposes of this Act. The entry is not a trespass, but the district is liable for damages the entry creates.

3. Authority for transfers of interest in land to district. Notwithstanding any provision of law to the contrary, upon district request, on reasonable and fair terms and conditions and without the necessity for advertisement, order of court or action or formality other than the regular and formal action of the authorities concerned and those of counties, municipalities, public agencies or instrumentalities of the State, public service corporations, special districts and private entities, a county, municipality, public agency or instrumentality of the State, public service corporation, special district or private entity may lease, lend, grant or convey to the district real or personal property or rights in that property that may be necessary or convenient for the effectuation of the authorized purposes of the district, including real or personal property or rights in that property already devoted to public or private use. As used in this subsection, "public service corporation" includes a public utility as defined in the Maine Revised Statutes, Title 35-A, section 102, subsection 13 and a corporation as defined in Title 13-C, section 102, subsection 4.

Sec. 12. Right of eminent domain conferred. The district is expressly granted the right of eminent domain and for the purposes of this Act is authorized to take and hold, either by exercising its right of eminent domain or by purchase, lease or otherwise, as for public uses any land, easements or interests in land or easements and any rights necessary for constructing, establishing, maintaining, operating or providing any infrastructure or related services authorized by this Act.

Sec. 13. Procedure under eminent domain. In exercising the right of eminent domain, the district by its board of trustees shall file in the office of the

county commissioners of Penobscot County and cause to be recorded in the registry of deeds in Penobscot County plans of the location of all lands or interests in lands or sewers or sewer rights to be taken, with an appropriate description and the names of the owners thereof, if known. When, for any reason, the district fails to acquire property that it is authorized to take and that is described in such a location, or if the location so recorded is defective and uncertain, it may, at any time, correct and perfect the location and file a new description thereof, and in such case the district is liable in damages only for property for which the owner had not previously been paid, to be assessed as of the time of the original taking, and the district is not liable for any acts that would have been justified if the original taking had been lawful. Entry may not be made on any private lands, except to make surveys, until the expiration of 10 days from such filing, whereupon possession may be had of all of those lands or interests in those lands or property or rights to be taken, but title to lands or interest in those lands or property or rights does not vest in the district until payment for the land or interest in land or property or rights.

Sec. 14. Assessment of damages by county commissioners; procedure on appeals. If a person sustaining damages by any taking pursuant to this Act does not agree with the district upon the sum to be paid for damages, either party, upon petition to the county commissioners of Penobscot County within 60 days of the offer for damages, may have the damages assessed by them; the procedure and all subsequent proceedings and right of appeal must be had under the same restrictions, conditions and limitations as are or may be by law prescribed in the case of damages by the laying out of highways.

Sec. 15. Limitations on crossing public utility or sewer or sanitary district. In case of a crossing of a public utility, unless consent is given by the company or entity owning or operating the public utility as to place, manner and conditions of the crossing within 30 days after consent is requested by the district, the Public Utilities Commission may determine the place, manner and conditions of the crossing and all work on the property of the public utility must be done under the supervision and to the satisfaction of the public utility, but at the expense of the district. This section may not be construed to authorize the district to take by right of eminent domain any of the property or facilities of any other public utility used or acquired for future use by the owner of that public utility in the performance of a public duty unless expressly authorized pursuant to this Act or by subsequent act of the Legislature.

In the case of a crossing of the property of another entity providing sewer or sanitary services, unless consent is given by the company or entity providing such services as to place, manner and conditions of the crossing within 30 days after consent is requested by the

district, the parties shall submit the dispute for arbitration. The parties may agree on an arbitrator or, in the event that the parties cannot agree, a panel of 3 arbitrators shall determine the dispute. The panel of 3 arbitrators must include an arbitrator selected by each of the parties from the panels of arbitrators offered by the Administrative Office of the Courts, Court Alternative Dispute Resolution Service created in the Maine Revised Statutes, Title 4, section 18-B or by the American Arbitration Association or its successor organization and a 3rd arbitrator selected by the 2 arbitrators selected by the parties. The arbitration must be conducted in accordance with the rules of the American Arbitration Association or its successor organization for the conduct of commercial arbitration proceedings. Both parties are bound by the decision of the arbitrator, and costs associated with the arbitration must be shared equally between the parties. Either party may appeal the decision of the arbitrator, to the Superior Court. The arbitrator shall determine the place, manner and conditions of the crossing. All work on the property of another entity providing sewer or sanitary services must be done under the supervision and to the satisfaction of that entity, but at the expense of the district.

Sec. 16. Excavation or repair work, closing of ways. Whenever the district enters, digs up or excavates a public way or other land for the purpose of laying its sewers or pipes, constructing manholes or catch basins or their appurtenances or maintaining the same or for any other purpose, the work must be expeditiously done with the least possible interruption and, on completion of the work, the district shall restore the public way or land to the condition it was in prior to the work or to a condition equally as good.

When the work endangers travel on a public way, the municipal officers of the Town of Lincoln may order a temporary closing of the public way and of any intersecting way upon request of the district, and the way must remain closed to public travel until the municipal officers consider it restored to a condition safe for traffic.

Sec. 17. Sanitary provisions and penalty for violations. Except as otherwise established through a specific infrastructure, service or other comparable agreement with the district, a person who places or leaves any offensive or injurious matter or material on or in the conduits, catch basins or receptacles of the district contrary to its regulations or willfully injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by the district for the purposes of this Act is liable to pay twice the amount of the damages to the district, to be recovered in a proper action.

Sec. 18. Water services. In providing water services authorized under this Act, the district is authorized to contract for, own and lay pipes, pumps,

drains and other facilities and provide and make arrangements for water for common use within the district, except that the district may not provide water for municipal or domestic use.

Sec. 19. Wastewater, sewer and sanitary services. In providing wastewater services for commercial and industrial users authorized under this Act, the district is authorized to contract for, own and lay pipes, pumps and drains and design, construct, improve, repair, maintain, operate, provide and make arrangements for wastewater treatment facilities and services, including sewer and sanitary services. The district may not provide wastewater services, including sewer and sanitary services, for domestic sewage.

Sec. 20. Incidental services. The district is authorized to contract for, own, construct, repair, maintain, operate, provide and make arrangements for infrastructure and related services incidental to and comparable to those authorized by this Act to any customer the district is authorized to serve, including buildings and facilities on the Lincoln Paper and Tissue mill site as needed, and is authorized to construct roads for common use within the district.

Sec. 21. Provisions applicable to all sewer districts not applicable. To the extent that any part of the district's charter is not in conformity with the following provisions of the Maine Revised Statutes in Title 38, the applicable provisions of this Act apply and the provisions of Title 38, section 1036, subsection 7; section 1037; section 1040; section 1042; section 1045; section 1046, subsections 1 and 4; and section 1048, subsection 1, paragraph B and subsection 5 do not apply.

Sec. 22. Dissolution provision. Upon dissolution or liquidation of the district, and upon acceptance by the municipal officers of the Town of Lincoln of that dissolution or liquidation, title to all of the district's property vests in the Town of Lincoln as the municipality participating in the efforts of the district.

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

Effective April 16, 2024.

CHAPTER 24

S.P. 1001 - L.D. 2288

An Act to Allow a Member of the Town of Perham Select Board to Facilitate the Election to Vacant Seats on the Select Board and to Approve and Sign Disbursement Warrants

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

Whereas, the Town of Perham Select Board does not have the quorum of members required to carry out the functions of the Select Board; and

Whereas, without the election of additional members to the Select Board to ensure a quorum, the functions of the Select Board will not be carried out; 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:

Sec. 1. Town of Perham temporary authority of a member of the Select Board; filling vacancies through appointment. A member of the Town of Perham Select Board may appoint a municipal clerk, registrar of voters and treasurer to fill existing vacancies for the purpose of facilitating an election to fill empty seats on the Select Board. The terms of these appointments end upon the election of a quorum to the Select Board unless the appointees are later confirmed as otherwise required by law or procedure.

Sec. 2. Town of Perham authority of a member of the Select Board; authority to call town meetings and elections and designate shortened paper process. A member of the Town of Perham Select Board may issue a warrant calling a town meeting and an election to fill the vacancies on the Select Board pursuant to the Maine Revised Statutes, Title 30-A, sections 2521 and 2528. A member of the Select Board may also designate a shortened nomination paper process for the election pursuant to Title 30-A, section 2528, subsection 4, paragraph E and may appoint the necessary number of ballot clerks to carry out the election pursuant to Title 30-A, section 2528, subsection 8.

Sec. 3. Town of Perham authority of a member of the Select Board; disbursement warrants. Until a quorum of members is elected to the Town of Perham Select Board, a member of the Select Board may approve and sign disbursement warrants under the Maine Revised Statutes, Title 30-A, section 5603, subsection 2.

Sec. 4. Town of Perham authority of a member of the Select Board; general assistance program administration. Until a quorum of members is elected to the Town of Perham Select Board, a member of the Select Board may approve any general assistance applications and perform any necessary functions to administer the Town of Perham's general assistance program that would otherwise require a quorum of members.

Sec. 5. Repeal. This Act is repealed December 31, 2024.

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

Effective April 16, 2024.

**RESOLVES OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
2023**

**CHAPTER 127
H.P. 1407 - L.D. 2196**

**Resolve, to Authorize the Chief
Justice of the Supreme Judicial
Court to Arrange the
Constitution of Maine to
Incorporate Amendments
Approved at the November
2023 Referendum**

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

Whereas, the Constitution of Maine, Article X, Section 6 requires the Chief Justice of the Supreme Judicial Court to arrange the Constitution of Maine and submit the arrangement to the Legislature once every 10 years, unless sooner authorized by the Legislature; and

Whereas, the Chief Justice performed this requirement in the spring of 2023; and

Whereas, in November 2023, 2 amendments to the Constitution of Maine were approved by the voters at referendum; and

Whereas, in order to ensure that the Constitution of Maine is as up to date as possible and avoid printing of versions of the Constitution of Maine that are incomplete and incorrect, it is necessary that the Chief Justice prepare an arrangement of the Constitution of Maine that includes the 2 amendments that were approved in November 2023; 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. Chief Justice authorized to prepare arrangement of Constitution of Maine reflecting changes approved at November 2023 referendum. Resolved: That, pursuant to the Constitution of Maine, Article X, Section 6, the Chief Justice of the Supreme Judicial Court is authorized to arrange the Constitution of Maine and include in that arrangement the amendments to the Constitution of Maine approved by the voters at referendum in November 2023.

Sec. 2. Amendments to be included in arrangement of Constitution of Maine. Resolved: That the following constitutional resolutions approved by the voters at the November 2023 referendum must be included in the arrangement authorized pursuant to section 1:

1. Constitutional Resolution 2023, chapter 1: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require All Provisions in the Constitution to Be Included in the Official Printing; and

2. Constitutional Resolution 2023, chapter 2: RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding the Timing of Judicial Review of the Determination of the Validity of Written Petitions.

Sec. 3. Submission to Legislature. Resolved: That the Chief Justice of the Supreme Judicial Court shall submit the arrangement authorized by this resolve to the Legislature no later than 30 days following the effective date of this resolve.

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

Effective February 8, 2024.

**CHAPTER 128
S.P. 861 - L.D. 2033**

**Resolve, Authorizing the
Director of the Bureau of Parks
and Lands to Convey a Parcel
of Land in the Town of
Woodstock**

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.

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 1851; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain land in Woodstock. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may by quitclaim deed convey without covenant, on other terms and conditions as the director may direct, the State's interest in a 0.34-acre parcel on the Dolloff Road in Woodstock near Concord Pond identified as Parcel 2 of Parcel A on Sheet #5 of a survey recorded as Plan #1401 in the Oxford County Registry of Deeds. The cost of a survey of the property boundaries and recording costs may not be paid by the bureau.

See title page for effective date.

CHAPTER 129

H.P. 1405 - L.D. 2192

Resolve, to Ensure That the Independent Commission to Investigate the Facts of the Tragedy in Lewiston Has Necessary Authority to Discharge Its Fact-finding Mission

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

Whereas, Governor Janet T. Mills, by executive order of November 9, 2023, established the Independent Commission to Investigate the Facts of the Tragedy in Lewiston; and

Whereas, the independent commission was established for the purpose of conducting a thorough and objective investigation into the facts and circumstances of what happened on that tragic night in Lewiston, the months that led up to it and the police response to it; and

Whereas, the families of the victims and all people of the State deserve to know the truth about what happened; and

Whereas, in order to fulfill its fact-finding mission, the independent commission requires the ability to issue subpoenas to compel the testimony of witnesses and the production of documents and have access to agency records that may not otherwise be subject to disclosure under state law; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order for the independent commission to complete its work in a timely fashion; 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. Definitions. Resolved: That, as used in this resolve, the following terms have the following meanings.

1. "Chair" means the chair of the independent commission.

2. "Independent commission" means the Independent Commission to Investigate the Facts of the Tragedy in Lewiston, established by executive order of Governor Janet T. Mills on November 9, 2023.

Sec. 2. Issuance of subpoenas. Resolved: That, by a majority vote of its members, the independent commission may issue subpoenas to compel the testimony of witnesses and the production of documents in accordance with this resolve.

Sec. 3. Notice to witnesses. Resolved: That a reasonable time before a witness testifies, a prospective witness must be notified of the investigation's subject matter and provided with a copy of this resolve. The information required by this section must be presented at the time of service of the subpoena.

Sec. 4. Oaths. Resolved: That all testimony of subpoenaed witnesses must be under oath administered by the chair or the chair's designee.

Sec. 5. Testimony of witnesses under subpoena. Resolved: That the independent commission's staff and its members may take testimony of witnesses under subpoena. All testimony of witnesses under subpoena must be taken in open session, except upon request of a witness or by a majority vote of the members of the independent commission, in which case testimony may be taken in executive session. Testimony may be taken in executive session upon a showing that confidentiality is necessary to fulfill the independent commission's fact-finding mission.

Sec. 6. Transcripts of testimony of witnesses under subpoena. Resolved: That the independent commission shall prepare a transcript of all testimony of witnesses taken under subpoena. A witness is entitled to obtain a copy of the transcript of the witness's own testimony, except that the independent commission may delay the release of a transcript until the independent commission determines that release will not compromise the integrity of its investigation.

Sec. 7. Release of testimony under subpoena. Resolved: That the independent commission, by a majority vote of its members, may release transcripts of witness testimony taken under subpoena, except that a transcript of the testimony may not be released without first affording the witness who gave the

testimony or the witness's counsel an opportunity to object to the proposed release. The chair or the chair's designee shall rule on an objection. The ruling of the chair or the chair's designee may be overruled by a majority vote of the independent commission's members. The transcript of the testimony may be released over the objection of a witness upon a showing that the release of the transcript is necessary to the independent commission's fact-finding mission, outweighs the interests of the witness and is not in violation of any federal or state laws, rules or regulations.

Sec. 8. Request for court to compel compliance; legal representation. Resolved: That the independent commission, by a majority vote of its members, may apply to the Superior Court to compel compliance with a subpoena and may by lawful process seek to compel compliance in any state, federal or military court or tribunal. The Attorney General, the Attorney General's designee or private counsel approved by the Attorney General may represent the independent commission in such proceedings.

Sec. 9. Compliance with state law and the Maine Rules of Civil Procedure. Resolved: That any time the independent commission exercises its authority to issue a subpoena under this resolve, the independent commission shall comply with state law and the Maine Rules of Civil Procedure.

Sec. 10. Availability of counsel to witnesses under subpoena; objections; privileges. Resolved: That a witness appearing before the independent commission under subpoena may have counsel present to advise the witness at all times. The witness or counsel may, during the time the witness is giving testimony, object to any action of the independent commission that is detrimental to the witness's interests and is entitled to have a ruling by the chair or the chair's designee on the objection. The witness must be given the benefit of any privilege that the witness could claim in court as a party to a civil action, except that the chair or the chair's designee may direct compliance with any request for testimony to which an objection or claim of privilege has been made. The direction of the chair or the chair's designee may be overruled by a majority vote of the independent commission's members.

Sec. 11. Access to state agency records not otherwise subject to disclosure. Resolved: That, notwithstanding any provision of law to the contrary, the independent commission, by a majority vote of its members, is authorized to request and receive records in the possession of any state agency or instrumentality that the independent commission determines are necessary to fulfill its fact-finding mission, including confidential records and records not otherwise subject to public disclosure. The members of the independent commission and its staff are authorized to review records received under this section solely for the purpose of fulfilling the independent commission's fact-finding

mission. During meetings of the independent commission, the contents of confidential records and records not otherwise subject to public disclosure may be reviewed only in executive session.

Sec. 12. Cooperation with State Archivist. Resolved: That the independent commission shall cooperate with the State Archivist to ensure that records of the independent commission are maintained in compliance with federal and state laws, rules and regulations.

Sec. 13. Report on use of subpoena issuance. Resolved: That the independent commission, in completing a final report of its work, shall include a detailed account of each subpoena issued.

Sec. 14. Establishment of precedent. Resolved: That nothing in this resolve may be used to establish a precedent authorizing independent commissions to issue subpoenas in the future.

Sec. 15. Sunset. Resolved: That the independent commission's authority to issue subpoenas under this resolve is effective until July 1, 2024. Any subpoena issued by the independent commission before July 1, 2024 remains valid after that date.

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

Effective February 13, 2024.

**CHAPTER 130
H.P. 1389 - L.D. 2168**

Resolve, Regarding Legislative Review of Portions of Chapter 355: Coastal Sand Dune Rules, a Major Substantive Rule of the Department of Environmental Protection

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 355: Coastal Sand Dune Rules, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective February 29, 2024.

CHAPTER 131

S.P. 928 - L.D. 2183

Resolve, to Correct the Designation of a Bridge in Canaan to Be Named After Staff Sergeant Richard Gerald Salisbury

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

Whereas, Resolve 2023, chapter 2 named a bridge in the Town of Canaan for Staff Sergeant Richard Gerald Salisbury; and

Whereas, the wrong bridge was designated the Staff Sergeant Richard Gerald Salisbury Memorial Bridge, and this legislation corrects that erroneous designation; and

Whereas, it is imperative that this legislation take effect as soon as possible in order to timely expedite the renaming process; 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. Resolve 2023, c.2, §1, amended. Resolved: That Resolve 2023, c. 2, §1 is amended to read:

Sec. 1. Bridge in Canaan renamed. Resolved: That the Department of Transportation shall designate Bridge ~~6116 2120 on Moores Mills Road Main Street~~, which crosses Carrabassett Stream in the Town of Canaan and is currently known as the ~~Moore Canaan~~ Bridge, the Staff Sergeant Richard Gerald Salisbury Memorial Bridge.

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to June 29, 2023.

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

Effective February 29, 2024.

CHAPTER 132

H.P. 1318 - L.D. 2056

Resolve, Designating Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway

Sec. 1. Designate Route 127 in Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway. Resolved: That the Department of Transportation shall designate the portion of Route 127 that is located in the Town of Arrowsic the Private Merwin A. Delano, Jr. Memorial Highway.

See title page for effective date.

CHAPTER 133

H.P. 1392 - L.D. 2177

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 6, 2024.

**CHAPTER 134
S.P. 830 - L.D. 2009**

Resolve, to Establish a Stakeholder Group to Address the Problem of Long Stays for Children and Adolescents in Hospital Emergency Departments

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

Whereas, children and adolescents remain in hospital emergency departments awaiting appropriate community and residential placements long after they are medically stable; and

Whereas, the work to address this issue is urgent and must start immediately; 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. Department of Health and Human Services to convene stakeholder group to address long stays of children and adolescents in hospital emergency departments. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a stakeholder group to address the problem of children and adolescents experiencing long stays in hospital emergency departments after the children and adolescents are medically stable and no longer require medical

treatment but appropriate community or residential placements are not available.

1. Membership. The Commissioner of Health and Human Services shall appoint the members of the stakeholder group. Members must include:

- A. The child welfare services ombudsman or the ombudsman's designee;
- B. The Attorney General or the Attorney General's designee;
- C. A member of staff from the department's Office of Child and Family Services including child welfare services;
- D. A member of staff from the department's Office of Behavioral Health;
- E. A member of staff from the department's Office of Behavioral Health, children's behavioral health services;
- F. A representative of Disability Rights Maine;
- G. A representative of hospitals;
- H. An emergency medical physician;
- I. A representative of a statewide organization representing hospitals;
- J. A representative of a national organization advocating for individuals with mental illness;
- K. Parents with experience of having a child stay in a hospital emergency department for a long period after being medically stabilized; and
- L. Other relevant interested parties.

2. Duties and recommendations. The stakeholder group shall examine the problem of children and adolescents experiencing long stays in hospital emergency departments after the children and adolescents are medically stable and no longer require medical treatment but appropriate community or residential placements are not available. The stakeholder group shall examine and make recommendations relating to the following:

- A. An appropriate timeline for establishing a secure children's psychiatric residential treatment facility in the State;
- B. Strategies to limit the length of stay in hospital emergency departments for children and adolescents who have been medically cleared for discharge;
- C. The establishment of an independent children's behavioral health advocate; and
- D. A review of hospital assessment and discharge policies.

3. Report. The department shall submit a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters with its findings and recommendations no later than November 6, 2024. The committee may report out legislation to the 132nd Legislature in 2025.

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

Effective March 6, 2024.

**CHAPTER 135
S.P. 521 - L.D. 1284**

**Resolve, Directing the
Commissioner of Education to
Review the Placement of
Personal Finance in the System
of Learning Results**

Sec. 1. Commissioner of Education review of content standards for personal finance. Resolved: That the Commissioner of Education shall, in the commissioner's next regular review of the content standards and performance indicators by content area pursuant to the Maine Revised Statutes, Title 20-A, section 6209, subsection 4, consider the inclusion of personal finance in content areas other than social studies, as appropriate.

See title page for effective date.

**CHAPTER 136
S.P. 684 - L.D. 1721**

**Resolve, to Establish a Plan to
Provide Transitional Housing
and to Support the Growth of
Maine's Workforce**

Sec. 1. Office of Policy Innovation and the Future to develop plan for transitional housing. Resolved: That the Office of Policy Innovation and the Future shall propose a plan to provide transitional housing for persons seeking federal work permits and their families based on the model being used in southern Maine, which consists of leasing a property formerly used as a hotel and contracting with a private nonprofit entity to provide support services. The plan must include an evaluation of options for purchasing a similar property, or allocating funds to a nongovernmental entity to purchase a similar property, to provide transitional housing concurrent with services aimed at supporting entry into the workforce and an evaluation of the financial impacts upon the State and the municipality in which the property is located. The plan must identify potential funding sources, including but not limited

to existing state and federal funds. In addition to the proposed plan, using data collected from the current model used to provide transitional housing, the Office of Policy Innovation and the Future shall provide information regarding who is being served by the model, how many enter the workforce, the amount of time those being served use transitional housing and accompanying services before successfully entering the workforce and how workforce needs are affected by the model. The Office of Policy Innovation and the Future shall submit a report containing the proposed plan and the information required by this section no later than January 15, 2025 to the joint standing committee or the joint select committee of the Legislature having jurisdiction over housing matters, which is authorized to report out a bill to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 137
H.P. 1424 - L.D. 2221**

**Resolve, Directing the State
Board of Education to Amend
Chapter 115: The
Credentialing of Education
Personnel, a Major Substantive
Rule of the State Board of
Education**

Sec. 1. State Board of Education to amend rule regarding credentialing of education personnel. Resolved: That the State Board of Education shall amend rule Chapter 115: The Credentialing of Education Personnel, a major substantive rule of the State Board of Education, and submit the provisionally adopted rule to the 132nd Legislature for review. Amendments to the rule may include, but are not limited to, recommendations included in the State Board of Education's report submitted to the Joint Standing Committee on Education and Cultural Affairs pursuant to Resolve 2023, chapter 54.

See title page for effective date.

**CHAPTER 138
H.P. 1385 - L.D. 2165**

**Resolve, Regarding Legislative
Review of Portions of Chapter
270: Uniform Reporting
System for Quality Data Sets, a
Major Substantive Rule of the
Maine Health Data
Organization**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 270: Uniform Reporting System for Quality Data Sets, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 12, 2024.

CHAPTER 139

S.P. 767 - L.D. 1896

**Resolve, Directing the
Workers' Compensation Board
to Analyze Data on the
Adequacy of Certain Maine
Workers' Compensation
Benefits**

Sec. 1. Workers' Compensation Board to identify and conduct an analysis of claims and payments. Resolved: That the Workers' Compensation Board, referred to in this resolve as "the board," using data supplied by insurers, 3rd-party administrators, group self-insurers and individual self-insured employers, shall identify and analyze the compensation and benefits provided to an individual claimant pursuant to the Maine Revised Statutes, Title 39-A, section 212 for total incapacity, section 213 for partial incapacity and section 215 for death and any other relevant data and available reports. For each claimant, the analysis must include, but is not limited to, data and reports relating to the following components:

1. The claim identification number assigned by the board;
2. The claim identification number assigned by the insurer, 3rd-party administrator, group self-insurer or individual self-insured employer;
3. The date of injury;
4. The average weekly wage;
5. The compensation rate;
6. For a claimant pursuant to Title 39-A, section 212, the number of weeks of compensation and benefits paid;
7. For a claimant pursuant to Title 39-A, section 213, the number of weeks of compensation and benefits paid and the number of weeks for which the benefit was 100% partial;
8. For a claimant pursuant to Title 39-A, section 215, the number of weeks of compensation and benefits paid;
9. The date the last payment was made and whether payments are continuing;
10. The total amount of indemnity benefits paid; and
11. Any other information the board determines necessary to complete the analysis.

In analyzing each data component, the board shall consider the accuracy of the data available; how the benefit amount compares to the current cost of living as determined by the United States Department of Labor, Bureau of Labor Statistics CPI-U for the New England Division; the cost of updating the annual adjustment provision in Title 39-A, section 212; and the cost of implementing a cost-of-living adjustment provision in sections 213 and 215.

Sec. 2. Updates; report; legislation. Resolved: That the board, within existing resources, shall provide monthly updates to the joint standing committee of the Legislature having jurisdiction over workers' compensation matters on the identification of data and reports and the analysis conducted under section 1. No later than August 16, 2025, the board shall submit a final report to the committee with its findings, recommendations and suggested legislation. The report must include:

1. A thorough analysis of the data and reports that were considered, identification of data or other areas that require further study and recommendations on any changes or adjustments to workers' compensation benefits in order to ensure claimants are receiving adequate benefits;
2. A thorough analysis of whether the Maine Workers' Compensation Act of 1992 provides substantial protection for workers who have suffered work-related

injuries and diseases at an affordable cost to employers, including whether the workers' compensation system can provide the income support that injured workers require as a result of their injuries at a cost no greater than the median cost in other states; and

3. Information regarding the retroactive application of workers' compensation legislation based on the analysis under this resolve and an evaluation of the costs of potential retroactive application.

The committee may report out legislation to the 132nd Legislature in 2026 related to the subject matter of the report.

See title page for effective date.

**CHAPTER 140
S.P. 924 - L.D. 2173**

**Resolve, to Rename the
Interstate 295 Interchange in
the Town of Freeport the
Matthew MacMillan Bridge**

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

Whereas, Resolve 2023, chapter 1 named an overpass in the Town of Freeport for Matthew MacMillan; and

Whereas, the incorrect structure was named after Matthew MacMillan and this legislation corrects that erroneous designation; and

Whereas, it is imperative that this legislation take effect as soon as possible in order to timely expedite the renaming process; 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. Resolve 2023, c. 1, §1. Resolved: That Resolve 2023, c. 1, §1 is amended to read:

Sec. 1. ~~Overpass Interchange~~ in Freeport renamed. Resolved: That the Department of Transportation shall designate Bridge ~~5741~~ 5720 on Desert Road in the Town of Freeport, which is currently known as the ~~Desert of Maine Overpass Merrill Road Interchange~~, the Matthew MacMillan ~~Overpass~~ Bridge.

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to June 29, 2023.

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

Effective March 14, 2024.

**CHAPTER 141
H.P. 1396 - L.D. 2181**

**Resolve, Regarding Legislative
Review of Portions of Chapter
61: State Board of Education
Rules for Major Capital School
Construction Projects, a Major
Substantive Rule of the
Department of Education,
State Board of Education**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a provisionally adopted major substantive rule of the Department of Education, State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 14, 2024.

**CHAPTER 142
S.P. 852 - L.D. 2024**

Resolve, to Authorize the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

Sec. 1. State Tax Assessor authorized to convey real estate. Resolved: That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the Unorganized Territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

1. In accordance with the Maine Revised Statutes, Title 36, section 943-C, at least 90 days prior to listing property for sale, the State Tax Assessor shall send a written notice to the last known address of the former owner by United States Postal Service certified mail, return receipt requested, and first-class mail of the right to require the sale process under Title 36, section 943-C, subsection 3.

2. If the former owner of the property submits a written demand within 90 days after the notification in subsection 1 in the resolve that the sale process be used, the State Tax Assessor shall list and sell the property using the sale process described in the Maine Revised Statutes, Title 36, section 943-C, subsection 3.

3. If the State Tax Assessor is unable to sell the property using the sale process described in the Maine Revised Statutes, Title 36, section 943-C, subsection 3, or the former owner does not submit a written demand under subsection 2 in the resolve within 90 days after the notification in subsection 1 in the resolve, the State Tax Assessor shall sell the property to the highest bidder. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks in a newspaper in the county where the real estate lies, except in those cases in which the sale is to be made to a specific individual or individuals as authorized in this resolve, in which case notice need not be published.

4. Following the sale of any property under this resolve, the State Tax Assessor shall pay the former owner any excess sale proceeds in accordance with the Maine Revised Statutes, Title 36, section 943-C, subsection 3.

5. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice of sale under subsection 3, the State Tax Assessor may sell the property for not less than the minimum amount without

again asking for bids if the property is sold on or before April 1, 2025.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State any of the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record the deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.

Abbreviations and plan and lot references are identified in the 2021 Unorganized Territory valuation book. Parcel descriptions are as follows:

2021 MATURED TAX LIENS

T9 R5 WELS, Aroostook County

Map AR026, Plan 01, Lot 4 038260014-4
Phillips, Charles R., Jr. 122.00 acres

TAX LIABILITY	
2021	\$465.50
2022	\$468.83
2023	\$466.83
2024 (estimated)	\$466.83
Estimated Total Taxes	\$1,867.99
Interest	\$37.31
Costs	\$38.00
Deed	\$19.00
Total	\$1,962.30

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$1,962.30. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$1,975.00.

Connor Township, Aroostook County

Map AR105, Plan 04, Lot 8 038020203-2
Mander, Robert J. 2.00 acres

TAX LIABILITY	
2021	\$53.20
2022	\$53.58
2023	\$53.35
2024 (estimated)	\$53.35
Estimated Total Taxes	\$213.48
Interest	\$4.26
Costs	\$38.00
Deed	\$19.00

Total \$274.74
 Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$274.74. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$275.00.

Bancroft Township, Aroostook County

Map AR110, Plan 01, Lot 15 030400167-1
 Smith, William 0.50 acre

TAX LIABILITY	
2021	\$29.82
2022	\$30.03
2023	\$29.91
2024 (estimated)	\$29.91
Estimated Total Taxes	<u>\$119.67</u>
Interest	\$2.39
Costs	\$38.00
Deed	\$19.00
Total	<u>\$179.06</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$179.06. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$200.00.

Albany Township, Oxford County

Map OX016, Plan 02, Lots 86, 87 and 88.1 178020183-3
 Connor, Judy 25.00 acres with building

TAX LIABILITY	
2021	\$2,302.45
2022	\$2,455.42
2023	\$2,497.62
2024 (estimated)	\$2,497.62
Estimated Total Taxes	<u>\$9,753.11</u>
Interest	\$187.26
Costs	\$38.00
Deed	\$19.00
Total	<u>\$9,997.37</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$9,997.37. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$10,000.00.

Albany Township, Oxford County

Map OX016, Plan 02, Lot 198 178020753-2
 Connor, Judy 0.20 acre

TAX LIABILITY	
2021	\$463.04
2022	\$493.80
2023	\$502.29
2024 (estimated)	\$502.29
Estimated Total Taxes	<u>\$1,961.42</u>
Interest	\$37.66
Costs	\$38.00
Deed	\$19.00
Total	<u>\$2,056.08</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$2,056.08. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$2,075.00.

Milton Township, Oxford County

Map OX018, Plan 04, Lots 3 and 4 178120081-5
 Howe, Christopher P. 2.89 acres with building

TAX LIABILITY	
2021	\$135.93
2022	\$144.96
2023	\$147.45
2024 (estimated)	\$147.45
Estimated Total Taxes	<u>\$575.79</u>
Interest	\$11.06
Costs	\$38.00
Deed	\$19.00
Total	<u>\$643.85</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$643.85. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$650.00.

Argyle Township, Penobscot County

Map PE035, Plan 02, Lot 27.3 198012038-1
 Burns, Richard J. 3.70 acres

TAX LIABILITY	
2021	\$98.59
2022	\$90.28
2023	\$98.26
2024 (estimated)	\$98.26
Estimated Total Taxes	<u>\$385.39</u>

Interest	\$7.73
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$450.12

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$450.12. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$475.00.

Orneville Township, Piscataquis County

Map PI082, Plan 01, Lots 4.111 and 4.12	218212043-1
Castellano, Dominic M.	84.00 acres

TAX LIABILITY

2021	\$391.30
2022	\$392.45
2023	\$396.47
2024 (estimated)	\$396.47
<hr/>	
Estimated Total Taxes	\$1,576.69
Interest	\$31.33
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$1,665.02

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$1,665.02. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$1,675.00.

Atkinson Township, Piscataquis County

Map PI086, Plan 09, Lot 23	210200296-1
Snable, Albert	20.00 acres

TAX LIABILITY

2021	\$121.08
2022	\$121.44
2023	\$122.68
2024 (estimated)	\$122.68
<hr/>	
Estimated Total Taxes	\$487.88
Interest	\$9.69
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$554.57

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$554.57. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$575.00.

T1 R1 NBKP Taunton and Raynham, Somerset County

Map SO031, Plan 02, Lot 1	258030150-1
Ames, Annabelle Tomer	0.15 acre

TAX LIABILITY

2021	\$110.96
2022	\$104.91
2023	\$109.45
2024 (estimated)	\$109.45
<hr/>	
Estimated Total Taxes	\$434.77
Interest	\$8.76
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$500.53

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$500.53. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$525.00.

T3 R1 NBKP, Somerset County

Map SO034, Plan 03, Lot 7	258330010-2
Calvi, Morgan, Trustee	0.43 acre

TAX LIABILITY

2021	\$219.58
2022	\$207.61
2023	\$216.59
2024 (estimated)	\$216.59
<hr/>	
Estimated Total Taxes	\$860.37
Interest	\$17.32
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$934.69

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$934.69. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$950.00.

T3 R1 NBKP, Somerset County

Map SO034, Plan 03, Lot 7.1	258330166-3
Calvi, Morgan, Trustee	0.26 acre

TAX LIABILITY

2021	\$153.49
2022	\$145.12
2023	\$151.40

2024 (estimated)	\$151.40
Estimated Total Taxes	<u>\$601.41</u>
Interest	\$12.11
Costs	\$38.00
Deed	\$19.00
Total	<u>\$670.52</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$670.52. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$675.00.

T1 R3 TS, Washington County

Map WA020, Plan 02, Lot 19 298090022-1
 Gallison, Eleanor E. et al. 24.20 acres

TAX LIABILITY

2021	\$132.58
2022	\$136.77
2023	\$141.91
2024 (estimated)	\$141.91
Estimated Total Taxes	<u>\$553.17</u>
Interest	\$10.69
Costs	\$38.00
Deed	\$19.00
Total	<u>\$620.86</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$620.86. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$625.00.

Edmunds Township, Washington County

Map WA029, Plan 01, Lot 40 298040211-4
 Tucker, Michael J., II 2.18 acres with building

TAX LIABILITY

2021	\$59.41
2022	\$61.29
2023	\$63.59
2024 (estimated)	\$63.59
Estimated Total Taxes	<u>\$247.88</u>
Interest	\$4.79
Costs	\$38.00
Deed	\$19.00
Total	<u>\$309.67</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$309.67. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$325.00.

Cathance Township, Washington County

Map WA034, Plan 03, Lot 14 293300019-3
 Becnel, Chad 2.00 acres with building

TAX LIABILITY

2021	\$81.82
2022	\$84.41
2023	\$87.58
2024 (estimated)	\$87.58
Estimated Total Taxes	<u>\$341.39</u>
Interest	\$6.60
Costs	\$38.00
Deed	\$19.00
Total	<u>\$404.99</u>

Recommendation: Sell to the former owner or the former owner's heirs or devisees for \$404.99. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$425.00.

See title page for effective date.

CHAPTER 143

S.P. 869 - L.D. 2068

Resolve, to Adopt Conceptual Elements of the 2023 Augusta State Facilities Master Plan

Sec. 1. Definition. Resolved: That, as used in this resolve, unless the context otherwise indicates, "master plan" means the 2023 Augusta State Facilities Master Plan, the official version of which is held by the Department of Administrative and Financial Services, Bureau of General Services.

Sec. 2. Adoption. Resolved: That the master plan concepts for the East Campus and West Campus are adopted pursuant to the Maine Revised Statutes, Title 5, section 302.

Sec. 3. Modifications. Resolved: That modifications to the master plan must be approved by the Capitol Planning Commission, as established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 75.

Sec. 4. Consistency. Resolved: That, before a project is undertaken within the master plan area, the agency undertaking the project shall present an analysis

of the project's consistency with the master plan to the Capitol Planning Commission.

Sec. 5. Outdoor lighting. Resolved: That the Maine Revised Statutes, Title 5, section 1769 does not apply to lighting on the East Campus or West Campus.

Sec. 6. Prior master plan. Resolved: That the master plan supersedes the previous plan adopted by the 120th Legislature in Resolve 2001, chapter 34.

See title page for effective date.

CHAPTER 144

H.P. 1394 - L.D. 2179

Resolve, Regarding Legislative Review of Portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a Major Substantive Rule of the Department of Education and the Maine Municipal Bond Bank

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 64: Maine School Facilities Program and School Revolving Renovation Fund, a provisionally adopted major substantive rule of the Department of Education and the Maine Municipal Bond Bank that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 19, 2024.

CHAPTER 145

S.P. 798 - L.D. 1962

Resolve, to Direct the Public Utilities Commission to Adopt Rules Regarding Utility Shut-offs

Sec. 1. Adopt rules governing transmission and distribution utility and gas utility terminations and disconnections. Resolved: That, in accordance with its authority under the Maine Revised Statutes, Title 35-A, sections 111 and 704, the Public Utilities Commission shall adopt rules governing transmission and distribution utility and gas utility service terminations and disconnections due to unpaid bills for utility service.

1. For residential customers of transmission and distribution utilities and gas utilities, the rules must:

A. Prohibit the termination or disconnection of utility service for unpaid utility bills during extreme weather or temperature conditions, including extreme heat or humidity, between April 16th and November 14th; and

B. Establish a threshold dollar amount greater than \$50 owed by a customer who does not pay or make a payment arrangement on an undisputed overdue utility bill at or above which the utility may terminate or disconnect utility service; and

2. For low-income customers of a transmission and distribution utility, the rules must prohibit the utility from:

A. Charging a restoration or reconnection fee or requiring a security deposit for a restoration of service; and

B. Charging late fees that accrued prior to the termination or disconnection.

For the purposes of this subsection, "low-income customer" means a residential customer of a transmission and distribution utility who, as determined by the commission, receives low-income financial assistance pursuant to Title 35-A, section 3214, subsection 2 or low-income home energy assistance pursuant to the program described in Title 30-A, section 4722, subsection 1, paragraph W or who is enrolled in an arrearage management program implemented pursuant to Title 35-A, section 3214, subsection 2-A.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 146
S.P. 511 - L.D. 1274**

Resolve, to Establish the Task Force to Support Commercial Dairy Farms in the State

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

Whereas, market instability, labor shortages, inflation, limits on milk production, supply chain delays and distribution disruptions are driving dairy farmers in the State out of business; and

Whereas, the State has lost approximately 1/3 of its dairy farms since 2020, and dairy farms are integral to the State's rural communities and agricultural economy; and

Whereas, this resolve establishes the Task Force to Support Commercial Dairy Farms in the State to study and report on these issues; and

Whereas, it is necessary to immediately begin the work to examine the dairy stabilization program, also known as the tier program, to determine what can be done to strengthen the program and to address some of the challenges to its success; and

Whereas, this legislation must take effect before the expiration of the 90-day period in order to complete the study and make recommendations to the Legislature; 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. Task force established. Resolved: That the Task Force to Support Commercial Dairy Farms in the State, referred to in this resolve as "the task force," is established.

Sec. 2. Task force membership. Resolved: That the task force consists of at least 10 members and no more than 15 members, one of whom is the Commissioner of Agriculture, Conservation and Forestry or the commissioner's designee. The commissioner shall invite the following to participate as members of the task force:

1. The chair of the board of directors of the Maine Dairy Industry Association or the chair's designee;
2. The Executive Director of the Maine Milk Commission;
3. One representative of a milk processor;
4. One representative of a Maine milk retailer familiar with dairy purchasing on the national market;
5. One representative from each of the 4 milk pricing tiers;
6. An economist with expertise in dairy markets and policy; and
7. At the discretion of the commissioner, up to 5 additional at-large members, who may be invited if they possess specific knowledge or technical skills useful for accomplishing the duties of the task force.

Sec. 3. Convening of task force; chair. Resolved: That all invitations to join the task force must be made pursuant to section 2 no later than 30 days following the effective date of this resolve. The commissioner or commissioner's designee shall call and convene the first meeting of the task force, at which the members shall elect a member to serve as chair.

Sec. 4. Compensation. Resolved: That members of the task force are not entitled to reimbursement for their expenses.

Sec. 5. Duties. Resolved: That the task force shall review and provide recommendations on potential investments and policies to support the long-term sustainability and resiliency of the State's dairy sector, including but not limited to:

1. The development of in-state milk processing capacity, including for value-added products;
2. The development of new or enhancements to existing state grant, loan and other funding support programs, market development and access programs and technical assistance programs; and
3. Recommendations to preserve and enhance the effectiveness of the current dairy stabilization program, also known as the tier program, established in the Maine Revised Statutes, Title 7, section 3153-B.

The department may work with a 3rd-party organization to accomplish these duties if existing resources allow.

Sec. 6. Staff assistance. Resolved: That, within existing resources, the Department of Agriculture, Conservation and Forestry shall provide staffing services to the task force.

Sec. 7. Report. Resolved: That, no later than January 6, 2025, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the joint standing committee of the Legislature having jurisdiction over agricultural

matters. The joint standing committee is authorized to report out a bill to the 132nd Legislature in 2025 based on the recommendations of the task force.

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

Effective March 25, 2024.

**CHAPTER 147
H.P. 1428 - L.D. 2227**

Resolve, Regarding Legislative Review of Portions of Chapter 80: Reduction of Toxics in Packaging, a Late-filed Major Substantive Rule of the Department of Environmental Protection

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 80: Reduction of Toxics in Packaging, a provisionally adopted major substantive rule of the Department of Environmental Protection that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized.

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

Effective March 25, 2024.

**CHAPTER 148
S.P. 418 - L.D. 1049**

Resolve, Directing the Department of Inland Fisheries and Wildlife and the Department of Marine Resources to Enter into a Memorandum of Understanding to Address Aquatic Invasive Species

Sec. 1. Department of Inland Fisheries and Wildlife and Department of Marine Resources to enter into memorandum of understanding. Resolved: That, by December 15, 2024, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, referred to jointly in this resolve as "the departments," shall enter into a memorandum of understanding to establish a process to plan for actions to control and prevent the further spread of aquatic invasive species as fish passages are improved and fish barriers are removed statewide.

Sec. 2. Review and update of memorandum of understanding. Resolved: That the departments shall include in the memorandum of understanding under section 1 a requirement that the memorandum be reviewed and updated at least every 5 years to coincide with the renewal of the memorandum. The memorandum must also include a provision authorizing the departments to review and update the memorandum at more frequent intervals when significant changes are planned with respect to how fish passages and fish barriers are managed. The review must include an assessment of the departments' progress on actions to control and prevent the further spread of aquatic invasive species and initiatives identified in the memorandum to ensure timely progress and completion, as well as identification of any new supporting initiatives.

Sec. 3. Departments' progress report to joint standing committee. Resolved: That the departments shall include in the memorandum of understanding under section 1 a requirement that the departments submit a report on the departments' progress under the memorandum to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters at least every 5 years, to coincide with the renewal of the memorandum under section 2.

Sec. 4. Other updates to joint standing committee. Resolved: That the departments shall include in the memorandum of understanding under section 1 a requirement that, if changes are planned that reduce commitments outlined in the memorandum to control and prevent the further spread of aquatic invasive species at the dam on the Penobscot River in the Town of Medway or the dam on the Piscataquis River at Brown's Mill in the Town of Dover-Foxcroft, the departments

shall notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters in writing prior to the changes being implemented.

See title page for effective date.

**CHAPTER 149
S.P. 444 - L.D. 1075**

Resolve, to Review and Evaluate Film Production Incentives

Sec. 1. Film production incentives review and evaluation. Resolved: That the Department of Economic and Community Development shall review existing film production incentives in this State and evaluate film production incentives, including tax credits, rebates and alternative reimbursement programs in other selected states. The department, with direction from the department's Office of Tourism, Maine State Film Office established pursuant to the Maine Revised Statutes, Title 5, section 13090-I, shall solicit input from stakeholders, industry experts, other state agencies and film offices in other states. On or before December 30, 2024, the department shall submit to the joint standing committee of the Legislature having jurisdiction over taxation matters a report that contains suggested legislation to amend or replace current visual media incentive laws, responses to the 2023 evaluation of visual media incentives conducted by the Office of Program Evaluation and Government Accountability and a detailed summary that includes the findings, requirements and recommendations of the department and the Maine State Film Office. The committee may submit legislation related to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 150
S.P. 638 - L.D. 1606**

Resolve, to Study Opportunities and Provide Guidance for School Clean Energy and Energy Efficiency Programs

Sec. 1. Study to evaluate opportunities for clean energy and energy efficiency programs in schools; report. Resolved: That the Department of Education's office of innovation, in coordination with the Office of Policy Innovation and the Future, the Governor's Energy Office and the Efficiency Maine Trust, shall conduct a study and develop guidance to assist public elementary and secondary schools in the State

with achieving energy efficiency and maximizing the use of clean energy. The study must include:

1. Identification and review of current and anticipated:

A. State and federal programs available to public elementary and secondary schools in the State for supporting energy audits and energy efficiency projects and financing and development of clean energy and clean transportation; and

B. Options for public elementary and secondary schools to contract with energy services companies, as defined in the Maine Revised Statutes, Title 5, section 1770, subsection 2, paragraph B, including opportunities for 3rd-party financing of school construction; and

2. Review and consideration of:

A. National climate policies and best practices, including, but not limited to, those described in Executive Order No. 14008, 86 Federal Register, 7619, January 27, 2021, and from relevant jurisdictions; and

B. State policies related to labor practices and workforce enhancement standards, including, but not limited to, those described in the Maine Revised Statutes, Title 35-A, section 3408, subsection 2, paragraph F, subparagraph (2).

The guidance developed through this study must address how the programs and contracting options reviewed in accordance with subsection 1 may be effectively accessed and used by public elementary and secondary schools in the State and how public elementary and secondary schools can incorporate the best practices and standards reviewed in accordance with subsection 2 within those programs and contracting options.

No later than January 31, 2025, the Department of Education's office of innovation shall provide a report of its activities, as well as guidance for public elementary and secondary schools in the State for achieving energy efficiency, to the joint standing committees of the Legislature having jurisdiction over energy matters and education matters. The report may also include recommendations for legislation. The joint standing committee of the Legislature having jurisdiction over energy matters may report out a bill related to the report to the 132nd Legislature in 2025.

Sec. 2. Department of Education to develop contracting guidance for schools; report. Resolved: That the Department of Education, in consultation with the Office of Policy Innovation and the Future, the Governor's Energy Office, the Efficiency Maine Trust, relevant state agencies and representatives from school leadership, including superintendents, business officers and facilities managers, shall develop contracting guidance for public elementary and secondary schools to assist the schools with saving money

through energy efficiency, clean energy and clean transportation projects. The guidance must be designed to assist schools entering into contracts for such projects, including energy performance contracts with energy service companies, as defined in the Maine Revised Statutes, Title 5, section 1770, subsection 2, paragraph B, to maximize federal tax incentives and ensure timely and on-budget project completion of the contracted project or service.

No later than January 31, 2025, the Department of Education shall provide a report, including draft guidance, to the joint standing committees of the Legislature having jurisdiction over energy matters and education matters. The report may also include recommendations for legislation. The joint standing committee of the Legislature having jurisdiction over education matters may report out a bill related to the report to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 151

S.P. 808 - L.D. 1974

Resolve, Directing an Analysis of and Report on the Maine New Markets Capital Investment Program

Sec. 1. Finance Authority of Maine to examine and report findings on Maine New Markets Capital Investment Program. Resolved: That the Finance Authority of Maine, in conjunction with the Department of Economic and Community Development, shall examine and evaluate the Maine New Markets Capital Investment Program under the Maine Revised Statutes, Title 10, section 1100-Z and submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over taxation matters by January 31, 2025. The report must include discussion of recommendations offered by the Office of Program Evaluation and Government Accountability in its March 2017 report on the program. The Finance Authority of Maine may consult with the Department of Administrative and Financial Services, Maine Revenue Services and with other public and private entities with roles in economic development in the State as necessary. The joint standing committee may submit legislation relating to the report to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 152
H.P. 1398 - L.D. 2184

Resolve, Regarding Legislative Review of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a Major Substantive Rule of the Department of Labor, Bureau of Labor Standards

Sec. 1. Adoption. Resolved: That final adoption of Chapter 9: Rules Governing Administrative Civil Money Penalties for Labor Law Violations, a provisionally adopted major substantive rule of the Department of Labor, Bureau of Labor Standards that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

See title page for effective date.

CHAPTER 153
H.P. 1403 - L.D. 2189

Resolve, Regarding Legislative Review of Portions of Chapter 41: Special Restrictions on Pesticide Use, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 41: Special Restrictions on Pesticide Use, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized.

See title page for effective date.

CHAPTER 154
S.P. 872 - L.D. 2071

Resolve, to Fill All Vacant and Expired Seats on the Emergency Medical Services' Board

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, of the 18 voting members of the Emergency Medical Services' Board that are subject to appointment by the Governor, there are 6 vacancies and 5 members whose terms have expired; and

Whereas, the work of the Emergency Medical Services' Board is critical to the provision of emergency medical services in the State; 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. Appointment. Resolved: That, within 30 days after the effective date of this resolve, in accordance with the Maine Revised Statutes, Title 32, section 88, subsection 1, paragraph A, the Governor shall appoint members to the Emergency Medical Services' Board to fill all vacancies and replace those members whose terms have expired.

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

Effective March 26, 2024.

CHAPTER 155

H.P. 161 - L.D. 240

Resolve, to Direct the Maine Connectivity Authority to Develop Proposed Legislation to Increase Broadband Internet Access

Sec. 1. Broadband Internet installation legislation. Resolved: That the Maine Connectivity Authority, established pursuant to the Maine Revised Statutes, Title 5, section 12004-G, subsection 33-H and referred to in this resolve as "the authority," shall develop proposed legislation to improve the ability of tenants in multiple dwelling units in the State to receive broadband Internet service and benefit from increased competition among Internet service providers. In developing proposed legislation, the authority shall consider issues related to the installation of broadband Internet service infrastructure in multiple dwelling units in the State, including, but not limited to, applicable federal requirements. The authority shall provide an opportunity for stakeholders to participate in identifying issues related to the installation of broadband Internet service infrastructure in multiple dwelling units in the State and to submit comments regarding proposed legislation. Stakeholders may include, but are not limited

to, individuals representing real estate, development and community interests; Internet service, cable and wireless technology providers; and landlords.

The authority shall submit a written summary of its activities under this section and proposed legislation to the joint standing committee of the Legislature having jurisdiction over utility matters by January 30, 2025, and the committee may report out a bill related to the authority's summary to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 156

H.P. 1071 - L.D. 1673

Resolve, Establishing a Working Group to Coordinate Collaboration Among State Agencies for the Purpose of Promoting Smart Growth and Development in High-use Corridors

Sec. 1. Working group established. Resolved: That the Director of the Office of Policy Innovation and the Future shall convene a working group consisting of the Commissioner of Transportation, the Commissioner of Environmental Protection, the Commissioner of Agriculture, Conservation and Forestry, the Commissioner of Economic and Community Development and the director of the Maine State Housing Authority to design a plan for agency coordination to maximize state resources and promote smart growth, walkable neighborhoods, mixed-use development and mixed-income housing in high-use corridors near higher-density downtowns, village centers or crossroads through infilling and redevelopment of underutilized lands. The working group shall also propose a plan for technical assistance grants to municipalities for the development of ordinances and zoning regulations governing high-use corridors including model transit-oriented development zoning ordinances for municipal consideration.

Sec. 2. Report. Resolved: That the Director of the Office of Policy Innovation and the Future shall submit a report no later than January 15, 2025 regarding the findings and recommendations of the working group established pursuant to section 1 to the joint standing and joint select committees of the Legislature having jurisdiction over housing matters. A joint standing or joint select committee that receives the report may submit legislation related to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 157
S.P. 876 - L.D. 2083**

Resolve, Directing the Department of Health and Human Services to Establish a Stakeholder Group to Study Timely Access to Psychiatric Medication Management Services Across the State

Sec. 1. Department of Health and Human Services to establish stakeholder group to study timely access to psychiatric medication management services across the State. Resolved: That the Department of Health and Human Services shall convene a stakeholder group to study access to psychiatric medication management services across the State. The study must examine:

1. The availability of psychiatric medication management services across the State, including a review of geographic and other disparities in accessing psychiatric medication management services;
2. The availability of psychiatric nurse practitioners to provide psychiatric medication management services; and
3. Challenges to sustaining and expanding the psychiatric nurse practitioner workforce, including an examination of educational opportunities, financial support for the education of nurse practitioners and the availability of nurse educators to train nurse practitioners.

The department shall include in the stakeholder group psychiatric nurse practitioners who currently deliver psychiatric medication management services, physicians who currently deliver psychiatric medication management services, consumers and family members of consumers of medication management services, advocates for mental health services, experts in increasing the mental health workforce, representatives of the Department of Labor, representatives of the Finance Authority of Maine, representatives of educational institutions that train psychiatric nurse practitioners and representatives of professional associations for psychiatric nurse practitioners.

Sec. 2. Report. Resolved: That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than February 1, 2025 on the study under section 1. The joint standing committee may report out legislation related to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 158
H.P. 268 - L.D. 435**

Resolve, to Require the Department of Health and Human Services to Report on Children's Residential Treatment Services and Implementation of the Department's Strategic Priorities for Children's Behavioral Health Services

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

Whereas, children continue to wait for behavioral health care services within the State; and

Whereas, many children are receiving behavioral health care services outside the State; and

Whereas, Maine needs solutions to this problem immediately to address waiting lists and ensure that the State is in compliance with federal requirements; 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. Department of Health and Human Services to study children's residential treatment services. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall review the relevant data and conduct an analysis of the capacity, occupancy and availability of and access to children's residential treatment services within the State, as well as the residential treatment services located outside of the State that are being provided to children who normally reside in this State.

Sec. 2. Report on children's residential treatment services and implementation of strategic priorities for children's behavioral health services developed by Department of Health and Human Services. Resolved: That, by January 2, 2025, the department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters a report consisting of:

1. A summary of the data and results of the analysis of children's residential treatment services as directed by section 1;
2. A summary of the department's progress in implementing the strategic priorities developed in 2019 to

implement the children's behavioral health services plan for Maine developed by the department's Office of Child and Family Services; and

3. A summary of the department's current priorities to ensure the availability, quality and consistency of and access to behavioral health care services for children.

The joint standing committee may report out legislation related to the report to the 132nd Legislature in 2025.

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

Effective March 28, 2024.

CHAPTER 159

H.P. 1382 - L.D. 2158

Resolve, to Improve the Housing Voucher System and Reduce the Number of Voucher Expirations

Sec. 1. Maine State Housing Authority to establish stakeholder group. Resolved: That the Maine State Housing Authority shall establish a stakeholder group to improve the system that governs the distribution and use of housing vouchers. For the purposes of this resolve, "housing voucher" means a tenant-based housing choice voucher issued under Section 8 of the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, as amended.

Sec. 2. Membership. Resolved: That the membership of the stakeholder group established pursuant to section 1 is as follows:

- 1. Four members who represent local housing authorities who distribute housing vouchers, including at least 2 members who distribute housing vouchers to be used in rural areas of the State;
- 2. Four members who provide housing navigation services to tenants who use income-based rental assistance programs, including one member who provides services through a housing authority operated by a federally recognized Indian tribe and one member who provides assistance at homeless shelters;
- 3. One member who has experience providing legal advice or assistance related to the use of housing vouchers;
- 4. One member who has experience administering municipal general assistance;
- 5. The executive director of the Maine Human Rights Commission or the executive director's designee; and

6. Staff from the Maine State Housing Authority with experience in housing voucher distribution and the process for requesting a waiver from the United States Department of Housing and Urban Development asking for an adjustment to the fair market rent rate amount used when determining housing voucher amounts.

Sec. 3. Duties. Resolved: That the stakeholder group under section 1 shall:

- 1. Outline the process for requesting a waiver from the United States Department of Housing and Urban Development seeking an increase of the fair market rent for any particular area of the State and, if a waiver is granted, how it allows local housing authorities to enter into contracts with landlords at the highest rent allowed pursuant to that waiver;
- 2. Determine how many local housing authorities have requested fair market rent waivers from the United States Department of Housing and Urban Development, how and when each such request was made and the outcome of the requests;
- 3. Determine how many local housing authorities have not requested fair market rent waivers from the United States Department of Housing and Urban Development and the reason for each such decision, including the identification of barriers cited by the local housing authorities;
- 4. Develop a list of all of the programs administered by local housing authorities that create additional housing units, including housing units for which housing vouchers will be used to pay for rent;
- 5. Consider strategies to support local housing authorities with the submission of United States Department of Housing and Urban Development waiver requests, including using the assistance of the Maine State Housing Authority to assist in administration of that waiver request process;
- 6. Develop a chart that outlines the rules governing the use of housing vouchers distributed by the Maine State Housing Authority as well as local housing authorities, including but not limited to the time frames associated with securing housing using a housing voucher and housing voucher expiration;
- 7. Identify any flexibility that exists regarding the distribution and use of housing vouchers, including but not limited to the time frame within which a housing voucher must be used prior to its expiration and the ability to use a housing voucher in an area of the State outside of the area for which it was issued;
- 8. Consider strategies to improve outreach and education to landlords with the goal of increasing the number of landlords who accept tenants who use housing vouchers or other income-based rental assistance; and

9. Make recommendations, excluding the development of more housing stock, to maximize the acceptance of housing vouchers by landlords and increase flexibility in the use of housing vouchers, including but not limited to housing voucher expiration, submitting United States Department of Housing and Urban Development waiver requests and amendments to rules of the Maine State Housing Authority.

Sec. 4. Report. Resolved: That, no later than January 15, 2025, the Maine State Housing Authority shall submit a report on the findings and recommendations of the stakeholder group under section 1 to the joint select or joint standing committee of the Legislature having jurisdiction over housing matters. The committee receiving the report is authorized to submit legislation based on the report to the 132nd Legislature in 2025.

See title page for effective date.

CHAPTER 160

H.P. 1427 - L.D. 2226

Resolve, Regarding Legislative Review of Chapter 213: Rules for the Salmonella Enteritidis Risk Reduction and Surveillance Program for Commercial Egg-type Flocks, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 213: Rules for the Salmonella Enteritidis Risk Reduction and Surveillance Program for Commercial Egg-type Flocks, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is authorized, and the Department of Agriculture, Conservation and Forestry may make grammatical, formatting, punctuation and other technical, nonsubstantive editing changes to the rule as necessary prior to final adoption, including, but not limited to, any such changes necessary to ensure that the rule is correctly chaptered as Department of Agriculture, Conservation and Forestry rule Chapter 213.

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

Effective April 2, 2024.

CHAPTER 161

S.P. 959 - L.D. 2239

Resolve, to Rename a Bridge in the Town of Mechanic Falls the Bill Dunlop Memorial Bridge

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

Whereas, Bridge 2540 on Elm Street in the Town of Mechanic Falls is slated for renovation in 2025; and

Whereas, this legislation provides for the renaming of Bridge 2540; and

Whereas, it is imperative that this legislation take effect as soon as possible in order to timely expedite the renaming process prior to the beginning of the renovation process; 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. Bridge in Mechanic Falls renamed. Resolved: That the Department of Transportation shall designate Bridge 2540 on Elm Street in the Town of Mechanic Falls, currently known as the Mechanic Falls Bridge, the Bill Dunlop Memorial Bridge.

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

Effective April 2, 2024.

**CHAPTER 162
S.P. 920 - L.D. 2169**

Resolve, Directing the Office of Policy Innovation and the Future to Recommend Proposals to Support the Development of Attainable Housing

Sec. 1. Office of Policy Innovation and the Future to develop recommendations. Resolved: That the Director of the Office of Policy Innovation and the Future, referred to in this resolve as "the director," shall develop recommendations for potential programs designed to assist housing developers with financing housing for persons with a household income of more than 80% of the area median income where they reside. For the purposes of this resolve, "area median income" means the median income for an area as determined by the United States Department of Housing and Urban Development.

Sec. 2. Office of Policy Innovation and the Future to seek input in development of recommendations. Resolved: That the director, or the director's designee, shall seek input from the Maine State Housing Authority, the Maine State Chamber of Commerce, a person with experience in commercial real estate, an organization that assists developers with financing affordable housing projects and housing developers with experience using the programs administered by the Maine State Housing Authority to build rental housing for persons with a household income of less than 80% of the area median income. In developing recommendations for potential programs, at a minimum, the following must be considered:

1. Options for a program that supports the development of rental housing targeted at persons with a household income of 80% to 150% of the area median income where the rental housing would be located;
2. Options for a program that supports homeownership by persons with a household income of 120% to 180% of the area median income where the home is located;
3. The feasibility of programs described in subsections 1 and 2 and the regions of the State where such programs would address a quantifiable need for housing for persons in those income ranges and would also be attractive to developers of rental housing and potential homeowners;

4. Program elements that encourage or require a public-private partnership or some financial investments from businesses in the target communities, municipalities and philanthropic organizations; and

5. The long-term benefits of the programs as informed by an assessment of how the programs would contribute to addressing the State's housing production needs generally and the shortage of housing available to persons with household incomes from 80% to 150% of the area median income.

Sec. 3. Office of Policy Innovation and the Future to submit report. Resolved: That, no later than January 15, 2025, the director shall submit a report to the joint standing or joint select committee of the Legislature having jurisdiction over housing matters. The committee that receives the report is authorized to report out legislation based on the recommendations in the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 163
H.P. 1434 - L.D. 2235**

Resolve, Directing the Department of Administrative and Financial Services, the State Court Administrator and the Executive Director of the Legislative Council to Add a 3rd Option for Gender on State Forms

Sec. 1. Department of Administrative and Financial Services, State Court Administrator and Executive Director of Legislative Council to amend printed forms. Resolved: That, within existing resources, the Department of Administrative and Financial Services, in coordination with all executive branch departments, agencies, offices, boards and commissions and all quasi-independent agencies, boards, commissions, authorities and institutions in the State, and the State Court Administrator and the Executive Director of the Legislative Council shall, by December 31, 2024, add an option to designate "X" for gender on all printed forms, applications and other documents used by these entities that require a person to designate that person's gender, except when the form, application or other document is created pursuant to federal law or regulation or for the purpose of multi-jurisdictional cooperation and uniformity. When reviewing the printed forms, the departments, the State Court Administrator and the Executive Director of the Legislative Council shall determine whether the designation of a person's gender is necessary for the purposes of each form, and, if it is not, the departments, the State Court Administrator and the Executive Director of the

Legislative Council shall remove the question from the form.

Sec. 2. Department of Administrative and Financial Services, State Court Administrator and Executive Director of Legislative Council to amend digital forms. Resolved: That, within existing resources, the Department of Administrative and Financial Services, in coordination with all executive branch departments, agencies, offices, boards and commissions and all quasi-independent agencies, boards, commissions, authorities and institutions in the State, and the State Court Administrator and the Executive Director of the Legislative Council shall add an option to designate "X" for gender on all digital forms, applications and other documents used by these entities that require a person to designate that person's gender, except when the form, application or other document is created pursuant to federal law or regulation or for the purpose of multijurisdictional cooperation and uniformity. When reviewing the digital forms, the departments, the State Court Administrator and the Executive Director of the Legislative Council shall determine whether the designation of a person's gender is necessary for the purposes of each form, and, if it is not, the departments, the State Court Administrator and the Executive Director of the Legislative Council shall remove the question from the form. The departments, the State Court Administrator and the Executive Director of the Legislative Council shall make these updates in the regular course of updating their forms.

See title page for effective date.

CHAPTER 164

H.P. 1477 - L.D. 2286

Resolve, Directing the Maine Education Policy Research Institute to Review Certain Components of General Purpose Aid for Local Schools and the Essential Programs and Services Funding Formula

Sec. 1. Maine Education Policy Research Institute to review certain general purpose aid for local schools essential programs and services components; report. Resolved: That the Maine Policy Education Research Institute, in conjunction with the Department of Education, shall:

1. Conduct a targeted review of general purpose aid for local schools. The review must include, but is not limited to, the following components:

A. The State's ability to adequately fund recruitment, retention, salaries and benefits of teachers and support staff, which represent the largest portion of the cost of public education;

B. Property valuation and its efficacy in determining municipal contribution levels to public education;

C. Regional differences in education costs and contributing factors to these differences; and

D. Funding mechanisms used in other states to distribute funding for public education;

2. Conduct a review of components of the essential programs and services funding formula under the Maine Revised Statutes, Title 20-A, chapter 606-B that have been identified as driving inequity within the formula, including, but not limited to:

A. Expenditure-driven components, with particular attention to special education costs;

B. The determination of a municipality's ability to pay;

C. The regional adjustment under Title 20-A, section 15682; and

D. Adjustments to the state share of the total allocation, including, but not limited to, adjustments pursuant to Title 20-A, section 15688-A and Title 20-A, sections 15689 and 15689-A.

In conducting the review, the Maine Education Policy Research Institute and the Department of Education shall include stakeholder representatives from regions throughout the State, including, but not limited to, superintendents, school board members, school business officers, principals, teachers, directors of special services and career and technical education directors. The Maine Education Policy Research Institute shall recommend potential adjustments to the essential programs and services funding formula to be modeled by the department, and the department shall model the recommended potential adjustments to the essential programs and services funding formula; and

3. Assess the review of essential programs and services components required pursuant to the Maine Revised Statutes, Title 20-A, section 15686-A and make recommendations regarding improvements to the review process, including, but not limited to, the established timeline and opportunities for stakeholder engagement.

No later than March 15, 2025, the Maine Education Policy Research Institute shall submit a report to the joint standing committee of the Legislature having jurisdiction over education matters with the institute's findings and recommendations, including the results of any modeling of potential adjustments to the essential programs and services funding formula conducted. The joint standing committee may submit legislation related to the report to the 132nd Legislature in 2025.

The Department of Education shall conduct the reviews within existing resources.

See title page for effective date.

**CHAPTER 165
S.P. 887 - L.D. 2094**

**Resolve, to Require the
Establishment of a Stakeholder
Group to Examine and
Improve the Recruitment,
Retention and Wellness of Law
Enforcement Officers**

Sec. 1. Formation of stakeholder group; study. Resolved: That the Department of Public Safety shall convene a stakeholder group composed of members as required by section 2 to study long-term solutions to improve the recruitment, retention and wellness of law enforcement officers in the State. The study must include, but is not limited to:

1. An analysis of how to incentivize and encourage the recruitment of law enforcement officers and how funding could be provided to address vacant law enforcement positions;
2. An analysis of how to incentivize and encourage the retention of law enforcement officers and how funding could be provided to support this goal; and
3. An analysis of how to incentivize and encourage mental and physical wellness programs for law enforcement officers and how funding could be provided to support this goal.

Sec. 2. Stakeholder group membership. Resolved: That the stakeholder group under section 1 consists of the following 12 members:

1. The Commissioner of Public Safety or the commissioner's designee;
2. An individual representing the Maine Lodge of the Fraternal Order of Police;
3. An individual representing the Maine Association of Police;
4. An individual representing a statewide association advocating for state troopers in the State;
5. An individual representing the Maine State Law Enforcement Association;
6. An individual representing the Maine Criminal Justice Academy;
7. An individual representing a coalition of mental health providers in the State who specialize in treating first responders as their sole practice;

8. An individual representing a postsecondary educational institution in the State with programs focused on law enforcement or mental health;

9. An individual representing the Maine Chiefs of Police Association;

10. An individual representing the Maine Sheriffs' Association;

11. A student representing a secondary school program focused on law enforcement education in the State; and

12. An individual representing retired law enforcement officers in the State.

Sec. 3. Meetings; report. Resolved: That the Department of Public Safety shall convene the first meeting of the stakeholder group under section 1. At the first meeting, the members of the stakeholder group shall elect a chair and vice-chair to oversee and administer the stakeholder group. The chair shall oversee the meetings of the stakeholder group, and the vice-chair shall assume the role of the chair in the chair's absence. The chair and vice-chair may not be representatives or employees of the department.

The stakeholder group shall develop a report with its findings and recommendations, including suggested legislation, that address the initiatives of the study in section 1. The Department of Public Safety shall submit the report to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters no later than January 2, 2025. The joint standing committee may report out a bill related to the report to the 132nd Legislature in 2025.

See title page for effective date.

**CHAPTER 166
H.P. 1464 - L.D. 2277**

**Resolve, Authorizing the
Commissioner of
Administrative and Financial
Services to Convey by Sale the
Interests of the State in 3
Properties Located in
Biddeford, Sanford and York**

Sec. 1. Authority to convey state property. Resolved: That, notwithstanding any provision of law to the contrary, the State, by and through the Commissioner of Administrative and Financial Services, referred to in this resolve as "the commissioner," may:

1. Convey by sale all or a portion of the State's interests in the 3 parcels of state property described in section 2, together with the buildings and improvements, all appurtenant rights and easements and all personal

property located on each of the parcels, including vehicles, machinery, equipment and supplies;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies regarding the state property described in section 2;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property described in section 2;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests in any of the state property described in section 2; and

5. Release any interests in the state property described in section 2 that, in the commissioner's discretion, do not contribute to the value of any remaining state property described in section 2.

The 3 parcels comprising the state property described in section 2 may be conveyed by sale individually or collectively, in the commissioner's discretion.

Sec. 2. Property interests that may be conveyed. Resolved: That the state property authorized to be sold is:

1. A parcel or parcels of land, located between Washington and Adams Streets in the City of Biddeford, conveyed by the Maine Governmental Facilities Authority to the State, acting by and through the judicial branch, by quitclaim deed recorded in the York County Registry of Deeds, Book 18544, Page 272;

2. A parcel or parcels of land, located in Springvale Village in the City of Sanford, conveyed by the Maine Governmental Facilities Authority to the State, acting by and through the judicial branch, by quitclaim deed recorded in the York County Registry of Deeds, Book 19242, Page 906; and

3. A parcel or parcels of land, located in the Town of York, conveyed by the Maine Governmental Facilities Authority to the State, acting by and through the judicial branch, by quitclaim deed recorded in the York County Registry of Deeds, Book 18544, Page 275.

Sec. 3. Property to be sold "as is". Resolved: That the commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property described in section 2 must be sold "as is," with no representations or warranties. Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner.

Sec. 4. Maine State Housing Authority or local public housing authority. Resolved: That disposition of the state property described in section 2

must follow the provisions of the Maine Revised Statutes, Title 30-A, section 4754-A. If neither the Maine State Housing Authority nor a local public housing authority exercises the option to purchase one or more of the parcels comprising the state property for residential housing, it must be sold pursuant to section 5.

Sec. 5. Opinion of value. Resolved: That, if the state property described in section 2 is not conveyed to the Maine State Housing Authority or one or more local public housing authorities for residential housing pursuant to section 4, the commissioner shall have the current market value of the state property described in section 2 determined by a broker opinion of value and current comparative market analysis. The commissioner may sell the state property described in section 2 directly to a purchaser through a competitive process, list the state property for sale with a private real estate broker or engage an auction company to solicit bids. After evaluating bids or offers, the commissioner may either negotiate the terms of sale, executing deeds and other closing documentation or reject any or all bids or offers.

Sec. 6. Proceeds. Resolved: That any proceeds from the sale of the state property described in section 2 must be deposited into the Department of Administrative and Financial Services, Bureau of General Services capital repair and improvement account for capital improvements.

Sec. 7. Deed covenants. Resolved: That, if the state property described in section 2 or any portion is transferred to the Maine State Housing Authority or a local public housing authority for residential housing pursuant to section 4, the Maine State Housing Authority or a local public housing authority shall ensure that it is used for that purpose for a minimum of 10 years.

Sec. 8. Repeal. Resolved: That this resolve is repealed 5 years from its effective date.

See title page for effective date.

CHAPTER 167

H.P. 1397 - L.D. 2182

Resolve, Regarding Legislative Review of Portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a Major Substantive Rule of the Department of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized.

Sec. 2. Social studies standards. Resolved: That the Department of Education shall initiate rule-making on the portion of the department's rule Chapter 132: Learning Results: Parameters for Essential Instruction that provides the parameters for instruction for the content area of social studies and submit a provisionally adopted rule to the Legislature in the First Regular Session of the 132nd Legislature for review. The department may adjust the content areas subject to review and submission to the Legislature in the First Regular Session of the 132nd Legislature pursuant to the Maine Revised Statutes, Title 20-A, section 6209, subsection 4 as necessary to accomplish the purposes of this section.

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

Effective April 13, 2024.

CHAPTER 168

H.P. 1399 - L.D. 2185

Resolve, Regarding Legislative Review of Chapter 2: Medical Use of Cannabis Program Rule, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 2: Medical Use of Cannabis Program Rule, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, office of cannabis policy that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized.

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

Effective April 16, 2024.

CHAPTER 169

S.P. 590 - L.D. 1471

Resolve, Regarding Legislative Review of Portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Late-filed Major Substantive Rule of the Department of Environmental Protection

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule was submitted to the Legislature outside the legislative rule acceptance

period and a legislative instrument to allow for legislative review was not prepared; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That, notwithstanding any provision of the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A to the contrary, and using this resolve as provided in Title 5, section 8072, subsection 11, the Legislature authorizes final adoption of portions of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a provisionally adopted major substantive rule of the Department of Environmental Protection that was submitted February 29, 2024 to the Legislature for review pursuant to Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, only if the following changes are made:

1. The rule must be amended, as necessary, in section 36(B), and any other relevant sections to provide that, as part of a preapplication mine waste and ore sampling and testing plan, proposed rock sampling under such plan must:

A. Include a minimum of 4 samples per acre of proposed exclusion area, except that the department may require less than 4 but not less than 2 samples per acre in cases where the department determines that the geology is uniform and not complex, such that requiring less than 4 but not less than 2 samples per acre is appropriate; and

B. Be conducted by a qualified professional;

2. The rule must be amended, as necessary, in section 36(C), and any other relevant sections to provide that, as part of a preapplication water quality evaluation plan, proposed water quality testing on groundwater and surface water samples from a proposed exclusion area must include, but not be limited to, testing for perfluoroalkyl and polyfluoroalkyl substances, or PFAS. The rule must also require water quality testing on groundwater and surface water samples from reclaimed portions of an exclusion area, as directed by the department, that includes, but is not limited to, testing of those samples for PFAS;

3. The rule must be amended, as necessary, in section 39 to require, as a condition of the department's approval of an exclusion application, that all lighting fixtures implemented or used by the licensee within the exclusion area must be designed to reduce, to the greatest extent practicable, the glare and light pollution on all

adjacent areas through the use of shielding, reflectors, light diffusors and other measures, as specified by the department. The rules must establish requirements for allowable lighting fixtures within the exclusion area that limit each lighting fixture to a light emittance rating of not more than 2,000 lumens and a correlated color temperature of not more than 3,000K;

4. The rule must be amended, as necessary, in section 39 to require, as a condition of the department's approval of an exclusion application, that reclamation within an exclusion area must, to the greatest extent practicable, be designed to result in restoration of natural vegetation and other wildlife and aquatic resources that existed prior to the commencement of mining activities within the exclusion area;

5. The rule must be amended, as necessary, in section 39(D)(4), and any other relevant sections, to provide that the total area within an exclusion area that is actively used for the physical extraction of metallic minerals and not yet reclaimed does not exceed 5 acres.

A. In calculating whether the 5-acre limit is reached, the rule may not include the areas within an exclusion area that are not actively used for the physical extraction of metallic minerals, including, but not limited to, areas where extracted material is stockpiled or stored; areas where extracted material is crushed, ground or physically sorted; areas that include buildings or other structures relating to or supporting mining activities; and access roads, parking lots and related infrastructure.

B. Once the 5-acre limit is reached, the rule must require reclamation in order to expand the area within the exclusion area that is actively used for the physical extraction of metallic minerals such that, at any time, a maximum of 5 acres in total are actively used for the physical extraction of metallic minerals and not yet reclaimed.

The rule must provide for the requirements and standards applicable to the reclamation of all areas within the exclusion area, including those areas not actively used for the physical extraction of metallic minerals; and

6. All other necessary changes must be made to the rule to ensure conformity and consistency throughout the rule and to ensure consistency between the rule and the provisions of the Maine Revised Statutes, Title 38, section 490-NN, subsection 4, including any necessary grammatical, formatting, punctuation or other technical, nonsubstantive editing changes.

The Department of Environmental Protection is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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.

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

Effective April 22, 2024.

**CHAPTER 173
H.P. 1395 - L.D. 2180**

Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty-Two, a Major Substantive Rule of the Department of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty-Two, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized, and the Department of Education may make grammatical, formatting, punctuation and other technical, non-substantive editing changes to the rule as necessary prior to final adoption.

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

Effective April 22, 2024.

**CHAPTER 174
H.P. 1402 - L.D. 2188**

Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 26: Producer Margins, a provisionally adopted major substantive rule of the Maine Milk Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made to the 4 levels of target prices for milk producers:

1. For the first 16,790 hundredweight produced per year by each producer, the target price is \$24.51 per hundredweight;
2. For production over 16,790 hundredweight to 49,079 hundredweight per year, the target price is \$23.37 per hundredweight;
3. For production over 49,079 hundredweight to 76,800 hundredweight per year, the target price is \$22.60 per hundredweight; and
4. For production over 76,800 hundredweight per year, the target price is \$21.88 per hundredweight.

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF
Milk Commission 0188**

Initiative: Adjusts allocation from updating the cost of production and target prices used to make payouts through the dairy stabilization program.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$4,088,815
OTHER SPECIAL REVENUE	\$0	\$4,088,815
FUNDS TOTAL		

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

Effective April 22, 2024.

CHAPTER 175

H.P. 1480 - L.D. 2291

Resolve, Approving the 2024 Draft and Arrangement of the Constitution of Maine Incorporating Amendments Approved at Referendum in 2023 and Providing for Its Publication and Distribution

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

Whereas, 2 amendments to the Constitution of Maine were approved by the voters at referendum in November 2023; and

Whereas, pursuant to Resolve 2023, chapter 127, the Chief Justice of the Supreme Judicial Court was authorized to arrange the Constitution of Maine to include the 2 amendments approved at the November 2023 referendum and submit the arrangement to the Legislature; and

Whereas, the Chief Justice has completed the arrangement; and

Whereas, the arrangement as approved by the Legislature must be made available to the public as soon as possible and before the expiration of the 90-day period; 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. Constitution; approval of 2024 draft and arrangement; enrollment; distribution. Resolved: That the draft and arrangement of the Con-

stitution of Maine, as amended, made by the Chief Justice of the Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6 and Resolve 2023, chapter 127 is approved and that the same be enrolled on parchment or other suitable material and deposited in the office of the Secretary of State.

Sec. 2. Enrollment on durable material. Resolved: That the Secretary of State shall cause the Constitution of Maine, as amended and arranged, to be enrolled on parchment or other suitable material and upon final approval of the Chief Justice of the Supreme Judicial Court to attest to the correctness of that enrollment under the seal of the State.

Sec. 3. Publication. Resolved: That the Secretary of State shall cause to be published in pamphlet form, subject to the approval of the Chief Justice of the Supreme Judicial Court, copies of the Constitution of Maine in such numbers as the Secretary of State determines necessary and that one copy of the pamphlet be forwarded to the municipal officers of each city and town and to the assessors of each plantation within the State.

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

APPENDIX A

CONSTITUTION OF THE STATE OF MAINE

(Arranged by the Chief Justice of the Maine Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6 and Resolves 2023, c. 127, with 2024 Rearrangement Notes)
(Includes CR 2023, c. 1 and CR. 2023, c. 2)

PREAMBLE.

Objects of government. We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

Article I.

Declaration of Rights.

Section 1. Natural rights. All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Section 2. Power inherent in people. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Section 3. Religious freedom; sects equal; religious tests prohibited; religious teachers. All individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no person shall be hurt, molested or restrained in that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of that person's own conscience, nor for that person's religious professions or sentiments, provided that that person does not disturb the public peace, nor obstruct others in their religious worship; -- and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Section 4. Freedom of speech and publication; libel; truth given in evidence; jury determines law and fact. Every citizen may freely speak, write and publish sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of people in public capacity, or the qualifications of those who are candidates for the suffrages of

the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

Section 5. Unreasonable searches prohibited. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause -- supported by oath or affirmation.

Section 6. Rights of persons accused. In all criminal prosecutions, the accused shall have a right to be heard by the accused and counsel to the accused, or either, at the election of the accused;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against the accused;

To have compulsory process for obtaining witnesses in favor of the accused;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of life, liberty, property or privileges, but by judgment of that person's peers or the law of the land.

Section 6-A. Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof.

Section 7. No person to answer to certain crimes but on indictment; exceptions; juries. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

Section 8. No double jeopardy. No person, for the same offense, shall be twice put in jeopardy of life or limb.

Section 9. Sanguinary laws, excessive bail, cruel or unusual punishments prohibited. Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offense; excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Section 10. Bailable offenses; habeas corpus. No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offenses since the adoption of the Constitution, when the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Section 11. Attainder, ex post facto and contract-impairment laws prohibited. The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

Section 12. Treason; testimony of 2 witnesses. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of 2 witnesses to the same overt act, or confession in open court.

Section 13. Suspension of laws. The laws shall not be suspended but by the Legislature or its authority.

Section 14. Corporal punishment under military law. No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

Section 15. Right of petition. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

Section 16. To keep and bear arms. Every citizen has a right to keep and bear arms and this right shall never be questioned.

Section 17. Standing armies. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

Section 18. Quartering of soldiers on citizens. No soldier shall in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

Section 19. Right of redress for injuries. Every person, for an injury inflicted on the person or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Section 20. Trial by jury. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself or herself and with counsel, or either, at the election of the party.

Section 21. Private property, when to be taken. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

Section 22. Taxes. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.

Section 23. Title of nobility prohibited; tenure of offices. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

Section 24. Other rights not impaired. The enumeration of certain rights shall not impair nor deny others retained by the people.

Section 25. Right to food. All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.

Article II.

Electors.

Section 1. Qualifications of electors; written ballot; military servicemen; students. Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such

established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle the student to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost residence by reason of the person's absence from the state in the military service of the United States, or of this State.

Indians. Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.

Section 2. Electors exempt from arrests on election days. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

Section 3. Exemption from military duty. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

Section 4. Time of state election; absentee voting. The election of Senators and Representatives shall be on the Tuesday following the first Monday of November biennially forever and the election of Governor shall be on the Tuesday following the first Monday of November every 4 years. The Legislature under proper enactment shall authorize and provide for voting by citizens of the State absent therefrom in the Armed Forces of the United States or of this State and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.

Section 5. Voting machines. Voting machines, or other mechanical devices for voting, may be used at all elections under such regulations as may be prescribed by law, provided, however, the right of secret voting shall be preserved.

Article III.

Distribution of Powers.

Section 1. Powers distributed. The powers of this government shall be divided into 3 distinct departments, the legislative, executive and judicial.

Section 2. To be kept separate. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

Article IV.

Part First.

House of Representatives.

Section 1. Legislative department; style of acts. The legislative power shall be vested in 2 distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any Act, bill, resolve or resolution passed by the joint action of both branches of the Legislature, and the style of their laws and Acts shall be, "Be it enacted by the people of the State of Maine."

Section 2. Number of Representatives; biennial terms; division of the State into districts for House of Representatives. The House of Representatives shall consist of 151 members, to be elected by the qualified electors, and hold their office 2 years from the day next preceding the first Wednesday in December following the general election. The Legislature which convenes in 2013, and also the Legislature which convenes in 2021 and every 10th year thereafter, shall cause the State to be divided into districts for the choice of one Representative for each district. The number of Representatives shall be divided into the number of inhabitants of the State exclusive of foreigners not naturalized according to the latest Federal Decennial Census or a State Census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each Representative District. Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally pop-

ulated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district with contiguous territory and shall be kept intact.

Section 3. Submission of reapportionment plan to Clerk of House; Legislature's action on commission's plan. The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Clerk of the House no later than June 1st of the year in which apportionment is required. In the preparation of legislation implementing the plan, the commission, following a unanimous decision by commission members, may adjust errors and inconsistencies in accordance with the standards set forth in this Constitution, so long as substantive changes are not made. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of the Members of each House by June 11th of the year in which apportionment is required. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment by June 11th, the Supreme Judicial Court shall, within 60 days following the period in which the Legislature is required to act, but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Section 4. Qualifications; residency requirement. No person shall be a member of the House of Representatives, unless the person shall, at the commencement of the period for which the person is elected, have been 5 years a citizen of the United States, have arrived at the age of 21 years, have been a resident

in this State one year; and for the 3 months next preceding the time of this person's election shall have been, and, during the period for which elected, shall continue to be a resident in the district which that person represents.

No person may be a candidate for election as a member of the House of Representatives unless, at the time of the nomination for placement on a primary, general or special election ballot, that person is a resident in the district which the candidate seeks to represent.

Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. The Governor shall examine the returned copies of such lists and 7 days before the first Wednesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of December biennially, and they shall finally determine who are elected.

Section 6. Vacancies. Whenever the seat of a member shall be vacated by death, resignation, or otherwise the vacancy may be filled by a new election.

Section 7. To choose own officers. The House of Representatives shall choose their speaker, clerk and other officers.

Section 8. Power of impeachment. The House of Representatives shall have the sole power of impeachment.

Article IV.

Part Second.

Senate.

Section 1. Number of Senators. The Senate shall consist of an odd number of Senators, not less than 31 nor more than 35, elected at the same time and for the same term as Representatives by the qualified electors of the districts into which the State shall be from time to time divided.

Section 2. Submission of reapportionment plan to Secretary of Senate; Legislature's action on commission's plan; division of State into Senatorial Districts; division by Supreme Judicial Court. The Legislature which shall convene in the year 2013, and also the Legislature which shall convene in the year 2021 and every tenth year thereafter, shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for apportionment of Representative Districts.

The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Secretary of the Senate no later than June 1st of the year in which apportionment is required. In the preparation of legislation implementing the plan, the commission, following a unanimous decision by commission members, may adjust errors and inconsistencies in accordance with the standards set forth in this Constitution, so long as substantive changes are not made. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of 2/3 of the Members of each House by June 11th of the year in which apportionment is required. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment by June 11th, the Supreme Judicial Court shall, within 60 days following the period in which the Legislature is required to act but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Section 3. Election of Senators; lists of votes delivered forthwith. The meetings within this State for the election of Senators shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the office of the Secretary of State forthwith.

Section 4. Lists of votes examined by Governor; summons to persons who appear to be elected. The Governor shall, as soon as may be, examine the copies of such lists, and at least 7 days before the said first Wednesday of December, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats.

Section 5. Determination of Senators elected; procedure for filling vacancies. The Senate shall, on said first Wednesday of December, biennially determine who is elected by a plurality of votes to be Senator in each district. All vacancies in the Senate arising from death, resignation, removal from the State or like causes, and also vacancies, if any, which may occur because of the failure of any district to elect by a plurality of votes the Senator to which said district shall be entitled shall be filled by an immediate election in the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election.

Section 6. Qualifications. The Senators shall be 25 years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same as those of the Representatives.

Section 7. To try impeachments; limitation of judgment of impeachment; party liable to be tried and punished in court. The Senate shall have the sole power to try all impeachments, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of 2/3 of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Section 8. To choose own officers. The Senate shall choose their President, Secretary and other officers.

Article IV.

Part Third.

Legislative Power.

Section 1. To meet annually; power of Legislature to convene itself at other times; extent of legislative power. The Legislature shall convene on the first Wednesday of December following the general election in what shall be designated the first regular session of the Legislature; and shall further convene on the first Wednesday after the first Tuesday of January in the subsequent even-numbered year in what shall be designated the second regular session of the Legislature; provided, however, that the business of the second regular session of the Legislature shall be limited to budgetary matters; legislation in the Governor's call; legislation of an emergency nature admitted by the Legislature; legislation referred to committees for study and report by the Legislature in the first regular session; and legislation presented to the Legislature by written petition of the electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall enact appropriate statutory limits on the length of the first regular session and of the second regular session. The Legislature may convene at such other times on the call of the President

of the Senate and Speaker of the House, with the consent of a majority of the Members of the Legislature of each political party, all Members of the Legislature having been first polled. The Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Section 1-A. Legislature to establish Apportionment Commission; number of quorum; compensation of commission members; commission's budget; division among political parties. A Legislature which is required to apportion the districts of the House of Representatives or the Senate, or both, under Article IV, Part First, Section 2, or Article IV, Part Second, Section 2, shall establish, within the first 3 calendar days after the convening of that Legislature, a commission to develop in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives, the Senate, or both.

The commission shall be composed of 3 members from the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; 3 members from the political party holding the majority of the remainder of the seats in the House of Representatives, who shall be appointed by the floor leader of that party in the House; 2 members of the party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; 2 members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the chairperson of each of the 2 major political parties in the State or their designated representatives; and 3 members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the third to be selected by the other 2 public members. The Speaker of the House shall be responsible for organizing the commission and shall be chairperson pro tempore thereof until a permanent chairperson is selected by the commission members from among their own number. No action may be taken without a quorum of 8 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

Public members of the commission shall receive the same rate of per diem that is paid to Legislators for every day's attendance at special sessions of the Legislature as defined by law. All members of the commission shall be reimbursed for actual travel expenses incurred in carrying out the business of the commission. The Legislature which is required to apportion shall establish a budget for the apportioning commission within the state budget document in the fiscal year previous to the fiscal year during which the apportioning commission is required to convene and shall appropriate sufficient funds for the commission to satisfactorily perform its duties and responsibilities. The budget shall include sufficient funds to compensate the chairperson of the commission and the chairperson's staff. The remainder of the appropriation shall be made available equally among the political parties represented on the commission to provide travel expenses, incidental expenses and compensation for commission members and for partisan staff and operations.

Section 2. Bills to be signed by the Governor; proceedings, in case the Governor disapproves; allowing the Governor 10 days to act on legislation. Every bill or resolution, having the force of law, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if the Governor approves, the Governor shall sign it; if not, the Governor shall return it with objections to the House in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, 2/3 of that House shall agree to pass it, it shall be sent together with the objections, to the other House, by which it shall be reconsidered, and, if approved by 2/3 of that House, it shall have the same effect as if it had been signed by the Governor; but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within 10 days (Sundays excepted) after it shall have been presented to the Governor, it shall have the same force and effect as if the Governor had signed it unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within 3 days after the next meeting of the same Legislature which enacted the bill or resolution; if there is no such

next meeting of the Legislature which enacted the bill or resolution, the bill or resolution shall not be a law.

Section 2-A. Line-item veto of dollar amounts appearing in appropriation or allocation sections of legislative documents. The Governor has power to disapprove any dollar amount appearing in an appropriation section or allocation section, or both, of an enacted legislative document. Unless the Governor exercises the line-item veto power authorized in this section no later than one day after receiving for signature the enacted legislation, the powers of the Governor as set out in section 2 apply to the entire enacted legislation. For any disapproved dollar amount, the Governor shall replace the dollar amount with one that does not result in an increase in an appropriation or allocation or a decrease in a deappropriation or deallocation. When disapproving a dollar amount pursuant to this section, the Governor may not propose an increase in an appropriation or allocation elsewhere in the legislative document. The Governor shall specify the distinct dollar amounts that are revised, and the part or parts of the legislative document not specifically revised become law. The dollar amounts in an appropriation or allocation that have been disapproved become law as revised by the Governor, unless passed over the Governor's veto by the Legislature as the dollar amounts originally appeared in the enacted bill as presented to the Governor; except that, notwithstanding any other provision of this Constitution for dollar amounts vetoed pursuant to this section, a majority of all the elected members in each House is sufficient to override the veto, and each dollar amount vetoed must be voted on separately to override the veto. Except as provided in this section, the Governor may not disapprove, omit or modify any language allocated to the statutes or appearing in an unallocated section of law.

Section 3. Each House the judge of its elections; majority, a quorum. Each House shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House shall provide.

Section 4. May punish and expel members. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of 2/3, expel a member, but not a 2nd time for the same cause.

Section 5. Shall keep a journal; yeas and nays. Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of 1/5 of those present, be entered on the journals.

Section 6. May punish for contempt. Each House, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for anything said, done, or doing in either House; provided, that no imprisonment shall extend beyond the period of the same session.

Section 7. Compensation; traveling expenses. The Senators and Representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. The expenses of the members of the House of Representatives in traveling to the Legislature, and returning therefrom, once in each week of each session and no more, shall be paid by the State out of the public treasury to every member, who shall seasonably attend, in the judgment of the House, and does not depart therefrom without leave.

Section 8. Members exempt from arrest; freedom of debate. The Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature, and no member shall be liable to answer for anything spoken in debate in either House, in any court or place elsewhere.

Section 9. Either House may originate bills; revenue bills. Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases; provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

Section 10. Members not to be appointed to certain offices. No Senator or Representative shall, during the term for which the Senator or Representative shall have been elected, be appointed to any civil office of profit under this State, which requires the approval of the Legislature for appointment or which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people.

Section 11. Persons disqualified to be members. No member of Congress, nor person holding any office under the United States (post officers excepted) nor office of profit under this State, justices of the peace, notaries public, coroners and officers of the militia excepted, shall have a seat in either House while a member of Congress, or continuing in such office.

Section 12. Adjournments. Neither House shall during the session, without the consent of the other, adjourn for more than 2 days, nor to any other place than that in which the Houses shall be sitting.

Section 13. Special legislation. The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.

Section 14. Corporations, formed under general laws. Corporations shall be formed under general laws, and shall not be created by special Acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State.

Section 15. Constitutional conventions. The Legislature shall, by a 2/3 concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this Constitution.

Section 16. Acts become effective in 90 days after recess; exception; emergency bill defined. No Act or joint resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until 90 days after the recess of the session of the Legislature in which it was passed, unless in case of emergency, which with the facts constituting the emergency shall be expressed in the preamble of the Act, the Legislature shall, by a vote of 2/3 of all the members elected to each House, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than 5 years of real estate.

Section 17. Proceedings for people's veto.

1. Petition procedure; petition for people's veto. Upon written petition of electors, the number of which shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the Governor and filed in the office of the Secretary of State by the hour of 5:00 p.m., on or before the 90th day after the recess of the Legislature, or if such 90th day is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00 p.m., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until 30 days after the Governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a statewide or general election.

2. Effect of referendum. The effect of any Act, bill, resolve or resolution or part or parts thereof as are specified in such petition shall be suspended upon the filing of such petition. If it is later finally determined, in accordance with any procedure enacted by the Legislature pursuant to the Constitution, that such petition was invalid, such Act, bill, resolve or resolution or part or parts thereof shall then take effect upon the day following such final determination.

3. Referral to electors; proclamation by Governor. As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next statewide or general election, whichever comes first, not less than 60 days after such proclamation. If the Governor fails to order such measure to be submitted to the people at the next statewide or general election, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at such an election and such order shall be sufficient to enable the people to vote.

Section 18. Direct initiative of legislation.

1. Petition procedure. The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the Legislature in first regular session or on or before the 25th day after the date of convening of the Legislature in second regular session, except that the written petition may not be filed in the office of the Secretary of State later than 18 months after the date the petition form was furnished or approved by the Secretary of State. If the applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until the hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

2. Referral to electors unless enacted by the Legislature without change; number of signatures

necessary on direct initiative petitions; dating signatures on petitions; competing measures. For any measure thus proposed by electors, the number of signatures shall not be less than 10% of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition. The date each signature was made shall be written next to the signature on the petition. A signature is not valid if it is dated more than one year prior to the date that the petition was filed in the office of the Secretary of State. The measure thus proposed, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next statewide election to be held not less than 60 days after the first vote thereon be submitted by itself if it receives more than 1/3 of the votes given for and against both. If the measure initiated is enacted by the Legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The Legislature may order a special election on any measure that is subject to a vote of the people.

3. Timing of elections; proclamation by Governor. The Governor shall, by proclamation, order any measure proposed to the Legislature as herein provided, and not enacted by the Legislature without change, referred to the people at an election to be held in November of the year in which the petition is filed. If the Governor fails to order a measure proposed to the Legislature and not enacted without change to be submitted to the people at such an election by proclamation within 10 days after the recess of the Legislature to which the measure was proposed, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at an election as requested, and such order shall be sufficient to enable the people to vote.

Section 19. Effective date of measures approved by people; veto power limited. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in 30 days after the Governor has made public proclamation of the result of the vote on said measure, which the Governor

shall do within 10 days after the vote thereon has been canvassed and determined; provided, however, that any such measure which entails expenditure in an amount in excess of available and unappropriated state funds shall remain inoperative until 45 days after the next convening of the Legislature in regular session, unless the measure provides for raising new revenues adequate for its operation. The veto power of the Governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the Legislature without change, if vetoed by the Governor and if the veto is sustained by the Legislature shall be referred to the people to be voted on at the next general election. The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote.

Section 20. Meaning of words "electors," "people," "recess of Legislature," "statewide election," "measure," "circulator," and "written petition"; written petitions for people's veto; written petitions for direct initiative. As used in any of the 3 preceding sections or in this section the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "statewide election" means any election held throughout the State on a particular day; "measure" means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of the city, town or plantation of the circulator's residence as qualified to vote for Governor; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners, or, as authorized by law, the alternative signatures of persons with physical disabilities that prevent them from signing their own names, attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in the presence of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list or to certify signatures on petitions for voters on the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of the city, town or plantation of the

official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations, or state election officials as authorized by law, for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day before the petition must be filed in the office of the Secretary of State, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must complete the certification of only those petitions submitted by these deadlines and must return them to the circulators or their agents within 2 days for a petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal holidays excepted, of the date on which such petitions were submitted to them. Signatures on petitions not submitted to the appropriate local or state officials by these deadlines may not be certified. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed and notarized and submitted to the office of the Secretary of State by a resident of this State whose name must appear on the voting list of the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

Section 21. City council of any city may establish direct initiative and people's veto. The city council of any city may establish the direct initiative and people's veto for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such direct

initiative and people's veto shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. Provided, however, that the Legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.

Section 22. Election officers and officials, how governed. Until the Legislature shall enact further laws not inconsistent with the Constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing. The Legislature may enact laws not inconsistent with the Constitution to establish procedures for determination of the validity of written petitions. Such laws shall include provision for judicial review of any determination, to be completed within 100 business days from the date of filing of a written petition in the office of the Secretary of State, except that, if a petition is filed within 30 calendar days before or after a general election, the judicial review must be completed within 100 business days after the 30th calendar day following that general election.

Section 23. Municipalities reimbursed annually. The Legislature shall annually reimburse each municipality from state tax sources for not less than 50% of the property tax revenue loss suffered by that municipality during the previous calendar year because of the statutory property tax exemptions or credits enacted after April 1, 1978. The Legislature shall enact appropriate legislation to carry out the intent of this section.

This section shall allow, but not require, reimbursement for statutory property tax exemptions or credits for unextracted minerals.

Article V.

Part First.

Executive Power.

Section 1. Governor. The supreme executive power of this State shall be vested in a Governor.

Section 2. Term of office; reelection eligibility. The Governor shall be elected by the qualified electors, and shall hold the office for 4 years from the first Wednesday after the first Tuesday of January next following the election and until the successor to the Governor has been duly elected and qualified. The person who has served 2 consecutive popular elective 4-year terms of office as Governor shall be ineligible to succeed himself or herself.

Section 3. Election; votes to be returned to Secretary of State; Secretary of State to lay lists before the Senate and House of Representatives; provision in case of tie. The meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes shall be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State for the time being shall, on the first Wednesday after the first Tuesday of January then next, lay the lists returned to the secretary's office before the Senate and House of Representatives to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same. If there shall be a tie between the 2 persons having the largest number of votes for Governor, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said 2 persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor.

Section 4. Qualifications. The Governor shall, at the commencement of the Governor's term, be not less than 30 years of age; a citizen of the United States for at least 15 years, have been 5 years a resident of the State; and at the time of election and during the term for which elected, be a resident of said State.

Section 5. Disqualifications. No person holding any office or place under the United States, this State, or any other power, shall assume the office of Governor, nor shall any such person exercise the office of Governor except as provided by this Constitution.

Section 6. Compensation. The Governor shall, at stated times, receive for services a compensation, which shall not be increased or diminished during the Governor's continuance in office.

Section 7. Commander in chief. The Governor shall be commander in chief of the army and navy of the State, and of the militia, except when the same are called into the actual service of the United States.

Section 8. To appoint officers. The Governor shall nominate, and, subject to confirmation as provided herein, appoint all judicial officers, except judges of probate and justices of the peace if their manner of selection is otherwise provided for by this Constitution or by law, and all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for.

Procedure for confirmation. The procedure for confirmation shall be as follows: an appropriate legislative committee comprised of members of both houses in reasonable proportion to their membership as provided by law shall recommend confirmation or denial by majority vote of committee members present and voting. The committee recommendation shall be reviewed by the Senate and upon review shall become final action of confirmation or denial unless the Senate by vote of 2/3 of those members present and voting overrides the committee recommendation. The Senate vote shall be by the yeas and nays.

Affirmative vote of 2/3 of members required. All statutes enacted to carry out the purposes of the second paragraph of this section shall require the affirmative vote of 2/3 of the members of each House present and voting.

Governor or President of Senate may call Senate into session. Either the Governor or the President of the Senate shall have the power to call the Senate into session for the purpose of voting upon confirmation of appointments.

Nomination by Governor made 7 days prior to appointment of nominee. Every nomination by the

Governor shall be made 7 days at least prior to appointment of the nominee.

Section 9. To give information and recommend measures. The Governor shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as the Governor may judge expedient.

Section 10. May require information of any officer. The Governor may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

Section 11. Power to pardon and remit penalties, etc.; conditions. The Governor shall have power to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Such power to grant reprieves, commutations and pardons shall include offenses of juvenile delinquency.

Section 12. Shall enforce the laws. The Governor shall take care that the laws be faithfully executed.

Section 13. Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting. The Governor may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the 2 Houses with respect to the time of adjournment, adjourn them to such time, as the Governor shall think proper, not beyond the day of the next regular session; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Section 14. Vacancy, how supplied. Whenever the office of Governor shall become vacant because of

the death, resignation or removal of a Governor in office, or any other cause, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term.

Whenever the offices of Governor, and President of the Senate are vacant at the same time, the Speaker of the House of Representatives shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever the offices of Governor, President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the offices of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Mental or physical disability of the Governor continuously for more than 6 months. Whenever for 6 months a Governor in office shall have been continuously unable to discharge the powers and duties of that office because of mental or physical disability such office shall be deemed vacant. Such vacancy shall be declared by the Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of 2/3 of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

Section 15. Temporary mental or physical disability of Governor. Whenever the Governor is unable to discharge the powers and duties of that office because of mental or physical disability, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of that office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and duties of that office, the Governor may so certify to the Chief Justice of the Supreme Judicial Court, in which case and upon notice from the Chief Justice, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until such time as the Governor shall certify to the Chief Justice that the Governor is able to discharge such powers and duties and the Chief Justice shall so notify the officer who is exercising the powers and duties of the office of Governor.

When the Secretary of State shall have reason to believe that the Governor is unable to discharge the duties of that office, the Secretary of State may so certify to the Supreme Judicial Court, declaring the reason for such belief. After notice to the Governor, a hearing before the court and a decision by a majority of the court that the Governor is unable to discharge the duties of the office of Governor, the court shall notify the President of the Senate, or if that office is vacant the Speaker of the House of Representatives, of such inability and that officer shall exercise the functions, powers and duties of the office of Governor until such time as the Secretary of State or the Governor shall certify to the court that the Governor is able to discharge the duties of the office of Governor and the court, after notice to the Governor and a hearing before the court, decides that the Governor is able to discharge the duties of that office and so notifies the officer who is exercising the powers and duties of the office of Governor.

Whenever either the President of the Senate or Speaker of the House of Representatives shall exercise the office of Governor, the officer shall receive only the compensation of Governor, but the officer's duties as President or Speaker shall be suspended; and the Senate

or House shall fill the vacancy resulting from such suspension, until the officer shall cease to exercise the office of Governor.

Article V.

Part Second.

Secretary.

Section 1. Election. The Secretary of State shall be chosen biennially at the first session of the Legislature, by joint ballot of the Senators and Representatives in convention.

Section 1-A. Succession to the office of Secretary of State. If a vacancy occurs in the office of the Secretary of State, the first deputy secretary of state shall act as the Secretary of State until a Secretary of State is elected by the Legislature during the current session if in session, or at the next regular or special session.

Section 2. Records of State; deputies. The records of the State shall be kept in the office of the secretary, who may appoint deputies to that office, for whose conduct the secretary shall be accountable.

Section 3. Attend the Governor, Senate, and House. The Secretary of State shall attend the Governor, Senate and House of Representatives, in person or by the deputies of the Secretary of State as they shall respectively require.

Section 4. Records of executive and legislative departments. The Secretary of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

Article V.

Part Third.

Treasurer.

Section 1. Election. The Treasurer shall be chosen biennially, at the first session of the Legislature, by joint ballot of the Senators, and Representatives in convention.

Section 1-A. Succession to the office of Treasurer. If a vacancy occurs in the office of Treasurer of State, the deputy treasurer of state shall act as the Treasurer of State until a Treasurer of State is elected by the Legislature during the current session if in session, or at the next regular or special session.

Section 2. Bond. The Treasurer shall, before entering on the duties of that office, give bond to the State with sureties, to the satisfaction of the Legislature, for the faithful discharge of that trust.

Section 3. Not to engage in trade. The Treasurer shall not, during the treasurer's continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

Section 4. No money drawn except upon appropriation or allocation. No money shall be drawn from the treasury, except in consequence of appropriations or allocations authorized by law.

Section 5. Bonding regulations; prohibiting use of proceeds from sale of bonds to fund current expenditures. The Legislature shall enact general law prohibiting the use of proceeds from the sale of bonds to fund current expenditures and shall provide by appropriation for the payment of interest upon and installments of principal of all bonded debt created on behalf of the State as the same shall become due and payable. If at any time the Legislature shall fail to make any such appropriation, the Treasurer of State shall set apart from the first General Fund revenues thereafter received a sum sufficient to pay such interest or installments of principal and shall so apply the moneys thus set apart. The Treasurer of State may be required to set apart and apply such revenues at the suit of any holder of such bonds. The prohibition on use of proceeds from the sale of bonds to fund current expenditures shall only apply to those bonds authorized on or after July 1, 1977.

Article VI.

Judicial Power.

Section 1. Courts. The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.

Section 2. Compensation. The Justices of the Supreme Judicial Court and the Judges of other courts shall, at stated times receive a compensation, which shall not be diminished during their continuance in office; but they shall receive no other fee or reward for their services as Justices or Judges.

Section 3. To give opinion when required by Governor or either Branch of the Legislature. The Justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Senate or House of Representatives.

Section 4. Tenure of judicial officers; 6-month holdover period. All judicial officers appointed by the Governor shall hold their offices for the term of 7 years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, provided further that justices of the peace may be removed from office in such manner as the Legislature may provide); provided, however, that a judicial officer whose term of office has expired or who has reached mandatory retirement age, as provided by statute, may continue to hold office until the expiration of an additional period not to exceed 6 months or until the successor to the judicial officer is appointed, whichever occurs first in time.

Section 5. Limitation on holding other office. No Justice of the Supreme Judicial Court or any other court shall hold office under the United States or any other state, nor under this State, except as justice of the peace or as member of the Judicial Council.

Section 6. Judges and registers of probate, election and tenure; vacancies. Judges and registers of probate shall be elected by the people of their respective

counties, by a plurality of the votes given in, at the biennial election on the Tuesday following the first Monday of November, and shall hold their offices for 4 years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the November election, next after their occurrence; and in the meantime, the Governor may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.

Note: Section 6 of Article VI has been repealed by Amendment which by virtue of Chapter 77 of the Resolves of the One Hundred and Third Legislature, 1967 "shall become effective at such time as the Legislature by proper enactment shall establish a different Probate Court system with full-time judges."

Article VII.

Military.

Section 1. Officers, how appointed. All commissioned officers of the militia shall be appointed and commissioned by the Governor, from such persons as are qualified by law to hold such offices.

Section 2. Qualifications and selection. The Legislature shall, by law, designate the qualifications necessary for holding a commission in the militia and shall prescribe the mode of selection of officers for the several grades.

Section 3. Adjutant General. The Adjutant General shall be appointed by the Governor. But the Adjutant General shall also perform the duties of quartermaster general and paymaster general until otherwise directed by law.

Section 4. Standard of organization, armament and discipline. The organization, armament and discipline of the militia and of the military and naval units thereof shall be the same as that which is now or may hereafter be prescribed by the laws and regulations of the United States; and it shall be the duty of the Governor to issue from time to time such orders and regulations and to adopt such other means of administration,

as shall maintain the prescribed standard of organization, armament and discipline; and such orders, regulations and means adopted shall have the full force and effect of the law.

Section 5. Persons exempt from military duty. Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court, Ministers of the Gospel and persons exempted by the laws of the United States may be exempted from military duty, but no other able-bodied person of the age of 18 and under the age of 45 years, excepting officers of the militia who have been honorably discharged, shall be so exempted.

Article VIII.

Part First.

Education.

Section 1. Legislature shall require towns to support public schools; duty of Legislature. A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in any such literary institution, as shall be judged necessary to promote the best interests thereof.

Section 2. Authority to pledge the credit of the State and to issue bonds for loans to Maine students in higher education and their parents. For the purpose of assisting the youth of Maine to achieve the required levels of learning and to develop their intellectual and mental capacities, the Legislature, by proper enactment, may authorize the credit of the State to be

loaned to secure funds for loans to Maine students attending institutions of higher education, wherever situated, and to parents of these students. Funds shall be obtained by the issuance of state bonds, when authorized by the Governor, but the amount of bonds issued and outstanding shall not at one time exceed in the aggregate \$4,000,000. Funds loaned shall be on such terms and conditions as the Legislature shall authorize.

Article VIII.

Part Second.

Municipal Home Rule.

Section 1. Power of municipalities to amend their charters. The inhabitants of any municipality shall have the power to alter and amend their charters on all matters, not prohibited by Constitution or general law, which are local and municipal in character. The Legislature shall prescribe the procedure by which the municipality may so act.

Section 2. Construction of buildings for industrial use. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the physical boundaries of any municipality, the registered voters of that municipality may, by majority vote, authorize the issuance of notes or bonds in the name of the municipality for the purpose of purchasing land and interests therein or constructing buildings for industrial use, to be leased or sold by the municipality to any responsible industrial firm or corporation.

Article IX.

General Provisions.

Section 1. Oaths and subscriptions. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before entering on the discharge of the duties of that place or office, take and subscribe the following oath or affirmation: "I, ____ do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

"I ____ do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as ____ according to the Constitution and laws of the State. So help me God."

Alternative affirmation. Provided, that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

Administration of oaths to Governor, Senators, Representatives, and other officers. The oaths or affirmations shall be taken and subscribed by the Governor before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in the absence of the Chief Justice, by the senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.

Section 2. Offices incompatible with each other; election to Congress disqualifies. No person holding the office of Justice of the Supreme Judicial Court, or of any inferior court, Attorney General, district attorney, Treasurer of the State, Adjutant General, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising at the same time within this State, more than one of the offices before mentioned.

Section 3. Commissions. All commissions shall be in the name of the State, signed by the Governor, attested by the Secretary or a deputy of the Secretary and have the seal of the State thereto affixed.

Section 4. Elections on the first Wednesday after first Tuesday of January may be adjourned from day to day. In case the elections, required by this Constitution on the first Wednesday after the first Tuesday of January biennially, by the 2 Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: The vacancies in the Senate shall first be filled; and the Governor shall then be elected, if there be no choice by the people.

Section 5. Removal by impeachment or address. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, that the person may be admitted to a hearing in that person's own defense.

Section 6. Tenure of office. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor.

Section 7. Valuation. While the public expenses shall be assessed on estates, a general valuation shall be taken at least once in 10 years.

Section 8. Taxation. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof.

1. Intangible property. The Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.

2. Assessment of certain lands based on current use; penalty on change to higher use. The Legislature shall have power to provide for the assessment of the following types of real estate whenever situated in accordance with a valuation based upon the current use thereof and in accordance with such conditions as the Legislature may enact:

- A. Farms and agricultural lands, timberlands and woodlands;
- B. Open space lands which are used for recreation or the enjoyment of scenic natural beauty;
- C. Lands used for game management or wildlife sanctuaries; and
- D. Waterfront land that is used for or that supports commercial fishing activities.

In implementing paragraphs A, B, C and D, the Legislature shall provide that any change of use higher than those set forth in paragraphs A, B, C and D, except when the change is occasioned by a transfer resulting from the exercise or threatened exercise of the power of eminent domain, shall result in the imposition of a minimum penalty equal to the tax which would have been imposed over the 5 years preceding that change of use had that real estate been assessed at its highest and best use, less all taxes paid on that real estate over the preceding 5 years, and interest, upon such reasonable and equitable basis as the Legislature shall determine. Any statutory or constitutional penalty imposed as a result of a change of use, whether imposed before or after the approval of this subsection, shall be determined without regard to the presence of minerals, provided that, when payment of the penalty is made or demanded, whichever occurs first, there is in effect a state excise tax which applies or would apply to the mining of those minerals.

3. School districts. The Legislature shall have power to provide that taxes, which it may authorize a School Administrative District or a community school district to levy, may be assessed on real, personal and

intangible property in accordance with any cost-sharing formula which it may authorize.

4. Watercraft. Beginning with the property tax year 1984, all watercraft as defined by the Legislature shall be exempt from taxation as personal property, provided that certain watercraft as defined by the Legislature shall be subject to an excise tax to be collected and retained by the municipalities.

5. Historic and scenic preservation. The Legislature shall have the power to provide that municipalities may reduce taxes on real property if the property owner agrees to maintain the property in accordance with criteria adopted by the governing legislative body of the municipality to maintain the historic integrity of important structures or to provide scenic view easements of significant vistas.

Section 9. Power of taxation. The Legislature shall never, in any manner, suspend or surrender the power of taxation.

Section 10. Tenure of sheriffs. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the Tuesday following the first Monday of November, and shall hold their offices for 4 years from the first day of January next after their election, unless sooner removed as hereinafter provided.

Removal of sheriffs from office and replacement. Whenever the Governor upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon the sheriff by law, the Governor may remove such sheriff from office and appoint another sheriff to serve for the remainder of the term for which such removed sheriff was elected. All vacancies in the office of sheriff, other than those caused by removal in the manner aforesaid shall be filled in the same manner as is provided in the case of judges and registers of probate.

Section 11. Attorney General. The Attorney General shall be chosen biennially by joint ballot of the Senators and Representatives in convention. Vacancy

in said office occurring when the Legislature is not in session, may be filled by appointment by the Governor, subject to confirmation as required by this Constitution for Justices of the Supreme Judicial Court.

Section 12. Voting districts. The Legislature may by law authorize the dividing of towns into voting districts for all state and national elections, and prescribe the manner in which the votes shall be received, counted, and the result of the election declared.

Section 13. Bribery at elections. The Legislature may enact laws excluding from the right of suffrage, for a term not exceeding 10 years, all persons convicted of bribery at any election, or of voting at any election, under the influence of a bribe.

Section 14. Authority and procedure for issuance of bonds. The credit of the State shall not be directly or indirectly loaned in any case, except as provided in sections 14-A, 14-B, 14-C and 14-D. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed \$2,000,000, except to suppress insurrection, to repel invasion, or for purposes of war, and except for temporary loans to be paid out of money raised by taxation during the fiscal year in which they are made, and except for loans to be repaid within 12 months with federal transportation funds in amounts not to exceed 50% of transportation funds appropriated by the federal government in the prior federal fiscal year; and excepting also that whenever 2/3 of both Houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such action; but this shall not be construed to refer to any money that has been, or may be deposited with this State by the Government of the United States, or to any fund which the State shall hold in trust for any Indian tribe. Whenever ratification by the electors is essential to the validity of bonds to be issued on behalf of the State, the question submitted to the electors shall be accompanied by a statement setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued, and the total amount of bonds of

the State contemplated to be issued if the enactment submitted to the electors be ratified. For any bond authorization requiring ratification of the electors pursuant to this section, if any bonds have not been issued within 5 years of the date of ratification, then those bonds may not be issued after that date. Within 2 years after expiration of that 5-year period, the Legislature may extend, by a majority vote, the 5-year period for an additional 5 years or may deauthorize the bonds. If the Legislature fails to take action within those 2 years, the bond issue shall be considered to be deauthorized and no further bonds may be issued. For any bond authorization in existence on November 6, 1984, and for which the 5-year period following ratification has expired, no further bonds may be issued unless the Legislature, by November 6, 1986, reauthorizes those bonds by a majority vote, for an additional 5-year period, failing which all bonds unissued under those authorizations shall be considered to be deauthorized. Temporary loans to be paid out of moneys raised by taxation during any fiscal year shall not exceed in the aggregate during the fiscal year in question an amount greater than 10% of all the moneys appropriated, authorized and allocated by the Legislature from undedicated revenues to the General Fund and dedicated revenues to the Highway Fund for that fiscal year, exclusive of proceeds or expenditures from the sale of bonds, or greater than 1% of the total valuation of the State of Maine, whichever is the lesser.

Section 14-A. Authority to insure industrial, manufacturing, fishing, and agricultural mortgage loans. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial, manufacturing, fishing, agricultural and recreational enterprises within the State, the Legislature by proper enactment may insure the payment of mortgage loans on real estate and personal property within the State of such industrial, manufacturing, fishing, agricultural and recreational enterprises not exceeding in the aggregate \$90,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid. For the purposes of this section, a documented fishing vessel or a vessel registered under state law shall be construed as real estate.

Section 14-B. Authority to insure revenue bonds of the Maine School Building Authority. In

order to encourage and assist in the provision and construction of public school buildings in the State, the Legislature by proper enactment may insure the payment of revenue bonds of the Maine School Building Authority on school projects within the State not exceeding in the aggregate \$6,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.

Section 14-C. Authority to insure mortgage loans for Indian housing. For the purpose of fostering and encouraging the acquisition, construction, repair and remodeling of houses owned or to be owned by members of the 2 tribes on the several Indian reservations, the Legislature by proper enactment may insure the payment of mortgage loans on such houses not exceeding in the aggregate \$1,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.

Section 14-D. Authority to insure Maine veterans' mortgage loans, and to appropriate moneys and issue bonds for the payment of same. For the purposes of recognizing the services and sacrifices of Maine's men and women who have served their state and country through honorable service in the Armed Forces of the United States in time of war or national emergency; enlarging the opportunities for employment of Maine's veterans; insuring the preservation and betterment of the economy of the State of Maine; and stimulating the flow of private investment funds to Maine's veterans, the Legislature by proper enactment may insure the payment of any mortgage loan to resident Maine veterans of the Armed Forces of the United States, including a business organization owned in whole or in part by a resident Maine veteran, when such loans are made in connection with such legitimate purposes and under such terms and conditions as the Legislature may determine, not exceeding in the aggregate \$4,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.

Section 15. Municipal borrowing regulated by Legislature through general law. The Legislature shall enact general law regulating the total borrowing capacity of municipal corporations.

Section 16. Seat of government. Augusta is hereby declared to be the seat of government of this State.

Section 17. Continuity of Government in case of enemy attack. Notwithstanding any general or special provision of this Constitution, the Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations including but not limited to the financing thereof. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature so to do would be impracticable or would admit of undue delay.

Section 18. Limitation on use of funds of Maine State Retirement System. All of the assets, and proceeds or income therefrom, of the Maine State Retirement System or any successor system and all contributions and payments made to the system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes. Funds appropriated by the Legislature for the Maine State Retirement System are assets of the system and may not be diverted or deappropriated by any subsequent action.

Section 18-A. Funding of retirement benefits under the Maine Public Employees Retirement System. Beginning with the fiscal year starting July 1, 1997, the normal cost of all retirement and ancillary benefits provided to participants under the Maine Public

Employees Retirement System must be funded annually on an actuarially sound basis. Unfunded liabilities may not be created except those resulting from experience losses. Unfunded liability resulting from experience losses must be retired over a period not exceeding 20 years.

Section 18-B. Payment of unfunded liabilities of the Maine State Retirement System. Each fiscal year beginning with the fiscal year starting July 1, 1997, the Legislature shall appropriate funds that will retire in 31 years or less the unfunded liabilities of the Maine State Retirement System that are attributable to state employees and teachers. The unfunded liabilities referred to in this section are those determined by the Maine State Retirement System's actuaries and certified by the Board of Trustees of the Maine State Retirement System as of June 30, 1996.

Section 19. Limitation on expenditure of motor vehicle and motor vehicle fuel revenues. All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.

Section 20. Mining Excise Tax Trust Fund. The principal amount of the Mining Excise Tax Trust Fund or any successor fund may not be expended unless the expenditure is approved in a separate measure by a 2/3 vote of all the members elected to each House of the Legislature and by the Governor.

Section 21. State mandates. For the purpose of more fairly apportioning the cost of government and providing local property tax relief, the State may not require a local unit of government to expand or modify

that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures from State funds not previously appropriated to that local unit of government. Legislation implementing this section or requiring a specific expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of all members elected to each House. This section must be liberally construed.

Section 22. Revenues generated by fisheries and wildlife management. The amount of funds appropriated in any fiscal year to the Department of Inland Fisheries and Wildlife, or any successor agency responsible for fisheries and wildlife management, other than commercial marine fisheries management, may not be less than the total revenues collected, received or recovered by the Department of Inland Fisheries and Wildlife, or successor agency, from license and permit fees, fines, the sale, lease or rental of property, penalties and all other revenue sources pursuant to the laws of the State administered by the department or successor agency, except that revenues received from the Federal Government may be allocated as provided by federal or state law and the Legislature may establish special funds and deposit revenues collected, received or recovered by the department or successor agency into those special funds, provided that the revenues are allocated and expended only for the purposes of those special funds as provided by law.

Section 23. State park land. State park land, public lots or other real estate held by the State for conservation or recreation purposes and designated by legislation implementing this section may not be reduced or its uses substantially altered except on the vote of 2/3 of all the members elected to each House. The proceeds from the sale of such land must be used to purchase additional real estate in the same county for the same purposes.

Section 24. Reapportionment. Congressional districts must be reapportioned as follows.

1. Procedure. Beginning in 2021 and every 10 years thereafter, when the Secretary of State has received notification of the number of congressional seats to which the State is entitled and the Federal Decennial

Census population count is final, the Legislative Apportionment Commission, established every 10 years pursuant to Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If the districts do not conform to Supreme Judicial Court guidelines, the commission shall reapportion the State into congressional districts.

In making such a reapportionment, the commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible. The commission shall submit its plan to the Clerk of the House of Representatives no later than June 1st of the year in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special session by a vote of 2/3 of the members of each House by June 11th of the year in which apportionment is required to the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

2. Court apportionment. If the Legislature fails to make an apportionment by June 11th, the Supreme Judicial Court shall make the apportionment within 60 days following the period in which the Legislature is required to act but fails to do so. In making the apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

3. Judicial review. The Supreme Judicial Court has original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group of citizens. If a challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Section 25. Apportionment of county commissioner districts. County commissioner districts must be apportioned as follows.

1. Redistricting, generally. Beginning in 2021 and every 10 years thereafter, the apportionment commission established under Article IV, Part Third, Section 1-A shall review the existing county commissioner districts and, as necessary, reapportion those districts in each county to establish as nearly as practicable equally populated districts. The Speaker of the House of Representatives is responsible for calling the commission together to review the county commissioner districts. No action may be taken by the commission without a quorum of 7.

A. The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, excluding foreigners not naturalized, according to the latest Federal Decennial Census or a state census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each county commissioner district. Each county commissioner district must be formed of contiguous and compact territory and must cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county that already meets the standards and guidelines for equally populated districts, as established by this section, this Constitution and the Constitution of the United States, need not be reapportioned.

B. Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House of Representatives under this subsection. The commission may hold public hearings on plans affecting each county.

C. The commission shall submit its plan to the Clerk of the House of Representatives no later than

June 1st of the year in which apportionment is required. The Clerk of the House of Representatives shall submit to the Legislature, no later than January 15, 2022, and every 10th year thereafter, one legislative document to reapportion the county commissioner districts based on the plan submitted by the apportionment commission. The Legislature must enact the submitted plan or a plan of its own in regular or special session by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to it by the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

2. Supreme Judicial Court. If the Legislature fails to make an apportionment within the 30 calendar days, the Supreme Judicial Court shall make the apportionment within 60 calendar days following the period in which the Legislature is required to act but fails to do so. In making the apportionment, the Supreme Judicial Court shall consider plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

Article X.

Additional Provisions.

[Section 1. See 2024 Rearrangement notes.]

[Section 2. See 2024 Rearrangement notes.]

Section 3. Laws now in force continue until repealed. All laws now in force in this State, and not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature, or shall expire by their own limitation.

Section 4. Amendments to Constitution. The Legislature, whenever 2/3 of both Houses shall deem it necessary, may propose amendments to this Constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and planta-

tions, in the manner prescribed by law, at the next biennial meetings in the month of November, or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, on the Tuesday following the first Monday of November following the passage of said resolve, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.

Section 5. Persons in office to continue to hold their offices; part of a law of Massachusetts made a part of this constitution. All officers provided for in the sixth section of an act of the Commonwealth of Massachusetts, passed on the nineteenth day of June, in the year of our Lord one thousand eight hundred and nineteen, entitled "an act relating to the separation of the district of Maine from Massachusetts proper, and forming the same into a separate and independent State," shall continue in office as therein provided; and the following provisions of said act shall be a part of this constitution, subject however to be modified or annulled as therein is prescribed, and not otherwise, to wit:

"Sec. 1. Whereas it has been represented to this Legislature, that a majority of the people of the district of Maine are desirous of establishing a separate and independent government within said district: therefore,

"Be it enacted by the Senate and House of Representatives in general court assembled, and by the authority of the same, That the consent of this commonwealth be, and the same is hereby given, that the district of Maine may be formed and erected into a separate and independent state, if the people of the said district shall in the manner, and by the majority hereinafter mentioned, express their consent and agreement thereto, upon the following terms and conditions: and provided the congress of the United States shall give its consent thereto, before the fourth day of March next: which terms and conditions are as follows, viz.

"First. All the lands and buildings belonging to the commonwealth, within Massachusetts proper, shall continue to belong to said commonwealth, and all the lands belonging to the commonwealth within the district of Maine, shall belong, the one-half thereof to the said commonwealth, and the other half thereof, to the state to be formed within the said district, to be divided

as is hereinafter mentioned; and the lands within the said district, which shall belong to the said commonwealth, shall be free from taxation, while the title to the said lands remains in the commonwealth; and the rights of the commonwealth to their lands, within said district, and the remedies for the recovery thereof, shall continue the same, within the proposed state, and in the courts thereof, as they now are within the said commonwealth, and in the courts thereof; for which purposes, and for the maintenance of its rights, and recovery of its lands, the said commonwealth shall be entitled to all other proper and legal remedies, and may appear in the courts of the proposed state and in the courts of the United States, holden therein; and all rights of action for, or entry into lands, and of actions upon bonds, for the breach of the performance of the condition of settling duties, so called, which have accrued or may accrue, shall remain in this commonwealth, to be enforced, commuted, released, or otherwise disposed of, in such manner as this commonwealth may hereafter determine: *provided, however,* that whatever this commonwealth may hereafter receive or obtain on account thereof, if any thing, shall, after deducting all reasonable charges relating thereto, be divided, one-third part thereof to the new state, and two-third parts thereof to this commonwealth.

"Second. All the arms which have been received by this commonwealth from the United States, under the law of congress, entitled "an act making provisions for arming and equipping the whole body of militia of the United States," passed April the twenty-third, one thousand eight hundred and eight, shall, as soon as the said district shall become a separate state, be divided between the two states, in proportion to the returns of the militia, according to which, the said arms have been received from the United States, as aforesaid.

"Third. All money, stock or other proceeds, hereafter derived from the United States, on account of the claim of this commonwealth, for disbursements made, and expenses incurred, for the defence of the state, during the late war with Great Britain, shall be received by this commonwealth, and when received, shall be divided between the two states, in the proportion of two-thirds to this commonwealth, and one-third to the new state.

"Fourth. All other property, of every description, belonging to the commonwealth, shall be holden and receivable by the same as a fund and security, for all debts, annuities, and Indian subsidies, or claims due by

said commonwealth; and within two years after the said district shall have become a separate state, the commissioners to be appointed, as hereinafter provided, if the said states cannot otherwise agree, shall assign a just portion of the productive property, so held by said commonwealth, as an equivalent and indemnification to said commonwealth, for all such debts, annuities or Indian subsidies or claims, which may then remain due, or unsatisfied: and all the surplus of the said property, so holden as aforesaid, shall be divided between the said commonwealth and the said district of Maine, in the proportion of two-thirds to the said commonwealth, and one-third to the said district—and if, in the judgment of the said commissioners, the whole of said property, so held, as a fund and security, shall not be sufficient indemnification for the purpose, the said district shall be liable for and shall pay to said commonwealth one-third of the deficiency.

"Fifth. The new State shall, as soon as the necessary arrangements can be made for that purpose, assume and perform all the duties, and obligations of this commonwealth, towards the Indians within said district of Maine, whether the same arise from treaties, or otherwise; and for this purpose shall obtain the assent of said Indians, and their release to this commonwealth of claims and stipulations arising under the treaty at present existing between the said commonwealth and said Indians; and as an indemnification to such new state, therefore, this commonwealth when such arrangements shall be completed, and the said duties and obligations assumed, shall pay to said new state, the value of thirty thousand dollars, in manner following, viz: the said commissioners shall set off by metes and bounds, so much of any part of the land within the said district, falling to this commonwealth in the division of the public lands, hereinafter provided for, as in their estimation shall be of the value of thirty thousand dollars; and this commonwealth shall, thereupon, assign the same to the said new state, or in lieu thereof, may pay the sum of thirty thousand dollars at its election; which election of the said commonwealth, shall be made within one year from the time that notice of the doings of the commissioners, on this subject, shall be made known to the Governor and Council; and if not made within that time, the election shall be with the new state.

"Sixth. Commissioners, with the powers and for the purposes mentioned in this act, shall be appointed in manner following: the executive authority of each state

shall appoint two; and the four so appointed or the major part of them, shall appoint two more: but if they cannot agree in the appointment, the executive of each state shall appoint one in addition; not however, in that case, to be a citizen of its own state. And any vacancy happening with respect to the commissioners shall be supplied in the manner provided for their original appointment; and, in addition to the powers herein before given to said commissioners, they shall have full power and authority to divide all the public lands within the district, between the respective states, in equal shares, or moities, in severalty, having regard to quantity, situation and quality; they shall determine what lands shall be surveyed and divided, from time to time, the expense of which surveys, and of the commissioners, shall be borne equally by the two states. They shall keep fair records of their doings, and of the surveys made by their direction, copies of which records, authenticated by them, shall be deposited from time to time in the archives of the respective states; transcripts of which, properly certified, may be admitted in evidence in all questions touching the subject to which they relate. The executive authority of each state may revoke the power of either or both its commissioners: having, however, first appointed a substitute, or substitutes, and may fill any vacancy happening with respect to its own commissioners: four of said commissioners shall constitute a quorum, for the transaction of business; their decision shall be final upon all subjects within their cognizance. In case said commission shall expire, the same not having been completed, and either state shall request the renewal or filling up of the same, it shall be renewed or filled up in the same manner, as is herein provided for filling the same, in the first instance, and with the like powers; and if either state shall, after six months notice, neglect or refuse to appoint its commissioners, the other may fill up the whole commission.

"*Seventh.* All grants of land, franchises, immunities, corporate or other rights, and all contracts for, or grants of land not yet located, which have been or may be made by the said commonwealth, before the separation of said district shall take place, and having or to have effect within the said district, shall continue in full force, after the said district shall become a separate state. But the grant which has been made to the president and trustees of Bowdoin College, out of the tax laid upon the banks, within this commonwealth, shall be charged upon the tax upon the banks within the said district of Maine, and paid according to the terms of said grant; and the president and trustees, and the overseers

of said college, shall have, hold and enjoy their powers and privileges in all respects; so that the same shall not be subject to be altered, limited, annulled or restrained except by judicial process, according to the principles of law; and in all grants hereafter to be made, by either state, of unlocated land within the said district, the same reservations shall be made for the benefit of schools and of the ministry, as have heretofore been usual, in grants made by this commonwealth. And all lands heretofore granted by this commonwealth, to any religious, literary, or eleemosynary corporation, or society, shall be free from taxation, while the same continues to be owned by such corporation, or society.

"*Eighth.* No laws shall be passed in the proposed state, with regard to taxes, actions, or remedies at law, or bars or limitations thereof, or otherwise making any distinction between the lands and rights of property of proprietors, not resident in, or not citizens of said proposed state, and the lands and rights of property of the citizens of the proposed state, resident therein; and the rights and liabilities of all persons, shall, after the said separation, continue the same as if the said district was still a part of this commonwealth, in all suits pending, or judgments remaining unsatisfied on the fifteenth day of March next, where the suits have been commenced in Massachusetts proper, and process has been served within the district of Maine; or commenced in the district of Maine, and process has been served in Massachusetts proper, either by taking bail, making attachments, arresting and detaining persons, or otherwise, where execution remains to be done; and in such suits the courts within Massachusetts proper, and within the proposed state, shall continue to have the same jurisdiction as if the said district had still remained a part of the commonwealth. And this commonwealth shall have the same remedies within the proposed state, as it now has, for the collection of all taxes, bonds, or debts, which may be assessed, due, made, or contracted, by, to, or with the commonwealth, on or before the said fifteenth day of March, within the said district of Maine; and all officers within Massachusetts proper and the district of Maine, shall conduct themselves accordingly.

"*Ninth.* These terms and conditions, as here set forth, when the said district shall become a separate and independent state, shall, *ipso facto*, be incorporated into, and become and be a part of any constitution, provisional or other, under which the government of the said proposed state, shall, at any time hereafter, be ad-

ministered; subject however, to be modified, or annulled by the agreement of the legislature of both the said states; but by no other power or body whatsoever."

Section 6. Constitution to be arranged by Chief Justice of the Supreme Judicial Court; Constitution to be enrolled and printed with laws; supreme law of the State. The Chief Justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature; and such arrangement of the Constitution shall be made and submitted to the regular session of the Legislature in 1973 and every 10 years thereafter unless sooner authorized by the Legislature; and the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.

Section 7. Original sections 1, 2, 5, of Article X not to be printed; section 5 in full force. (Repealed)

2024 REARRANGEMENT NOTES
of Chief Justice Valerie Stanfill

Article X, section 7 was repealed by Const. Res. 2023, ch. 1, *passed in 2023*. As a result, sections 1, 2 and 5 of article X may be printed. Under article X, section 6 of the Maine Constitution, however, in arranging the Constitution to be printed the Chief Justice is required to omit "all sections, clauses and words not in force." Upon review of sections 1 and 2 for inclusion in the printing, it is patently clear on the face of each section that neither remains in force. They both pertain only to the first Legislature, which has long since adjourned. As a result, sections 1 and 2 have been omitted from article X.

Section 5 is incorporated in this rearrangement because it is not evident from the plain text of this section that it is not in force. Section 5 of article X was also

previously not printed pursuant to the now-repealed seventh section of article X. There are multiple versions of section 5 in existence before the 1875 passage of section 7, *see* Resolves 1875, ch. 98, *approved in 1875*, although the differences appear non-substantive. This arrangement incorporates the iteration of section 5 that appeared in the last officially published version of the Maine Constitution before the section was ordered not to be printed. *See* R.S. (1871) at 42-46.

Effective April 22, 2024.

CHAPTER 176
S.P. 183 - L.D. 402

Resolve, to Rename Bridges in the Towns of Limerick, Hiram and Limington

Sec. 1. Bridge in Limerick renamed. Resolved: That the Department of Transportation shall designate Bridge 3157, located on Route 11 in the Town of Limerick, currently known as the Sokokis Lake Bridge, the Sokokis Lake Veterans Memorial Bridge.

Sec. 2. Bridge in Hiram renamed. Resolved: That the Department of Transportation shall designate Bridge 2373, which crosses the Saco River on Route 113 in the Town of Hiram, currently known as the Hiram Bridge, the Hiram Veterans Memorial Bridge.

Sec. 3. Bridge in Limington renamed. Resolved: That the Department of Transportation shall designate Bridge 2918, which crosses Webster Mill Pond on Route 11 in the Town of Limington, currently known as the Websters Mill Bridge, the Limington Veterans Memorial Bridge.

See title page for effective date.

CHAPTER 177
S.P. 907 - L.D. 2114

Resolve, Directing the Superintendent of Insurance to Collect Data from Health Insurers Related to Prescription Drug Coverage of Generic Drugs and Biosimilars

Sec. 1. Superintendent of Insurance to collect data on prescription drug coverage of generic drugs and biosimilars. Resolved: That the Superintendent of Insurance shall request data from health insurance carriers that, at a minimum, provides

information related to each carrier's placement of generic drugs and biosimilars on the carrier's prescription drug formulary, including whether a generic drug or biosimilar is available on the carrier's formulary with a lower out-of-pocket cost to an enrollee than the brand drug to which the generic drug or biosimilar is equivalent and whether the carrier imposes any limitation on coverage of a generic drug or biosimilar or imposes a restriction on a pharmacy that makes it more difficult for an enrollee to obtain coverage of or access to a generic drug or biosimilar than the brand drug to which the generic drug or biosimilar is equivalent. No later than February 15, 2025, the superintendent shall submit a report to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters that summarizes the data submitted by the carriers as requested, together with any findings or recommendations of the superintendent. The joint standing committee may report out a bill to the 132nd Legislature in 2025 based on the report.

See title page for effective date.

CHAPTER 178

H.P. 1432 - L.D. 2233

Resolve, Regarding Legislative Review of Chapter 255: Workers' Compensation Fronting Companies, a Late-filed Major Substantive Rule of the Department of Professional and Financial Regulation, Bureau of Insurance

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature outside the legislative rule acceptance period; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 255: Workers' Compensation Fronting Companies, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, Bureau of Insurance that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A outside the legislative rule acceptance period, is not authorized.

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

Effective April 23, 2024.

CHAPTER 179

H.P. 1393 - L.D. 2178

Resolve, Regarding Legislative Review of Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 20: Rules for the Licensure of Adult Use Cannabis Establishments, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, office of cannabis policy that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized by this resolve. As provided in Title 5, section 8072, subsection 11, this

resolve does not restrict the Legislature's authority to use another legislative instrument to approve all or part of Chapter 20.

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

Effective April 24, 2024.

**CHAPTER 180
H.P. 1400 - L.D. 2186**

Resolve, Regarding Legislative Review of Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, a Major Substantive Rule of the Department of Administrative and Financial Services, Office of Cannabis Policy

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 30: Compliance Rules for Adult Use Cannabis Establishments, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, office of cannabis policy that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized by this resolve. As provided in Title 5, section 8072, subsection 11, this resolve does not restrict the Legislature's authority to use another legislative instrument to approve all or part of Chapter 30.

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

Effective April 24, 2024.

**CHAPTER 181
S.P. 955 - L.D. 2230**

Resolve, to Require a Stakeholder Group to Participate in the Development of Rules Regarding Youth Camps

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

Whereas, proposed rules that govern the operations of youth camps in the State must include the participation of operators of youth camps; and

Whereas, the youth camp season begins earlier than 90 days after adjournment; 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. Department of Health and Human Services to convene stakeholder group to provide input on youth camp rules. Resolved: That the Department of Health and Human Services, referred to in this resolve as "the department," shall convene a stakeholder group of interested parties, including operators of youth camps, to participate in the development of proposals to amend the department's rule Chapter 208: Rules Relating to Boys, Girls, Boys and Girls, Day Camps and Primitive and Trip Camping, prior to publishing a rule change for public comment in accordance with the Maine Administrative Procedure Act. The department shall convene the stakeholder group as soon as possible to solicit input for the department's consideration and engage stakeholders in good faith consistent with the Maine Revised Statutes, Title 5, section 8052 and section 8057-A, subsection 3. The department shall maintain a record of stakeholder meetings, including a summary of meetings and explanations of decisions reached by the department and provide these materials to the stakeholder group.

Sec. 2. Rule adoption. Resolved: That the department may not adopt any rules that amend its rule Chapter 208: Rules Relating to Boys, Girls, Boys and Girls, Day Camps and Primitive and Trip Camping until

the department has convened and engaged a stakeholder group pursuant to section 1.

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

Effective April 24, 2024.

**CHAPTER 182
S.P. 875 - L.D. 2082**

**Resolve, to Review the
Timeliness of Contract
Payments by the Department
of Health and Human Services**

Sec. 1. Department of Health and Human Services to collect data. Resolved: That the Department of Health and Human Services shall review the timeliness of payments made to grantees of contracts awarded by the office within the department responsible for the provision of behavioral health services and housing assistance programs in fiscal year 2023-24 and in fiscal year 2024-25 through December 2024. For purposes of this section, "housing assistance programs" includes but is not limited to the Bridging Rental Assistance Program established in the Maine Revised Statutes, Title 34-B, section 3011 and the federal shelter plus care program authorized by the federal McKinney-Vento Homeless Assistance Act, Public Law 100-77 (1987) as amended by the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, Public Law 111-22, Division B (2009). The department shall identify the reasons for any delays of payments and shall compile its data into a report.

Sec. 2. Department of Health and Human Services to provide information regarding late fee payments to grantees of contracts. Resolved: That the Department of Health and Human Services shall review its process for the payment of late fees in accordance with the Maine Revised Statutes, Title 5, section 1554 and shall provide written guidance to grantees of contracts regarding the process to request payment of late fees.

Sec. 3. Report. Resolved: That, by February 1, 2025, the Department of Health and Human Services shall provide a report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding its findings pursuant to section 1 and actions taken pursuant to section 2.

See title page for effective date.

**CHAPTER 183
H.P. 1401 - L.D. 2187**

**Resolve, Regarding Legislative
Review of Chapter 10: Rules
for the Administration of the
Adult Use Cannabis Program,
a Major Substantive Rule of
the Department of
Administrative and Financial
Services, Office of Cannabis
Policy**

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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. Adoption. Resolved: That final adoption of Chapter 10: Rules for the Administration of the Adult Use Cannabis Program, a provisionally adopted major substantive rule of the Department of Administrative and Financial Services, office of cannabis policy that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is not authorized by this resolve. As provided in Title 5, section 8072, subsection 11, this resolve does not restrict the Legislature's authority to use another legislative instrument to approve all or part of Chapter 10.

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

Effective April 28, 2024.

CHAPTER 184
S.P. 939 - L.D. 2202

Resolve, to Allow Ireland Farms, Inc. to Sue the State

Sec. 1. Authorization to sue State. Resolved: That, notwithstanding any provision of law to the contrary, Ireland Farms, Inc., in Presque Isle, Maine, which claims to have suffered damages in connection with actions taken by the Department of Agriculture, Conservation and Forestry, is authorized to bring a civil action against the Department of Agriculture, Conservation and Forestry. This resolve is a waiver of the State's defense of immunity under the Maine Revised Statutes, Title 14, chapter 741.

Notwithstanding the application of any statute of limitations barring this action, this action may be brought in the Superior Court within one year from the effective date of this resolve. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action. To the extent possible, the Attorney General shall conduct negotiations in good faith to resolve this action by settlement.

The Treasurer of State shall pay any settlement determined by agreement of the parties or any judgment, including costs and interest, upon final process issued by the Superior Court or, if applicable, the Supreme Judicial Court.

See title page for effective date.

**CONSTITUTIONAL RESOLUTIONS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
2023**

(There were none.)

INITIATED BILLS OF THE STATE OF MAINE
REFERRED TO THE VOTERS BY
THE ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
AND APPROVED AT REFERENDUM

CHAPTER 1
I.B. 4 - L.D. 1772

**An Act to Require Voter
Approval of Certain Borrowing
by Government-controlled
Entities and Utilities and to
Provide Voters More
Information Regarding That
Borrowing**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 5 MRSA §158 is enacted to read:

§158. Limitation on borrowing

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Consumer-owned transmission and distribution utility" has the same meaning as in Title 35-A, section 3501, subsection 1.

B. "Cooperative" has the same meaning as in Title 35-A, section 4103, subsection 2.

C. "Municipal electric district" means a municipal power district formed pursuant to Title 35-A, chapter 39.

D. "Quasi-independent state entity" has the same meaning as in section 12021, subsection 5.

E. "Reporting entity" has the same meaning as in section 12021, subsection 6.

F. "Rural electrification cooperative" has the same meaning as in Title 35-A, section 3703, subsection 2.

2. Limitation on debt unless approved by voters. Notwithstanding any provision of law to the contrary in effect as of the effective date of this section, and except as provided in subsection 4, a quasi-independent state entity, reporting entity, municipal electric district, consumer-owned transmission and distribution utility, cooperative or rural electrification cooperative may not borrow money, incur debt, whether general obligation debt or revenue obligation debt, or issue bonds, notes or other evidences of indebtedness that would cause its total debt outstanding at any time to exceed \$1,000,000,000 unless the action that would cause the total debt outstanding to exceed \$1,000,000,000 is approved by the voters at a general election duly called

and held in accordance with the provisions of Title 21-A. Any borrowing, incurrence of debt, or issuance of bonds, notes, other evidences of indebtedness or other obligations subject to this section by a quasi-independent state entity, reporting entity, municipal electric district, consumer-owned transmission and distribution utility, cooperative or rural electrification cooperative after the effective date of this section that is not approved by the voters as required by this subsection is invalid and not legally binding nor enforceable.

3. Statement to accompany referendum question. The Treasurer of State, with the assistance of the Secretary of State, shall prepare a signed statement to accompany any question submitted to the voters for approval under subsection 2. The statement must include, at a minimum, an estimate of costs involved, including an explanation, based on such factors as interest rates that may vary, of the interest cost contemplated to be paid on the amount to be issued, the total cost of principal and interest that will be paid through maturity and any other substantive explanatory information relating to the debt as the Treasurer of State considers appropriate. The statement must be printed on the ballot or printed as a separate document that is available to voters as provided in Title 21-A, section 651. This statement must also be included in the citizen's guide to the referendum election issued by the Secretary of State pursuant to Title 21-A, section 605-A, subsection 2, paragraph E.

4. Exemptions. This section does not apply to borrowing or issuance of bonds, notes, other evidences of indebtedness or other obligations pursuant to chapter 421; Title 10, chapter 110; Title 20-A, Part 5; Title 22, chapter 413; Title 23, Part 1; or Title 30-A, chapter 201 or chapter 225.

5. Effective date. This section takes effect:

A. If the Act containing this section was referred to the people and approved by a majority of the votes given thereon, 90 days after the Governor has made a public proclamation of the result of the vote on the Act; or

B. If the Act containing this section was enacted without change by the Legislature at the session at which it was presented, 365 days after such enactment by the Legislature.

Effective January 5, 2024.

CHAPTER 2
I.B. 1 - L.D. 1610

An Act to Prohibit Campaign Spending by Foreign Governments and Promote an Anticorruption Amendment to the United States Constitution

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 21-A MRSA §1064 is enacted to read:

§1064. Foreign government campaign spending prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contribution" has the meanings given in section 1012, subsection 2 and section 1052, subsection 3.

B. "Electioneering communication" means a communication described in section 1014, subsection 1, 2 or 2-A.

C. "Expenditure" has the meanings given in section 1012, subsection 3 and section 1052, subsection 4.

D. "Foreign government" includes any person or group of persons exercising sovereign de facto or de jure political jurisdiction over any country other than the United States or over any part of such country and includes any subdivision of any such group and any group or agency to which such sovereign de facto or de jure authority or functions are directly or indirectly delegated. "Foreign government" includes any faction or body of insurgents within a country assuming to exercise governmental authority, whether or not such faction or body of insurgents has been recognized by the United States.

E. "Foreign government-influenced entity" means:

- (1) A foreign government; or
- (2) A firm, partnership, corporation, association, organization or other entity with respect to which a foreign government or foreign government-owned entity:
 - (a) Holds, owns, controls or otherwise has direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units or other applicable ownership interests; or
 - (b) Directs, dictates, controls or directly or indirectly participates in the decision-making process with regard to the activities of the firm, partnership, corporation,

association, organization or other entity to influence the nomination or election of a candidate or the initiation or approval of a referendum, such as decisions concerning the making of contributions, expenditures, independent expenditures, electioneering communications or disbursements.

F. "Foreign government-owned entity" means any entity in which a foreign government owns or controls more than 50% of its equity or voting shares.

G. "Independent expenditure" has the meaning given in section 1019-B, subsection 1.

H. "Public communication" means a communication to the public through broadcasting stations, cable television systems, satellite, newspapers, magazines, campaign signs or other outdoor advertising facilities, Internet or digital methods, direct mail or other types of general public political advertising, regardless of medium.

I. "Referendum" means any of the following:

- (1) A people's veto referendum under the Constitution of Maine, Article IV, Part Third, Section 17;
- (2) A direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18;
- (3) A popular vote on an amendment to the Constitution of Maine under the Constitution of Maine, Article X, Section 4;
- (4) A referendum vote on a measure enacted by the Legislature and expressly conditioned upon ratification by a referendum vote under the Constitution of Maine, Article IV, Part Third, Section 19;
- (5) The ratification of the issue of bonds by the State or any state agency; and
- (6) Any county or municipal referendum.

2. Campaign spending by foreign governments prohibited. A foreign government-influenced entity may not make, directly or indirectly, a contribution, expenditure, independent expenditure, electioneering communication or any other donation or disbursement of funds to influence the nomination or election of a candidate or the initiation or approval of a referendum.

3. Solicitation or acceptance of contributions from foreign governments prohibited. A person may not knowingly solicit, accept or receive a contribution or donation prohibited by subsection 2.

4. Substantial assistance prohibited. A person may not knowingly or recklessly provide substantial assistance, with or without compensation:

A. In the making, solicitation, acceptance or receipt of a contribution or donation prohibited by subsection 2; or

B. In the making of an expenditure, independent expenditure, electioneering communication or disbursement prohibited by subsection 2.

5. Structuring prohibited. A person may not structure or attempt to structure a solicitation, contribution, expenditure, independent expenditure, electioneering communication, donation, disbursement or other transaction to evade the prohibitions and requirements in this section.

6. Communications by foreign governments to influence policy; required disclosure. Whenever a foreign government-influenced entity disburses funds to finance a public communication not otherwise prohibited by this section to influence the public or any state, county or local official or agency regarding the formulation, adoption or amendment of any state or local government policy or regarding the political or public interest of or government relations with a foreign country or a foreign political party, the public communication must clearly and conspicuously contain the words "Sponsored by" immediately followed by the name of the foreign government-influenced entity that made the disbursement and a statement identifying that foreign government-influenced entity as a "foreign government" or a "foreign government-influenced entity."

7. Due diligence required. Each television or radio broadcasting station, provider of cable or satellite television, print news outlet and Internet platform shall establish due diligence policies, procedures and controls that are reasonably designed to ensure that it does not broadcast, distribute or otherwise make available to the public a public communication for which a foreign government-influenced entity has made an expenditure, independent expenditure, electioneering communication or disbursement in violation of this section. If an Internet platform discovers that it has distributed a public communication for which a foreign government-influenced entity has made an expenditure, independent expenditure, electioneering communication or disbursement in violation of this section, the Internet platform shall immediately remove the communication and notify the commission.

8. Penalties. The commission may assess a penalty of not more than \$5,000 or double the amount of the contribution, expenditure, independent expenditure, electioneering communication, donation or disbursement involved in the violation, whichever is greater, for a violation of this section. In assessing a penalty under this section, the commission shall consider, among other things, whether the violation was intentional and whether the person that committed the violation attempted to conceal or misrepresent the identity of the relevant foreign government-influenced entity.

9. Violations. Notwithstanding section 1004, a person that knowingly violates subsections 2 through 5 commits a Class C crime.

10. Rules. The commission shall adopt rules to administer the provisions of this section. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

11. Applicability. Notwithstanding section 1051, this section applies to all persons, including candidates, their treasurers and authorized committees under section 1013-A, subsection 1; party committees under section 1013-A, subsection 3; and committees under section 1052, subsection 2.

Sec. 2. Accountability of Maine's Congressional Delegation to the people of Maine with respect to federal anticorruption constitutional amendment.

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Actively support and promote" means to sponsor or cosponsor in Congress a joint resolution proposing pursuant to the United States Constitution, Article V an anticorruption constitutional amendment, and to advance such constitutional amendment by engaging, working and negotiating with others in Congress, the State of Maine and the United States in good faith and without respect to party partisanship to secure passage of such constitutional amendment in Congress so that Maine and the several states may consider ratification of such constitutional amendment.

B. "Anticorruption constitutional amendment" means a proposed amendment to the United States Constitution that is consistent with the principles of the Maine Resolution and the reaffirmation of the Maine Resolution.

C. "The Maine Resolution" means the joint resolution, Senate Paper 548, adopted by the 126th Legislature of the State of Maine on April 30, 2013 calling for an amendment to the United States Constitution to "reaffirm the power of citizens through their government to regulate the raising and spending of money in elections."

2. Reaffirmation of the Maine Resolution. The Maine Resolution is hereby reaffirmed and clarified to call on each member of Maine's Congressional Delegation to actively support and promote an effective anticorruption amendment to the United States Constitution to secure the following principles and rights:

A. That governmental power derives from the people, and influence and participation in government is a right of all the people and under the Constitution of Maine and the United States Constitution, should not be allocated or constrained based on the use of wealth to influence the outcome of elections and referenda; and

B. That Maine and the several states, and Congress with respect to federal elections, must have the authority to enact reasonable limits on the role of money in elections and referenda to secure the rights of the people of Maine to free speech, representation and participation in self-government; the principles of federalism and the sovereignty of the State of Maine and the several states; and the integrity of Maine elections and referenda against corruption and foreign influence.

3. Accountability. For 7 consecutive years beginning on July 31, 2023, the Commission on Governmental Ethics and Election Practices shall issue a report, following public comment, identifying anticorruption amendment proposals introduced in Congress, and the members of Maine's Congressional Delegation sponsoring such proposals.

Effective January 5, 2024.

**CHAPTER 3
I.B. 3 - L.D. 1677**

**An Act Regarding Automotive
Right to Repair**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 29-A MRS §1801, sub-§2-A is enacted to read:

2-A. Mechanical data. "Mechanical data" means any vehicle-specific data, including telematics system data, generated by, stored in or transmitted by a motor vehicle and used in the diagnosis, repair or maintenance of a motor vehicle.

Sec. 2. 29-A MRS §1801, sub-§6 is enacted to read:

6. Telematics system. "Telematics system" means a system in a motor vehicle that collects information generated by the operation of the vehicle and transmits that information using wireless communications to a remote receiving point where the information is stored or used.

Sec. 3. 29-A MRS §1810 is enacted to read:

§1810. Right to repair

1. Access to diagnostic systems. Access to the vehicle on-board diagnostic systems of all motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, must be standardized and made accessible to owners and independent repair facilities and the access may not require authorization by the manufacturer, directly or indirectly, unless that authorization is standardized across all makes and models of motor vehicles sold in this State and is administered by the independent entity described in subsection 2.

2. Independent entity. The Attorney General shall designate an independent entity not controlled by one or more motor vehicle manufacturers to establish and administer access to vehicle-generated data that is available through the on-board diagnostic system or that is transmitted by the standardized access platform authorized under this section. The independent entity must consist of one representative each from a cross section of industry trade groups including but not limited to organizations representing motor vehicle manufacturers, aftermarket parts manufacturers, aftermarket parts distributors and retailers, independent motor vehicle service providers and new car dealers. The independent entity shall manage cyber-secure access to motor vehicle-generated data, including ensuring on an ongoing basis that access to the on-board diagnostic system and standardized access platform is secure based on all applicable United States and international standards. The independent entity shall:

A. Identify and adopt relevant standards for implementation of this section and relevant provisions for accreditation and certification of organizations and for a system for monitoring policy compliance;

B. Monitor and develop policies for the evolving use and availability of data generated by the operations of motor vehicles; and

C. Create policies for compliance with relevant laws, regulations, standards, technologies and best practices related to access to motor vehicle data.

3. Model year 2002 motor vehicles. For model year 2002 motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, each manufacturer of motor vehicles sold in this State shall make available for purchase under fair and reasonable terms by owners and independent repair facilities all diagnostic repair tools, parts, software and components incorporating the same diagnostic, functional repair and wireless capabilities that the manufacturer makes available to its authorized repair shops. Each manufacturer shall:

A. Provide diagnostic repair information to each aftermarket scan tool company and each 3rd-party service information provider with whom the manufacturer has appropriate licensing, contractual or confidentiality agreements for the sole purpose of building aftermarket diagnostic tools and 3rd-party service information publications and systems. Once a manufacturer makes information available pursuant to this paragraph, the manufacturer is considered to have satisfied its obligations under this paragraph and thereafter is not responsible for the content and functionality of aftermarket diagnostic tools or service information systems;

B. Make available for purchase by owners of motor vehicles and by independent repair facilities the

same diagnostic and repair information, including repair technical updates, that the manufacturer makes available to its authorized repair shops through the manufacturer's Internet-based diagnostic and repair information system; and

C. Provide access to the manufacturer's diagnostic and repair information system for purchase by owners of motor vehicles and independent repair facilities on a daily, monthly and yearly subscription basis and upon fair and reasonable terms.

All parts, tools, software and other components necessary to complete a full repair of the vehicle, as referenced in this subsection, must be included and provided to owners of motor vehicles and authorized independent repair shops.

4. Model year 2002-2017 motor vehicles. For model year 2002-2017 motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, access to a vehicle's on-board diagnostic and repair information system must be the same for an owner or an independent repair facility as that provided to a new vehicle dealer.

5. Model year 2018 and later motor vehicles. For model year 2018 and later motor vehicles, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, access to the on-board diagnostic and repair information system must be available through use of an off-the-shelf personal computer with sufficient memory, processor speed, connectivity and other capabilities as specified by the vehicle manufacturer and:

A. A nonproprietary vehicle interface device that complies with SAE International standard J2534, SAE International standard J1939, commonly referred to as SAE J2534 and SAE J1939, the International Organization for Standardization standard 22900, commonly referred to as ISO 22900, or any successor to SAE J2534, SAE J1939 or ISO 22900 as may be accepted or published by SAE International or the International Organization for Standardization, as appropriate;

B. An on-board diagnostic and repair information system integrated into and entirely self-contained within the vehicle, including, but not limited to, service information systems integrated into an on-board display; and

C. A system that provides direct access to on-board diagnostic and repair information through a nonproprietary vehicle interface, such as ethernet, universal serial bus or digital versatile disc.

Each manufacturer shall provide access to the same on-board diagnostic and repair information available to their dealers, including technical updates to such on-board systems, through such nonproprietary interfaces

as referenced in this subsection. All parts, tools, software and other components necessary to complete a full repair of a vehicle, as referenced in this subsection, must be included and provided to motor vehicle owners and authorized independent repair shops.

6. Required equipment. Not later than one year from the effective date of this section, a manufacturer of motor vehicles sold in this State, including commercial motor vehicles and heavy duty vehicles having a gross vehicle weight rating of more than 14,000 pounds, that uses a telematics system is required to equip vehicles sold in this State with an inter-operable, standardized and owner-authorized access platform across all of the manufacturer's makes and models. The platform must be capable of securely communicating all mechanical data emanating directly from the motor vehicle via direct data connection to the platform. The platform must be directly accessible by the motor vehicle owner through a mobile-based application and, upon the authorization of the owner, all mechanical data must be directly accessible by an independent repair facility or a licensed dealer as described in section 851, subsections 2 and 9, limited to the time to complete the repair or for a period of time agreed to by the motor vehicle owner for the purposes of maintaining, diagnosing and repairing the motor vehicle. Access must include the ability to send commands to in-vehicle components if needed for purposes of maintenance, diagnostics and repair. All parts, tools, software and other components necessary to complete a full repair of the vehicle, as referenced in this subsection, must be included and provided to motor vehicle owners and authorized independent repair shops.

7. Exclusions. Manufacturers of motor vehicles sold in the United States may exclude diagnostic, service and repair information necessary to reset an immobilizer system or security-related electronic modules from information provided to motor vehicle owners and independent repair facilities. If excluded under this subsection, the information necessary to reset an immobilizer system or security-related electronic modules must be made available to motor vehicle owners and independent repair facilities through the secure data release model system as used on the effective date of this section by the National Automotive Service Task Force or other known, reliable and accepted systems.

8. Enforcement. If the independent entity described by subsection 2 has reason to believe that a manufacturer has violated any provision of this section, the independent entity shall notify the Attorney General. The Attorney General shall promptly institute any actions or proceedings the Attorney General considers appropriate. The independent entity, through the Attorney General, may apply to the Superior Court of any county of the State to enforce any lawful order made or action taken by the independent entity pursuant to this section.

A motor vehicle owner or independent repair facility authorized by an owner who has been denied access to mechanical data in violation of this section may initiate a civil action seeking any remedies under law. Each denial of access is compensable by an award of treble damages or \$10,000, whichever amount is greater.

Sec. 4. 29-A MRSA §1811 is enacted to read:

§1811. Telematics system notice

1. Notice. The Attorney General shall establish for prospective motor vehicle owners a motor vehicle telematics system notice that includes, but is not limited to, the following features:

A. An explanation of telematics systems and their purposes;

B. A description summarizing the mechanical data collected, stored and transmitted by a telematics system;

C. The prospective motor vehicle owner's ability to access the vehicle's mechanical data through a mobile device; and

D. A motor vehicle owner's right to authorize an independent repair facility to access the vehicle's mechanical data for vehicle diagnostics, repair and maintenance purposes.

2. Notice form. The notice form must provide for the prospective motor vehicle owner's signature certifying that the prospective owner has read the telematics system notice under subsection 1.

3. Provision of notice. When selling or leasing motor vehicles containing a telematics system, a dealer as defined in section 851, subsection 2 and a new vehicle dealer as defined in section 851, subsection 9 shall provide the telematics system notice under subsection 1 to the prospective owner, obtain the prospective owner's signed certification that the prospective owner has read the notice and provide a copy of the signed notice to the prospective owner. A dealer's failure to comply with the provisions of this subsection is grounds for any action by the licensing authority relative to the dealer's license, up to and including revocation.

Effective January 5, 2024.

**JOINT STUDY ORDERS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND THIRTY-FIRST LEGISLATURE
2023**

(There were none.)

**REVISOR'S REPORT
2023**

**CHAPTER 1
PART A**

Sec. A-1. 1 MRSA §150-S, as enacted by PL 2023, c. 11, §1, is reallocated to 1 MRSA §150-T.

Sec. A-2. 1 MRSA §150-S, as enacted by PL 2023, c. 47, §1, is reallocated to 1 MRSA §150-U.

EXPLANATION

These sections correct a numbering problem created by Public Law 2023, chapters 10, 11 and 47, which enacted 3 substantively different provisions with the same section number.

Sec. A-3. 5 MRSA §17851, sub-§17, as enacted by PL 2023, c. 208, §1, is corrected to read:

17. Member eligible to retire from plans with different normal retirement ages. A member who meets eligibility requirements to retire from plans with different normal retirement ages may retire and, at the election of the member, defer initiation of service retirement benefits from any plan in which the benefits would be reduced because the member has not reached normal retirement age. The deferral ends when the member reaches normal retirement age for the plan. The election to defer is irrevocable and must be made before payment of a service retirement benefit begins. Service retirement benefits deferred under this subsection must be paid by the retirement system without an early retirement reduction and without any retroactive payment for the deferral period. If the member dies before the end of the deferral period, the deferral of benefits ~~apply~~ applies to any continuing beneficiary payments for the same deferral period that would have been applicable to the member.

EXPLANATION

This section makes a grammatical change.

Sec. A-4. 7 MRSA §197, as enacted by PL 2023, c. 473, §1, is corrected to read:

§197. Meat processing workforce development and education

The University of Maine within available funding shall provide cooperative extension education regarding meat and poultry processing, including quality control training and hazard analysis and critical control point training and plan development for meat and poultry processors.

EXPLANATION

This section corrects a clerical error.

Sec. A-5. 14 MRSA §6001, sub-§7, as enacted by PL 2023, c. 386, §1, is reallocated to 14 MRSA §6001, sub-§8.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 379 and 386, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-6. 17-A MRSA §855, sub-§1, ¶A, as amended by PL 2023, c. 316, §10, is corrected to read:

A. The person, in return for an act of prostitution, gives, offers to give or agrees to give a pecuniary benefit either to the person being prostituted or to a 3rd person and the person being prostituted has not in fact attained 18 years of age or the person knows or believes that the person being prostituted has not attained 18 years of age. Violation of this paragraph is a Class C crime ~~or~~.

EXPLANATION

This section makes a technical correction.

Sec. A-7. 20-A MRSA §13019-H, sub-§5, as enacted by PL 2023, c. 442, §2, is reallocated to 20-A MRSA §13019-H, sub-§6.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 200 and 442, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-8. 22 MRSA §1598, sub-§1-A, as enacted by PL 2023, c. 416, §3, is reallocated to 22 MRSA §1598, sub-§1-B.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 352 and 416, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-9. 22 MRSA §2147, sub-§14, as amended by PL 2023, c. 195, §2 and c. 267, §3, is corrected to read:

14. Registered nurse educators. Registered nurse educators; ~~and~~

Sec. A-10. 22 MRSA §2147, sub-§15, ¶B, as enacted by PL 2023, c. 195, §3, is corrected to read:

B. The Emergency Medical Services' Board adopts rules requiring authorized community paramedicine services to:

- (1) Comply with the Maine Background Check Center Act requirements as described in chapter 1691;
- (2) Conduct initial and ongoing training of all staff regarding their obligations as mandatory reporters;
- (3) Meet licensing standards consistent with those required by Title 22, section 2145, subsections 3 and 4; and
- (4) Coordinate with home health agencies; ~~and~~

Sec. A-11. 22 MRSA §2147, sub-§15, as enacted by PL 2023, c. 267, §4, is reallocated to 22 MRSA §2147, sub-§16.

EXPLANATION

These sections correct a numbering problem created by Public Law 2023, chapters 195 and 267, which enacted 2 substantively different provisions with the same subsection number, and make technical corrections.

Sec. A-12. 22 MRSA c. 601, sub-c. 9, as enacted by PL 2023, c. 164, §1, is reallocated to 22 MRSA c. 601, sub-c. 10.

Sec. A-13. 22 MRSA §2660-AA, as enacted by PL 2023, c. 164, §1, is reallocated to 22 MRSA §2660-FF.

EXPLANATION

These sections correct a numbering problem created by Public Law 2023, chapters 164 and 330, which enacted 2 substantively different provisions with the same subchapter number.

Sec. A-14. 22 MRSA §3174-V, sub-§3, as enacted by PL 2021, c. 747, §2, is corrected to read:

3. Updated base year option. No later than March 1, 2023, the department shall provide an alternative, updated prospective payment method for each federally qualified health center that is the same as the prospective payment system set forth in 42 United States

Code, Section 1396a(bb)(3), except that the base year for determining the costs of providing services must be the average of the reasonable costs incurred in the center's fiscal years ending in 2018 and 2019, adjusted for any change in scope adjustments approved since the base year and for inflation measured by the federally qualified health center market basket percentage published by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. Each federally qualified health center must be given the option to be reimbursed under the method provided by this subsection or under the method provided by federal law. After December 31, 2023, the department may update the base year described in this subsection to a more recent base year.

EXPLANATION

This section corrects a clerical error.

Sec. A-15. 22 MRSA §3174-KKK, as enacted by PL 2023, c. 288, §1, is reallocated to 22 MRSA §3174-MMM.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 216 and 288, which enacted 2 substantively different provisions with the same section number.

Sec. A-16. 22 MRSA §3953, sub-§1, ¶A, as enacted by PL 2023, c. 359, §5, is corrected to read:

A. Initiation of an Indian child custody proceeding subject to the provisions of this Act;

EXPLANATION

This section corrects a clerical error.

Sec. A-17. 22 MRSA §7852, sub-§2-A, as enacted by PL 2023, c. 176, §9, is corrected to read:

2-A. ~~Assisting~~ Assisted housing facility. "Assisted housing facility" means an assisted living facility, a residential care facility or an independent housing with services program.

EXPLANATION

This section corrects a clerical error.

Sec. A-18. 22 MRSA §7862, sub-§2-A, as enacted by PL 2023, c. 89, §5, is corrected to read:

2-A. Exception. This section does not apply to a contract for the provision of services in a setting for an adult with an acquired brain injury, an intellectual disability, autism spectrum disorder, as defined in Title

34-B, section 6002, subsection 1, or a related condition, as defined in Title 34-B, section 5001, subsection 5-A.

EXPLANATION

This section corrects a clerical error.

Sec. A-19. 23 MRSA §73, sub-§3, ¶G, as amended by PL 2023, c. 177, §3 and c. 319, §3, is corrected to read:

G. Incorporate a public participation process in which local governmental bodies and the public have timely notice and opportunity to identify and comment on concerns related to transportation planning decisions, capital investment decisions and project decisions. The Department of Transportation and the Maine Turnpike Authority shall take the comments and concerns of local citizens into account and must be responsive to them; ~~and~~

Sec. A-20. 23 MRSA §73, sub-§3, ¶H, as enacted by PL 2023, c. 177, §4, is corrected to read:

H. Ensure opportunity for public input whenever the Department of Transportation or the Maine Turnpike Authority plans to install a solar energy project that will involve the disturbance of more than 1,000 square feet of land area. The department or the authority shall hold a public hearing in the municipality where the solar energy project is to be located; ~~and~~

Sec. A-21. 23 MRSA §73, sub-§3, ¶H, as enacted by PL 2023, c. 319, §4, is reallocated to 23 MRSA §73, sub-§3, ¶I.

EXPLANATION

These sections correct a lettering problem created by Public Law 2023, chapters 177 and 319, which enacted 2 substantively different provisions with the same paragraph letter, and make technical corrections.

Sec. A-22. 24-A MRSA §4303, sub-§25, as enacted by PL 2023, c. 382, §1, is reallocated to 24-A MRSA §4303, sub-§26.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 348 and 382, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-23. 26 MRSA §622, as amended by PL 2023, c. 124, §3, is corrected to read:

§622. Records

Every employer shall keep a true record showing the date and amount paid to each employee pursuant to

section 621-A. Every employer shall keep a daily record of the time worked by each such employee, except salaried employees as described in section 663, subsection 3, paragraph K. Records required to be kept by this section must be accessible to any representative of the department at any reasonable hour. ~~Sections This section and section 621-A and 622~~ do not excuse any employer subject to section 774 from keeping the records required by that section.

EXPLANATION

This section makes a technical correction.

Sec. A-24. 26 MRSA §2006, as amended by PL 2023, c. 13, §§1 to 3, is corrected by correcting the section headnote to read:

§2006. Establishment of State Workforce Investment Board

EXPLANATION

This section corrects a clerical error.

Sec. A-25. 29-A MRSA §160, as enacted by PL 2023, c. 419, §1, is reallocated to 29-A MRSA §161.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 418 and 419, which enacted 2 substantively different provisions with the same section number.

Sec. A-26. 30-A MRSA §4364-A, sub-§1-A, as enacted by PL 2023, c. 264, §2, is reallocated to 30-A MRSA §4364-A, sub-§1-B.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 192 and 264, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-27. 30-A MRSA §4364-B, sub-§1-A, as enacted by PL 2023, c. 264, §3, is reallocated to 30-A MRSA §4364-B, sub-§1-B.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 192 and 264, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-28. 32 MRSA §13831, sub-§6, as enacted by PL 2023, c. 170, §3, is reallocated to 32 MRSA §13831, sub-§7.

EXPLANATION

This section corrects a numbering problem created by Public Law 2023, chapters 170 and 245, which enacted 2 substantively different provisions with the same subsection number.

Sec. A-29. 36 MRSA §191, sub-§2, ¶SSS, as enacted by PL 2023, c. 441, Pt. F, §1, is reallocated to 36 MRSA §191, sub-§2, ¶TTT.

EXPLANATION

This section corrects a lettering problem created by Public Law 2023, chapters 412 and 441, which enacted 2 substantively different provisions with the same paragraph letter.

Sec. A-30. PL 2023, c. 419, §3 is corrected to read:

Sec. 3. Funding. To implement the requirements of the Maine Revised Statutes, Title 29-A, section ~~460~~ 161, the Secretary of State shall lease 8 self-service kiosks and may use, including for technology costs to provide vehicle registration renewal and driver's license and nondriver identification card renewal and replacement, up to \$1,000,000 in available prior year balances in the Personal Services and All Other line categories in the Department of the Secretary of State, Administration - Motor Vehicles program, Highway Fund account as authorized for this purpose in Public Law 2023, chapter 50, Part B. The funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

EXPLANATION

This section corrects a cross-reference.

Sec. A-31. PL 2023, c. 465, §18, amending clause is corrected to read:

Sec. 18. 17-A MRSA §2107, 2nd first ¶, as amended by PL 2021, c. 647, Pt. B, §42 and affected by §65, is further amended to read:

EXPLANATION

This section corrects an amending clause.

Sec. A-32. PL 2023, c. 473, §2 is corrected to read:

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

Educational and General Activities - UMS 0031

Initiative: Provides one-time funds for cooperative extension education regarding meat and poultry processing, including quality control training and hazard analysis and critical control point training and plan development for meat and poultry processors.

GENERAL FUND	2023-24	2024-25
All Other	\$0	\$142,500
GENERAL FUND TOTAL	\$0	\$142,500

EXPLANATION

This section corrects a clerical error.

PART B

Sec. B-1. 5 MRSA §285-A, sub-§3, as amended by PL 1991, c. 780, Pt. Y, §25, is corrected to read:

3. Voting. All votes of the commission must be one vote cast by labor and one vote cast by management. The votes must be cast by the labor cochair, who must be chosen by the labor members, and the vote must represent the majority opinion of the labor members of the commission, and by the management cochair, who is the ~~Director of the Bureau of State Human Resources Officer~~ or the ~~director's officer's~~ designee.

Sec. B-2. 5 MRSA §286-A, last ¶, as amended by PL 1991, c. 780, Pt. Y, §28, is corrected to read:

State agency operational charges are a per employee fee paid by each agency in the same manner as premiums for state employee health insurance. With the exception of the Legislature, the per employee fee must be paid by all state agencies that have employees who are eligible to participate in the state employee health insurance program. The State Budget Officer shall work with state agencies to budget the funds necessary for the purposes of this paragraph. The ~~Director of the Bureau of State Human Resources Officer~~ shall recommend a fee to the Commissioner of Administrative and Financial Services. The ~~director officer~~ may establish a proportional fee for agencies outside of the Executive Department to reflect those programs utilized by such agencies. The rationale for the recommended fee must be well documented and include the program costs to be met by the fee. The commissioner shall provide a final recommended fee to the Governor. The Governor shall determine the per employee fee to be included in the normal budget process.

Sec. B-3. 5 MRSA §7032, sub-§4, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

4. Director Officer. "~~Director Officer~~" means the ~~Director of State Human Resources Officer~~.

Sec. B-4. 5 MRSA §7034, sub-§7, as amended by PL 1991, c. 528, Pt. III, §15 and affected by Pt. RRR and amended by c. 591, Pt. III, §15, is corrected to read:

7. Implementation. Implement, in a conscientious manner, the tasks and duties assigned by the ~~director officer~~;

Sec. B-5. 5 MRSA §7035, last ¶, as enacted by PL 2007, c. 240, Pt. HH, §6, is corrected to read:

The ~~director officer~~ may name a designee to conduct employee relations activities set forth in Title 26, chapter 9-B and other proceedings such as negotiations, mediation, fact-finding, arbitration, grievance proceedings, unemployment compensation proceedings, workers' compensation proceedings, human rights proceedings and other labor relations proceedings.

Sec. B-6. 5 MRSA §7036, as amended by PL 2015, c. 442, §1, is corrected by correcting the section headline to read:

§7036. Duties of the ~~director~~ State Human Resources Officer

Sec. B-7. 5 MRSA §7036, first ¶, as amended by PL 2007, c. 240, Pt. HH, §7, is corrected to read:

The ~~Director of State Human Resources~~ ~~shall be~~ Officer is responsible for the administration of this chapter. In carrying out these duties and responsibilities, the ~~director officer~~ shall:

Sec. B-8. 5 MRSA §7036, sub-§2, ¶A, as enacted by PL 1989, c. 501, Pt. P, §19, is corrected to read:

A. The ~~director officer~~ may employ staff and contract for professional services as necessary to develop and conduct training, organizational development and managerial development programs.

Sec. B-9. 5 MRSA §7036, sub-§2, ¶B, as amended by PL 2007, c. 466, Pt. A, §13, is corrected to read:

B. Charges may be made to state agencies for programs and services provided. Any rate schedule recommended by the ~~director officer~~ is subject to the approval of the commissioner.

Sec. B-10. 5 MRSA §7036, sub-§5, as amended by PL 2015, c. 442, §1, is corrected by correcting the first blocked paragraph to read:

After meeting and consulting with collective bargaining representatives of affected employees, the ~~director officer~~ shall implement the procedures authorized by this subsection with the goal to establish an efficient hiring process that meets the satisfaction of the agencies that the office serves;

Sec. B-11. 5 MRSA §7036, sub-§7, as amended by PL 2007, c. 466, Pt. A, §14, is corrected by correcting the first blocked paragraph to read:

The ~~director officer~~ shall, at least once a year, meet with the commissioners and directors of other state agencies to discuss, individually, the personnel needs and problems of each state agency and proposed solutions that may be offered by the various agencies. The ~~director officer~~ shall also discuss with each agency any future changes to the civil service system that the ~~director officer~~ intends to propose;

Sec. B-12. 5 MRSA §7036, sub-§10, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

10. Undertake long-term and short-term planning. Undertake long-term and short-term planning with respect to the needs of the civil service system within the ensuing year and in the next 5 years. The ~~director officer~~ shall focus on the types of positions, qualifications and requirements for these positions, technologies and types of procedures necessary to maintain an efficient, modern, comprehensive, conscientious and effective state employee labor force;

Sec. B-13. 5 MRSA §7036, sub-§14, as amended by PL 1997, c. 498, §4, is corrected to read:

14. Employ staff and other assistance. Employ staff, who must be employed in the classified service in accordance with the Civil Service Law. Persons appointed to major policy-influencing positions are unclassified and serve at the pleasure of the ~~director officer~~. The classified and unclassified employees in the Bureau of Human Resources shall comply with section 7056-A, defining the political activities in which the employees may engage. All managerial, policy-influencing and professional employees in the bureau must be qualified by education, training and experience in the administration of personnel systems;

Sec. B-14. 5 MRSA §7036, sub-§19, as corrected by RR 2001, c. 2, Pt. A, §8, is corrected to read:

19. Hearings. In the course of any investigations under chapters ~~56,~~ 65, 67, ~~and~~ 71 and this chapter, hold hearings for the purpose of gathering information. The hearings are not adjudicatory proceedings under the Maine Administrative Procedure Act, chapter 375. In conjunction with the hearings, the ~~director officer~~ may administer oaths and subpoena and require the attendance of witnesses and the production of books, papers, public records and other documentary evidence pertinent to the investigation.

In case of the refusal of any person to comply with any subpoena issued under this subsection or to testify to any matter regarding which that person may be lawfully interrogated, the Superior Court in any county on application of the commissioner may issue an order requiring that person to comply with the subpoena and to testify;

and any failure to obey the order of the court may be punished by the court as a contempt of the court;

Sec. B-15. 5 MRSA §7036, sub-§23, as amended by PL 1991, c. 528, Pt. III, §17 and affected by Pt. RRR and amended by c. 591, Pt. III, §17, is corrected to read:

23. Organization and decentralization. Organize the bureau as the ~~director~~ officer determines most efficient and to decentralize personnel management among the various departments and agencies of the State consistent with the requirements of section 7031 and determined in the best interest of efficient administration;

Sec. B-16. 5 MRSA §7038, first ¶, as amended by PL 1999, c. 668, §12, is corrected to read:

The ~~director~~ officer is responsible for the development and monitoring of a communications process between management and subordinate employees in each agency of State Government.

Sec. B-17. 5 MRSA §7038, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

1. Factors to be considered. In the development of a communications' process for each agency, the ~~director~~ officer shall:

- A. Consider the uniqueness and the responsibilities of each agency;
- B. Consider the valuable information that non-supervisory employees may contribute to the operation of each agency;
- C. Consider the means, including confidentiality of identity, by which nonsupervisory employees may communicate information about department policies, procedures and practices to the management without intimidation or fear of reprisal from management;
- D. Consider the need for communication between supervisory personnel and policy-influencing persons ~~which~~ that is necessary for the efficient and effective implementation of department policies and procedures;
- E. Consider employee evaluation of supervisors as a means of improving supervisory skills and management-employee relations;
- F. Consider the means by which professional and nonprofessional employees discuss issues of mutual concern on a regular basis;
- G. Emphasize an approach that promotes cooperation between management and nonsupervisory personnel; and
- H. Any other variable considered by the ~~director~~ officer to be important to the process.

Sec. B-18. 5 MRSA §7038, sub-§4, as amended by PL 1991, c. 780, Pt. Y, §97, is corrected to read:

4. Penalty for failure to comply. The Commissioner of Administrative and Financial Services may not authorize payment of any debts or liabilities of a department or salaries of persons in policy-influencing positions in a department or agency that, upon written notification by the ~~director~~ officer, is not in compliance with this section.

Sec. B-19. 5 MRSA §7051, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

1. Citizenship. In making appointments to or recruiting for any position on an open competitive basis in the classified service, preference ~~shall~~ must be given to citizens of the United States. This requirement may be waived by the ~~director~~ officer on an individual basis when there exists compelling reasons for the waiver.

Sec. B-20. 5 MRSA §7051, sub-§3, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

3. Hiring and promoting neutrality. The final decision of whether a person will be hired or promoted by the State may not be made in part or wholly by a person related to the job candidate by consanguinity or affinity within the 4th degree. The ~~director~~ officer by rules shall ~~insure~~ ensure that this section ~~will~~ does not deprive any applicant or employee of full consideration for hiring or promotion.

Sec. B-21. 5 MRSA §7051, sub-§5, as amended by PL 2021, c. 601, §1, is corrected to read:

5. Probationary period; permanent appointments. All original appointments to the classified service and all subsequent promotional appointments within the classified service must be for a probationary period. The duration of the probationary period is determined by the ~~director~~ officer in consultation with the director or commissioner of the agency, but in no case may it be for less than 6 months.

- A. An employee during the probationary period must be reviewed at the end of the employee's 3rd month of employment by the employee's supervisor. The supervisor and the employee shall mutually discuss the job tasks and the performance of the employee, including any necessary improvements.
- B. An employee during the probationary period must be included in the payroll of the department in which the employee has been hired at the time of the commencement of the employee's duties. An employee during the probationary period must be compensated in the same manner as a permanent full-time employee, as long as the employee has been hired in accordance with all applicable laws and procedures.

C. During the probationary period, an employee is not entitled to a pre-disciplinary hearing and may be dismissed, suspended or otherwise disciplined without cause. Dismissal, suspension or any other disciplinary action against an employee during the probationary period is not subject to the grievance and arbitration provision of the collective bargaining agreement.

Sec. B-22. 5 MRSA §7051, sub-§6, as amended by PL 2015, c. 442, §2, is corrected to read:

6. Temporary and provisional appointments. Whenever it is impossible to certify eligible persons for appointment to a vacancy in the classified service, the appointing authority may nominate a person to the ~~director~~ officer. If the nominee is found by the ~~director~~ officer to have had experience and training that appear to qualify the nominee for the position, the nominee may be temporarily appointed to fill the vacancy in accordance with policies and procedures developed by the ~~director~~ officer.

A. The ~~director~~ officer may make a provisional appointment to fill a technical or professional position that requires a specialized knowledge or training to carry out the duties of the position and that cannot be filled from the eligible register.

B. The ~~director~~ officer shall establish a policy to protect persons in temporary positions from remaining in a temporary position for an unreasonable period of time that may not exceed one year except that an extension may be granted to an individual by the ~~director~~ officer when unusual circumstances warrant that extension.

C. The ~~director~~ officer may authorize, without requiring competitive tests, the appointment of unskilled laborers or persons engaged in custodial and domestic work in state institutions or departments.

Sec. B-23. 5 MRSA §7052, as amended by PL 1999, c. 668, §16, is corrected to read:

§7052. Appointments and promotions

Appointments to and promotions in the classified service must be made according to merit and fitness, from eligible lists developed by the ~~director~~ officer pursuant to procedures and policies established by the ~~director~~ officer. A person may not be appointed, transferred, promoted or reduced as an officer, clerk or employee or laborer in the classified service in any manner or by any means other than those prescribed by law or rule pursuant to this chapter.

Sec. B-24. 5 MRSA §7054-A, sub-§1, as enacted by PL 1993, c. 385, §2 and amended by PL 1997, c. 530, Pt. A, §34, is corrected to read:

1. Eligibility. Candidates must be active participants of the ASPIRE-JOBS Program, as defined in Title 22, chapter 1054-A, or current recipients of Temporary

Assistance for Needy Families who have completed the ASPIRE-JOBS Program within the past year at the time an application for employment is filed with the Bureau of Human Resources in order to be eligible for preference under this section. Candidates shall make their status in the ASPIRE-JOBS Program known to the ~~Director of State Human Resources Officer~~ in a manner prescribed by the ~~director~~ officer. Eligibility for preference continues for a period of one year after the date of application for employment and may be renewed at the end of one year at the request of the candidate if the candidate continues to meet the other eligibility criteria specified in this subsection. A candidate receives preference only if the candidate has earned a qualifying rating on all relevant examinations.

Sec. B-25. 5 MRSA §7061, first ¶, as amended by PL 1999, c. 668, §17, is corrected to read:

The ~~director~~ officer, in accordance with policies and procedures established by the ~~director~~ officer and in accordance with this section, shall record the duties and responsibilities of all positions in state service and establish classes for these positions. The titles of the positions and classes must be used in all personnel, accounting, budget, appropriation and financial records of all state departments, commissions and institutions.

Sec. B-26. 5 MRSA §7061, sub-§2-A, as enacted by PL 2011, c. 6, §1, is corrected to read:

2-A. Mental health professionals. Job classifications adopted by the ~~director~~ officer under subsection 2 must allow a person licensed as a marriage and family therapist under Title 32, chapter 119 to qualify for mental health therapist positions within the civil service system.

Sec. B-27. 5 MRSA §7061, sub-§6, as enacted by PL 1987, c. 541, is corrected to read:

6. Report. The ~~director~~ officer shall submit a progress report on or before February 15, 1988, to the joint standing committee of the Legislature having jurisdiction over state and local government.

Sec. B-28. 5 MRSA §7062, first ¶, as amended by PL 1999, c. 668, §18, is corrected to read:

The ~~director~~ officer, in accordance with policies and procedures established by the ~~director~~ officer, shall prepare for each class of positions in the classified service registers of persons eligible for appointment to positions in each class. Each eligible register consists of a list of all the persons who have shown by competitive tests, as provided in section 7063, that they possess the qualifications that entitle them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared, and of employees who have resigned or been dismissed, laid off or granted leaves of absence and whose names have been restored to the eligible register in accordance with this chapter.

Sec. B-29. 5 MRSA §7062, sub-§1, as amended by PL 2015, c. 442, §3, is corrected to read:

1. Placement of names on register. In establishing registers of eligible persons pursuant to this section, the names of all persons attaining the minimum final earned ratings established by the ~~director~~ officer must be placed on the register.

Sec. B-30. 5 MRSA §7062, sub-§2, as amended by PL 1999, c. 668, §19, is corrected to read:

2. Establishment of direct hire procedures. The ~~director~~ officer shall, based on recruitment and retention needs and the provision of section 7036, subsection 22, establish where practicable direct hire procedures.

Sec. B-31. 5 MRSA §7063, 2nd ¶, as amended by PL 2007, c. 466, Pt. A, §16, is corrected to read:

The ~~director~~ officer shall determine the character, type and content of examination for admission to the classified service; the time and place for holding examinations; the form of application blanks for admission to the examination to be filed by applicants; the minimum requirements for admission to the examination; and the value of each phase of the tests used in determining the average rating of the applicant. The ~~director~~ officer may adjust initial test results only to eliminate questions that are proven not relevant to the purposes of the test or that have a bias that is prohibited by state or federal law. Once a minimum final earned rating is established for a particular test, it may not be changed.

Sec. B-32. 5 MRSA §7063, 3rd ¶, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

Public notice of every examination or test ~~shall~~ must be given in the manner prescribed by rules drawn up by the ~~director~~ officer.

Sec. B-33. 5 MRSA §7063, sub-§2, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

2. Administration of tests. The ~~director~~ officer may establish policies and procedures to allow departments and agencies of State Government to administer the tests and to interview persons taking the tests.

Sec. B-34. 5 MRSA §7064, first ¶, as amended by PL 2007, c. 466, Pt. A, §17, is corrected to read:

Positions in the classified service must be filled by original appointment, promotion, transfer, reinstatement or demotion in accordance with policies and procedures developed by the ~~director~~ officer. These policies and procedures must provide for the direct hire of positions in the classified service where appropriate.

Sec. B-35. 5 MRSA §7064, sub-§1, as amended by PL 2007, c. 466, Pt. A, §18, is corrected to read:

1. Objective. In developing policies and procedures for filling positions, the ~~director~~ officer must be

guided by the principle of filling each position as efficiently and expeditiously as possible. The ~~director~~ officer shall strive to fill each position in 30 days and no later than 45 days from the date a request to fill a position has been received from a state agency.

Sec. B-36. 5 MRSA §7065, first ¶, as amended by PL 2007, c. 466, Pt. A, §19, is corrected to read:

The ~~director~~ officer shall, as soon as practicable after the adoption of the classification plan, submit to the Legislature a proposed plan of compensation developed by the ~~director~~ officer showing for each class or position in the classified service minimum and maximum salary rates and such intermediate rates as the ~~director~~ officer considers desirable.

Sec. B-37. 5 MRSA §7065, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

1. Salary reductions. When the compensation plan has become effective through its adoption by the Legislature, it ~~shall constitute~~ constitutes the official schedule of salaries for all classes or positions in the classified service, except that, if the adoption of a compensation plan results in the reduction of salary of an employee, the ~~director~~ officer shall certify to the proper fiscal officer of the State that the employee's salary ~~shall~~ is not be subject to any reduction for a period of one year from the effective date of adoption of the plan.

Sec. B-38. 5 MRSA §7065, sub-§2-D, as enacted by PL 1993, c. 705, §2, is corrected to read:

2-D. Recruitment and retention adjustments. Subject to this subsection, the ~~director~~ officer, with the agreement of the bargaining agent, if applicable, may approve payment of recruitment and retention adjustments when the payment of a labor market adjustment is required to recruit and retain an adequate work force.

A. Payment of a recruitment and retention adjustment may be authorized only when justified by the following conditions.

- (1) High turnover exists or long-term vacancies exist within State Government in the relevant occupational classifications or job series.
- (2) The relevant occupational classification or job series has a clear, geographically definable labor market within which the State must compete.
- (3) All appropriate recruitment and retention efforts have been attempted and have proven ineffective at the current levels of compensation.
- (4) Comprehensive, verifiable documentation of labor market compensation levels for the relevant occupation has been compiled to determine competitive pay levels within the defined labor market. This documentation must

demonstrate that a labor market disparity exists and that the disparity represents a long-term, not transitory or seasonal, problem.

B. The labor market adjustment must be reviewed at least every 2 years and adjusted to changes in the labor market or the overall relation of the standard pay policy to the specialized labor market. If the subsequent review provided in this paragraph results in the adjustment being decreased or discontinued, an employee receiving the recruitment and retention adjustment may not be subject to a reduction in pay.

C. To assist the ~~director~~ officer in making a determination under paragraphs A and B, a committee must be formed to evaluate each request from an agency or bargaining agent for a recruitment or retention adjustment. The committee must be composed of a representative of the bureau, a representative of the employing agency or agencies and a representative of the bargaining agent, if applicable. The committee shall evaluate the request against the criteria specified in paragraphs A and B and shall conduct studies as the committee considers necessary to evaluate the request. The committee shall, by majority vote, provide the ~~director~~ officer, the agency and the bargaining agent, if applicable, with a report recommending and documenting adjustments authorized under this subsection. The ~~director~~ officer, the agency and the bargaining agent, if applicable, shall act on this report. If a funding request is necessary to implement an approved adjustment, the ~~director~~ officer shall submit the cost items for inclusion in the Governor's next operating budget within 10 days after action on the report.

Sec. B-39. 5 MRSA §7065, sub-§4, as amended by PL 2007, c. 466, Pt. A, §20, is corrected to read:

4. Compensation above the minimum step. In hiring any employee, the ~~director~~ officer or appointing authority may employ a person who is new to a state job classification above the minimum level established for that classification in order to compensate that person for the experience or outstanding qualifications that the person may possess. The ~~director~~ officer shall establish a policy to reflect the intent of this subsection.

Sec. B-40. 5 MRSA §7068, as enacted by PL 1985, c. 785, Pt. B, §38 and amended by PL 2007, c. 58, §3, is corrected to read:

§7068. Obligation to inform employee

1. Orientation session. The ~~director~~ officer shall provide that during the first 6 months of state employment each employee ~~shall must~~ attend an employee orientation workshop ~~which shall be~~ that is work time for the employee. Such training ~~shall must~~ describe the nature and costs of benefits available to state employees

generally, the nature and costs of benefits available to the employee and the circumstances under which the employee's benefit eligibility or cost may be changed. These benefits include, but are not limited to, vacation, holiday and sick leave, insurance programs and retirement programs.

A. In carrying out these programs, the ~~director~~ officer shall invite and include, to the extent they wish to participate, representatives of the Bureau of Employee Health, the Maine Public Employees Retirement System and employee representatives who are bargaining agents for any or all of the state employees attending the conference. Such employee representatives ~~shall~~ participate as the ~~director~~ officer provides in the program, but ~~shall must~~ at least be given the chance to address employees in represented bargaining units on the rights and obligations of employees under the contract for their bargaining unit and as to insurance programs and other benefits that are available from the employee representative.

2. Information provided to employees. The appointing authority ~~shall be~~ is responsible for attendance of new employees at the orientation session; and shall provide every new employee with written information as to the employee's rate of pay and circumstances under which the rate may be changed, including merit increases.

A. The appointing authority ~~shall is~~ also be responsible for distributing to new employees such written information as ~~deemed considered~~ appropriate by the ~~director~~ officer to carry out the spirit of this law and such information as provided in applicable labor agreements.

Sec. B-41. 5 MRSA §7069, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

§7069. ~~Director~~ Officer to develop brochure or publication

The ~~director~~ officer shall develop a brochure or publication by which the information in section 7068 is clearly and simply presented. The brochure or publication ~~shall must~~ be made available to new employees upon arrival at their jobs and to other state employees upon request.

Sec. B-42. 5 MRSA §7070, first ¶, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

Every appointment, transfer, promotion, demotion, dismissal, vacancy, change of salary rate, leave of absence, absence from duty and other temporary or permanent change in status of employees in both the classified service and the unclassified service of the Executive and Legislative Departments ~~shall must~~ be reported to the ~~director~~ officer at such time, in such form and together with such supportive or pertinent information as ~~he shall the officer~~ by rule ~~prescribe prescribes~~.

Sec. B-43. 5 MRSA §7070, 2nd ¶, as amended by PL 2007, c. 466, Pt. A, §21, is corrected to read:

The ~~director~~ officer shall maintain a perpetual roster of all officers and employees in the classified and unclassified services, showing for each person such data that the ~~director~~ officer considers pertinent.

Sec. B-44. 5 MRSA §7070, 3rd ¶, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

Records of the Bureau of Human Resources ~~shall be~~ are public records and open to inspection of the public during regular office hours at reasonable times and in accordance with the procedure as the ~~director~~ officer may provide.

Sec. B-45. 5 MRSA §7071, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

§7071. Employee right to review personnel file

The ~~director~~ officer shall, upon written request from an employee, provide the employee, former employee or ~~his~~ the employee's duly authorized representative with an opportunity to review ~~his~~ the employee's personnel file. These reviews ~~shall~~ must take place in the Bureau of Human Resources and during its normal office hours. Time spent by an employee in reviewing ~~his~~ the employee's personnel file ~~shall~~ may not be considered as time worked. For the purposes of this section, a personnel file ~~shall include~~ includes, but ~~is~~ not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits ~~which~~ that the ~~director~~ officer has in ~~his~~ the officer's possession.

Sec. B-46. 5 MRSA §7072, as amended by PL 2011, c. 491, §§2 to 6, is corrected to read:

§7072. Training and apprenticeship programs

The ~~director~~ officer shall devise plans for and cooperate with appointing authorities and other supervising officials in the development and conduct of employee training and registered apprenticeship programs to recruit and develop well qualified employees, to aid in meeting affirmative action requirements and to otherwise carry out the State's role as a responsible and effective employer.

The Department of Labor, Bureau of Employment Services shall assist the ~~director~~ officer in determining which classifications are apprenticeable and in encouraging and assisting state agencies to utilize the benefits of registered apprenticeship programs or other training programs.

3. Annual report. The ~~director~~ officer shall include in the annual report of the Bureau of Human Resources the following information:

A. A review of the development and operation of training and registered apprenticeship programs;

C. A summary of the agencies and types of positions involved;

D. A summary of registered apprenticeships;

E. The number of persons who applied for registered apprenticeship positions under this chapter;

F. The number of persons who were accepted into the registered apprenticeship program under this chapter;

G. The number of persons, under this chapter, who successfully completed and the number of persons who failed to complete the program established under this chapter;

H. The number of persons who, following the successful completion of the program, remain employed;

I. A summary of other training programs established; and

J. A breakdown of the total number of persons, defined in paragraphs E, F and G, by sex, race and any other characteristics ~~deemed~~ considered by the ~~director~~ officer to be pertinent to the intent of this chapter.

4. Bargaining agreements. Nothing in this section may operate to invalidate or supersede the provisions of a collective bargaining agreement between an employee organization and the State.

Sec. B-47. 5 MRSA §7082, sub-§5, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

5. Hear appeals. May hear appeals in accordance with this subchapter. Except where otherwise provided by a governing bargaining agreement, any employee or appointing authority aggrieved by the determination of the ~~Director of State~~ Human Resources Officer concerning the classification of positions, the allocation of new positions or the reallocation of existing positions in the classified service may appeal from the determination to the State Civil Service Appeals Board. The appeal must be made within 30 days after receipt of written notice of the determination from the ~~director~~ officer. The employee or appointing authority, or ~~his~~ the employee's or appointing authority's representative, ~~shall~~ must be afforded a public hearing before the appeals board. The appeals board shall examine and review the appeal and, upon the vote of at least 3 of its members, make changes in such classification, allocation or reallocation as may be just and equitable. Determinations of the appeals board ~~shall~~ must be transmitted to the State Budget Officer, the ~~Director of State~~ Human Resources Officer and the employees and department heads affected by the determinations.

A. Any classification of a position and any allocation or reallocation of a position made by the ~~director~~ officer or the appeals board pursuant to this section ~~shall become~~ becomes effective on the first

day of the fiscal year following approval by the State Budget Officer and the appropriation of funds for the classification, except that the State Budget Officer may, if ~~he~~ the State Budget Officer determines that sufficient funds exist, authorize an effective date prior to the first day of the ensuing fiscal year.

B. Any request for classification of positions, the allocation of new positions or the reallocation of existing positions in the classified service or the unclassified service ~~shall~~ must be processed by the ~~director officer~~ and the ~~director's officer's~~ determination made within 25 days from the date of filing the request with the Bureau of Human Resources. Any employee or appointing authority that is a party to the request may appeal to the appeals board within 10 days after the expiration of the 25 days allotted for the process of the requests for hearing and review. The appeals board shall examine and review the appeal and make such changes as provided in this section. The appeals board's decision in the appeal ~~shall~~ must be given within 30 days after the hearing on the appeal has been concluded.

C. A hearing before the appeals board is an adjudicatory proceeding under the Maine Administrative Procedure Act, chapter 375, and ~~shall~~ must be held in accordance with chapter 375, subchapter ~~4~~ 4.

Sec. B-48. 5 MRSA §7083, sub-§4, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

4. Appeal to ~~Director of State Human Resources Officer~~. If the classified employee is dissatisfied with the written decision following the meeting with the department head, ~~he~~ the employee may appeal in writing to the ~~Director of State Human Resources Officer~~ within 7 working days of meeting with the department head. The ~~director officer~~ shall within 10 working days reply in writing to the aggrieved employee, ~~his~~ the employee's representative and the department head involved stating ~~his~~ the officer's decision, based on the Civil Service Law and rules;

Sec. B-49. 5 MRSA §7083, sub-§5, as enacted by PL 1985, c. 785, Pt. B, §38, is corrected to read:

5. Submission to board. In the event the grievance ~~shall~~ is not ~~have been~~ satisfactorily adjusted under subsections 1 to 4, within the time limits in those ~~sections~~ subsections, the dispute may be submitted to the appeals board within 10 working days following receipt of the ~~director's officer's~~ written decision. The appeals board shall investigate the matters in controversy, shall hear all interested persons who come before it and ~~shall~~ shall be binding on the parties involved. The appeals board's written decision ~~shall~~ must be issued within 30 working days after

the hearing on the dispute is concluded, unless both parties agree that an extension of the time limit should be allowed; and

Sec. B-50. Effective date. This Part takes effect October 25, 2023.

EXPLANATION

This Part implements the intent of the revision clause under Public Law 2023, chapter 412, Part D, section 3, changing the position "Director of Human Resources" to "State Human Resources Officer," to include changes to references to that position and makes other changes pursuant to the Maine Revised Statutes, Title 1, section 93.

PART C

Sec. C-1. 1 MRSA §18 is corrected to read:

§18. Treasurer receiving money to give bond

The court directing the money to be paid to a county treasurer, in accordance with sections 15 to 17, shall require of ~~such~~ that treasurer a bond in double the amount ordered to be paid to ~~him~~ that treasurer, with 2 or more sufficient sureties, or with a surety company, as surety, to be approved by ~~said~~ that court. Such bonds ~~shall~~ must be payable to the people of the State ~~of Maine~~, for the use of ~~such~~ those persons, severally, as are entitled to ~~said~~ that money, and ~~shall~~ must be approved and filed with the clerk of ~~said~~ that court before payment of the money to ~~the~~ that treasurer.

Sec. C-2. 1 MRSA §20, as amended by PL 1975, c. 431, §1, is corrected to read:

§20. Compensation to owners for use of land

If satisfactory compensation is not made to the owner by the officers or agents of the United States under whose direction such lands are taken, ~~he~~ the owner may make complaint to the county commissioners, who, after not less than 14 days' notice to the parties of the time and place of hearing, shall view the premises, hear the parties ~~and~~, assess the damages sustained by the taking of the land for ~~said~~ those purposes, including the time during which it will be required for such use, as if the land were taken for highway purposes under Title 23, chapter 3, order ~~them~~ the damages to be paid at such time as ~~they~~ the county commissioners direct and award costs to the prevailing party.

Sec. C-3. 1 MRSA §21 is corrected to read:

§21. Report of county commissioners filed with Superior Court; motion for new trial

The county commissioners shall file in the office of the clerk of the Superior Court a report of their doings, which ~~shall be~~ is conclusive upon the parties; unless one of them within 30 days files in court ~~his~~ a motion for a new trial, which after due notice to the opposite party

may for due cause be granted, to be had in ~~said~~ that court.

Sec. C-4. 1 MRSA §71, sub-§1 is corrected to read:

1. Acts by agents. When an act that may be lawfully done by an agent is done by one authorized to do it, ~~his~~ the agent's principal may be regarded as having done it.

Sec. C-5. 1 MRSA §72, sub-§1-A, as enacted by PL 1969, c. 433, §2, is corrected to read:

1-A. Affirmations. When a person required to be sworn is conscientiously scrupulous of taking an oath, ~~he~~ that person may affirm.

Sec. C-6. 1 MRSA §72, sub-§12, as amended by PL 2021, c. 275, §1, is corrected to read:

12. Municipal officers. "Municipal officers" means the mayor and ~~aldermen~~ municipal officers or ~~councillors~~ councilors of a city, the members of the select board or ~~councillors~~ councilors of a town and the assessors of a plantation.

Sec. C-7. 1 MRSA §72, sub-§28, as amended by PL 1975, c. 777, §1, is corrected to read:

28. Written and in writing. "Written" and "in writing" include printing and other modes of making legible words. When the signature of a person is required, ~~he~~ that person must write it or make ~~his~~ that person's mark, but the signatures upon all commissions or the signatures on interest coupons annexed to a corporate bond or other corporate obligation may be facsimiles, engraved or printed. The signatures of any officer or officers of a corporation upon a corporate bond or other corporate obligation, other than interest coupons, may be facsimiles, engraved or printed, on condition that such bond or obligation is signed or certified by a trustee, registrar or transfer agent. In case any officer who has signed or whose facsimile signature has been placed upon such corporate bond, other corporate obligation or interest coupon ~~shall have~~ has ceased to be ~~such~~ an officer before such corporate bond or other corporate obligation is issued, it may be issued by the corporation with the same effect as if ~~he were~~ such that person were an officer at the date of its issue.

Sec. C-8. 1 MRSA §116, as amended by PL 1989, c. 700, Pt. A, §1, is corrected to read:

§116. Statehood Day

March 15th of each year ~~shall be~~ is designated as Statehood Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State ~~of Maine~~ to observe the day in schools and other suitable places with appropriate ceremony and activity. Statehood Day ~~shall commemorate~~ commemorates the admission of Maine as a state into the United States of America and the ideals and wisdom of those ~~men and women~~ people who have formed Maine's history and

traditions. The Department of Education shall make appropriate information available to the people and the schools within the limits of its budget.

Sec. C-9. 1 MRSA §123, as repealed and replaced by PL 1985, c. 737, Pt. A, §1, is corrected to read:

§123. Seamen's Sailors' Memorial Day

The 2nd Sunday in June ~~shall be~~ is designated ~~Seamen's~~ Sailors' Memorial Day and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the day with appropriate ceremonies and activities in honor of the ~~women and men~~ people of the State who have been lost at sea.

Sec. C-10. 1 MRSA §201 is corrected to read:

§201. State seal

The seal of the State ~~shall be~~ is a shield, argent, charged with a pine tree (~~Americana, quinis ex uno foliulo setis~~ Pinus strobus) with a moose deer (~~eervus~~ Alces alces), at the foot of it, recumbent; supporters: on dexter side, a ~~husbandman~~ farmer, resting on a scythe; on sinister side, a ~~seaman~~ sailor, resting on an anchor.

In the foreground, representing sea and land, and under the shield, ~~shall be~~ is the name of the State in large Roman capitals, to wit:

MAINE.

The whole ~~shall be~~ is surrounded by a crest, the North Star. The motto, in small Roman capitals, ~~shall be~~ is in a label interposed between the shield and crest, viz.:--DIRIGO.

Sec. C-11. 1 MRSA §202, as repealed and replaced by PL 1977, c. 696, §3, is corrected to read:

§202. Removal of, injury to, neglect of or refusal to deliver up state seal

Whoever intentionally removes the seal of the State of Maine from the office or custody of the Secretary of State at Augusta, ~~or~~ intentionally secretes, defaces, injures or destroys it, or, having ~~the same in his~~ possession or ~~under his~~ control of the seal, intentionally neglects or refuses to deliver it to the Secretary of State upon demand ~~therefor~~, ~~shall be~~ is guilty of a Class C crime.

Sec. C-12. 1 MRSA §363, as enacted by PL 1965, c. 425, §1, is corrected to read:

§363. Secretary of State

To entitle any copy of a law published in the Revised Statutes of 1964 to be read in evidence, there ~~shall~~ must be contained in the same book a printed certificate of the Secretary of State that ~~such~~ the copy is a correct transcript of the text of the original laws. A facsimile of the signature of the Secretary of State imprinted by or at ~~his~~ the Secretary of State's direction upon ~~such~~ the

certificate ~~shall have~~ has the same validity as ~~his~~ the Secretary of State's written signature.

Sec. C-13. 1 MRSA §452, as repealed and replaced by PL 1977, c. 696, §10, is corrected to read:

§452. Removal, secretion, mutilation of or refusal to return state documents

Whoever intentionally removes any book, record, document or instrument belonging to or kept in any state office, except books and documents kept and deposited in the State Library, ~~or~~ intentionally secretes, alters, mutilates, defaces or destroys any such book, record, document or instrument; ~~or, having possession or control of any such book, record, document or instrument in his possession, or under his control, intentionally fails or refuses to return the same to that state office; or to deliver the same to the person in lawful charge of the office where the same was kept or deposited; shall be~~ is guilty of a Class D crime.

Sec. C-14. 1 MRSA §503, as amended by PL 1981, c. 48, §1, is corrected to read:

§503. Delivery to successor in office

All revisions of and supplements to the statutes, ~~and supplements thereto~~, the session laws and the Maine Reports sold or furnished to any state, county or municipal officer, ~~shall~~ must be held in trust by ~~said~~ that officer for the sole use of ~~his~~ that officer's office; and at the expiration of ~~his~~ that officer's term of office or on ~~his~~ that officer's removal ~~therefrom~~ from office by death, resignation or other cause, ~~such~~ that officer; or, if ~~he~~ that officer is dead, ~~his~~ that officer's legal representatives; shall turn ~~them~~ those publications over to ~~his~~ that officer's successor in office. If there is no successor to ~~his~~ the office, ~~such~~ that officer, or ~~his~~ that officer's legal representatives, shall turn over all of ~~said~~ those publications to the ~~State~~ state, county or municipal unit ~~which~~ that purchased the same.

Sec. C-15. 1 MRSA §953, sub-§1, ¶A, as enacted by PL 1981, c. 494, is corrected to read:

A. Actual reasonable expenses in moving ~~himself~~ the displaced person, ~~his~~ the displaced person's family; ~~or the displaced person's~~ business, farm operation or other personal property;

Sec. C-16. 1 MRSA §953, sub-§3, as enacted by PL 1981, c. 494, is corrected to read:

3. Fixed payment. ~~Any~~ A displaced person eligible for payments under subsection 1; who is displaced from ~~his~~ that person's place of business or from ~~his~~ that person's farm operation and who elects not to accept the payment authorized by subsection 1; may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment ~~shall be~~ may not be less than \$2,500 nor more than \$10,000. In the case of a business, ~~no~~ a

payment may not be made under this subsection unless the department is satisfied that the business:

A. Cannot be relocated without a substantial loss of its existing patronage; and

B. Is not part of a commercial enterprise having at least one other establishment not being acquired by a public entity or individual, or private entity on behalf of, under agreement with or with funding from a public entity, ~~which~~ that is engaged in the same or similar business.

Sec. C-17. 1 MRSA §1001, as enacted by PL 1975, c. 621, §1, is corrected to read:

§1001. Statement of purpose

It is essential under the American system of representative government that the people have faith and confidence in the integrity of the election process and the members of the Legislature. In order to strengthen this faith and confidence that the election process reflects the will of the people and that each Legislator considers and casts ~~his~~ that Legislator's vote on the enactment of laws according to the best interests of the public and ~~his~~ that Legislator's constituents, there is created an independent commission on governmental ethics and election practices to guard against corruption or undue influencing of the election process and against acts or the appearance of misconduct by Legislators.

Sec. C-18. 1 MRSA §1002, sub-§3, as enacted by PL 1975, c. 621, §1, is corrected to read:

3. Oath. Each member ~~shall~~, within 10 days of ~~his~~ that member's appointment, shall take an oath of office to faithfully discharge the duties of a commissioner in the form prescribed by the Constitution. Such oath ~~shall~~ must be subscribed to by the commissioner taking it, certified by the officer before whom it is taken and immediately filed in the Office of the Secretary of State.

Sec. C-19. 1 MRSA §1011, 2nd ¶, as enacted by PL 1975, c. 621, §1, is corrected to read:

The public interest is best served by attracting and retaining in the Legislature ~~men and women~~ individuals of high caliber and attainment. The public interest will suffer if unduly stringent requirements deprive government "of the services of all but princes and paupers."

Sec. C-20. 1 MRSA §1011, 3rd ¶, as enacted by PL 1975, c. 621, §1, is corrected to read:

Membership in the Legislature is not a full-time occupation and is not compensated on that basis; moreover, it is measured in 2-year terms, requiring each member to recognize and contemplate that ~~his~~ the election of that member will not provide ~~him~~ that member with any career tenure.

Sec. C-21. 1 MRSA §1012, sub-§8, as amended by PL 2011, c. 634, §4, is corrected to read:

8. Relative. "Relative" means an individual who is related to the Legislator or the Legislator's spouse or the Legislator's domestic partner as ~~father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, domestic partner, grandfather, grandmother, grandson, granddaughter, father in law, mother in law, son in law, daughter in law, brother in law, sister in law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, a parent, child; sibling; sibling of a parent; sibling of a parent once removed; first cousin; child of a sibling or of a spouse's or domestic partner's sibling; spouse; domestic partner; grandparent; grandchild; parent-in-law; spouse or domestic partner of a child; sibling of a spouse or domestic partner; stepparent; stepchild; stepsibling; and half-sibling~~ and includes the ~~fi~~ fi ~~ancee or fiancée~~ ancee or fiancée ~~bet~~ rothed of the Legislator.

Sec. C-22. 1 MRSA §1014, sub-§1, ¶E, as amended by PL 2007, c. 642, §7, is corrected to read:

E. When a Legislator or a member of the Legislator's immediate family accepts or engages in employment that could impair the Legislator's judgment, or when the Legislator knows that there is a substantial possibility that an opportunity for employment is being afforded the Legislator or a member of the Legislator's immediate family with intent to influence the performance of the Legislator's official duties, or when the Legislator or a member of ~~his~~ the Legislator's immediate family stands to derive a personal private gain or loss from employment, because of legislative action, distinct from the gain or losses of other employees or the general community; and

Sec. C-23. 1 MRSA §1020, as repealed and replaced by PL 1977, c. 696, §13, is corrected to read:

§1020. Penalty for false accusations

~~Any~~ A person who files a false charge of a conflict of interest with the commission or ~~any~~ a member of the commission, ~~which he that the person~~ does not believe to be true, or ~~whoever~~ a person who induces another to file a false charge of a conflict of interest, ~~which he that the person~~ does not believe to be true, shall be is guilty of a Class E crime.

Sec. C-24. 1 MRSA §1021, as enacted by PL 1975, c. 621, §1, is corrected to read:

§1021. Membership on boards, authorities or commissions

It ~~shall is~~ is not be a conflict of interest for a Legislator to serve on a public board, authority or commission created by the Legislature so long as ~~there is no~~ a consideration ~~is not~~ is paid to the Legislator other than ~~his~~ the Legislator's actual expenses.

Sec. C-25. 6 MRSA §3, sub-§6, as amended by PL 1971, c. 404, §4, is corrected to read:

6. Airman Aircrew member. "~~Airman~~ Aircrew member" means any individual who engages, as the person in command or as pilot, mechanic or member of the flight crew, in the navigation of aircraft while under way; and any individual who is directly in charge of the inspection, maintenance, overhauling or repair of aircraft, aircraft engines, propellers or appliances.

Sec. C-26. 6 MRSA §3, sub-§13 is corrected to read:

13. Certificate of competency. "Certificate of competency" ~~is means~~ means a document issued by the administration to ~~airmen~~ aircrew members specifying the kind of aeronautical activity for which they are ~~deemed~~ determined competent.

Sec. C-27. 6 MRSA §3, sub-§18-C, as enacted by PL 1977, c. 678, §9, is corrected to read:

18-C. Commissioner. "Commissioner" means the Commissioner of Transportation or ~~his~~ the commissioner's designee.

Sec. C-28. 6 MRSA §3, sub-§29 is corrected to read:

29. Resident. "Resident" means a person who has resided and made ~~his~~ the person's home not less than 6 months next prior to ~~his~~ the person's application for registration continuously within the State.

Sec. C-29. 6 MRSA §3, sub-§29-A, as enacted by PL 1977, c. 678, §20, is corrected to read:

29-A. State airways system. "State airways system" means all air navigation facilities available for public use ~~now existing or hereinafter established,~~ whether natural or ~~man-made~~ human-made, except for those under the jurisdiction of the Federal Government.

Sec. C-30. 6 MRSA §3, sub-§30 is corrected to read:

30. Structure. "Structure" means any object constructed or installed by ~~man~~ humans, including such objects ~~although~~ regulated or licensed by other provisions of law.

Sec. C-31. 6 MRSA §13, 2nd ¶, as repealed and replaced by PL 1977, c. 678, §27 and amended by PL 1995, c. 504, Pt. B, §10, is corrected to read:

The commissioner ~~shall have~~ has, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 17 or any rule or regulation promulgated ~~thereunder or adopted under those chapters~~ as sheriffs, ~~police~~ police officers and constables have in their respective jurisdictions.

Sec. C-32. 6 MRSA §102, sub-§1, ¶A, as enacted by PL 1977, c. 678, §33, is corrected by correcting subparagraph (3) to read:

(3) Waivers of any physical requirements may be given by the commissioner if ~~he~~ the commissioner finds the action to be consistent with safety and public interest.

Sec. C-33. 6 MRSA §102, sub-§2, ¶B, as enacted by PL 1977, c. 678, §33, is corrected to read:

B. All airport managers shall perform the following duties.

(1) The airport manager, or ~~his~~ the airport manager's authorized representative, shall be available during all hours of operation. A current telephone number ~~shall~~ must be on file with the department.

(2) The airport manager shall file a notice to ~~airmen~~ air missions with the Federal Aviation Administration designating any changes in airport conditions that may ~~effect~~ affect safety. A "notice to airmen air missions" file ~~shall~~ must be maintained at the airport.

(3) The airport manager shall display the local traffic pattern, airport traffic safety rules, any noise abatement procedures, and any special orders relating to the airport and its operations at a prominent location on the airport.

(4) The airport manager shall submit a list of federal aviation registration numbers twice yearly to the department in May and November of all aircraft based at ~~his~~ the airport manager's airport.

Sec. C-34. 6 MRSA §103, sub-§2, ¶F, as enacted by PL 1977, c. 678, §33, is corrected to read:

F. All property used for the land operation of the seaplane base, including docks and ramps, ~~shall~~ must be owned by the applicant, or the applicant shall show a statement in writing by the owner that ~~he~~ the applicant has the right to use and has control of the property for the purpose and time intended.

The applicant shall show that any construction or alteration of shorelines on the land area of the base is in conformity with the ~~regulations~~ rules of the Department of Environmental Protection, and with municipal building and other pertinent regulations if applicable.

Sec. C-35. 6 MRSA §201, as amended by PL 1977, c. 678, §36 and PL 1995, c. 504, Pt. B, §10, is corrected to read:

§201. Arrests

The commissioner and inspectors ~~shall~~ have, in any part of the State, the same authority to enforce and to make arrests for the violation of any provision of chapters 1 to 17 or any rule and regulation promulgated ~~thereunder~~ or adopted under those chapters as sheriffs,

~~police~~ police officers and constables have in their respective jurisdictions.

Sec. C-36. 6 MRSA §241, 3rd ¶ is corrected to read:

Any 2 or more political subdivisions may agree, by ordinance duly adopted, to create a joint board and delegate to ~~said~~ that board the powers to promulgate, administer and enforce airport zoning regulations to protect the aerial approaches of any airport located within the corporate limits of any one or more of ~~said~~ those political subdivisions. Such joint boards ~~shall~~ must have as members 2 representatives appointed by the chief executive officers of each political subdivision participating in the creation of ~~said~~ the board and a ~~chairman~~ chair elected by a majority of the members so appointed.

Sec. C-37. 6 MRSA §242, sub-§2 is corrected to read:

2. Variances. Any person desiring to erect any structures, ~~or~~ increase the height of any structure, ~~or~~ permit the growth of any tree, or otherwise use ~~his~~ the person's property, in violation of airport zoning regulations adopted under this chapter may apply to the board of appeals, as provided in section 243, subsection 3, for a variance from the zoning regulations in question. Such variances ~~shall~~ must be allowed ~~where~~ when a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and of this chapter.

Sec. C-38. 6 MRSA §243, sub-§3, ¶C is corrected to read:

C. To hear and decide specific variances under section 242, subsection 2. ~~Where~~ When a zoning board of appeals or adjustment already exists, it ~~shall~~ must be appointed as the board of appeals. Otherwise, the board of appeals ~~shall consist~~ consists of 5 members, each to be appointed for a term of 3 years and to be removable for cause by the appointing authority upon written charges and after public hearing. In the first instance one member ~~shall~~ must be appointed for a term of 3 years, 2 for a term of 2 years and 2 for a term of one year. ~~Thereafter~~ After the initial appointments, each member appointed ~~shall serve~~ serves for a term of 3 years or until ~~his~~ the member's successor is duly appointed and qualified.

Sec. C-39. 6 MRSA §243, sub-§3 is corrected by correcting the 4th blocked paragraph to read:

The board shall adopt rules in accordance with any ordinance adopted under this chapter. Meetings of the board ~~shall~~ must be held at the call of the ~~chairman~~ chair and at such other times as the board may determine. The ~~chairman~~ chair, or in ~~his~~ the chair's absence the acting

~~chairman~~ chair, may administer oaths and compel the attendance of witnesses. All meetings of the board ~~shall be~~ are public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating ~~such that~~ that fact, and shall keep records of its examination and other official actions, all of which ~~shall~~ must immediately be filed in the office of the board and ~~shall be~~ are a public record.

Sec. C-40. 8 MRSA §383, as enacted by PL 1987, c. 505, §2, is corrected to read:

§383. Deposit of receipts; reports

The director may require any lottery sales agents to deposit to the credit of the State Lottery Fund in banks designated by the Treasurer of State all money received by the agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of tickets or shares, and to file with the director or ~~his~~ the director's designated agents reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as ~~he~~ the director may require. The director may make such arrangements for any person, including a bank, to perform the functions, activities or services in connection with the operation of the lottery as ~~he may deem~~ the director determines advisable pursuant to this chapter and the rules of the commission, and those functions, activities or services ~~shall~~ constitute lawful functions, activities and services of that person.

Sec. C-41. 8 MRSA §408, sub-§4, as enacted by PL 1983, c. 732, §1, is corrected to read:

4. Member. Any member of the commission who is otherwise a public officer or employee ~~shall~~ may not suffer a forfeiture of ~~his~~ the member's office or employment, or any loss or diminution in the rights and privileges pertaining ~~thereto to the member's office or employment~~, by reason of membership on the commission.

Sec. C-42. 8 MRSA §566, as enacted by PL 1973, c. 662, §2, is corrected to read:

§566. Injunctions

In addition to any other remedy set forth in this chapter for the enforcement of this chapter or any rule, ~~regulation~~, order or decision of the Commissioner of Public Safety, the Superior Court ~~shall have~~ has jurisdiction upon complaint filed by the commissioner, or any person duly authorized to act for the commissioner, to restrain or enjoin any person or organization from operating any type of motor vehicle racing or doing any act prohibited by this chapter or prohibited by any rule ~~or regulation~~ of the commissioner. If it is established upon hearing that the person or organization, or the officers, agents, servants or employees of such person or organization, charged has been or is operating any type of motor vehicle racing in violation of any rule, ~~regulation~~, order or decision of the commissioner, the

court shall enter a decree enjoining ~~said~~ that person or organization and the officers, agents, servants and employees of ~~said~~ that person or organization and any other person from further operation of such motor vehicle racing. In case of violation of any injunction issued under this section, the court shall summarily try and punish the person for contempt of court. The existence of other civil or criminal remedies ~~shall be no~~ is not a defense to this proceeding. The commissioner or ~~his~~ the commissioner's authorized agent ~~shall~~ is not be required to give or post a bond when making an application for an injunction under this section.

Sec. C-43. 25 MRSA §1503, as amended by PL 1985, c. 56, §1, is corrected to read:

§1503. Uniform and equipment

Members of the State Police ~~shall~~ must be provided at the expense of the State with a distinctive uniform and badge, and with suitable equipment, all of which ~~shall remain~~ remains the property of the State. When on duty to enforce the laws of the road, and at such other times as the ~~chief~~ Chief of the State Police may require, ~~state policemen~~ members of the State Police shall be in uniform. It ~~shall be~~ is unlawful for any person to wear the prescribed uniform or badge of the State Police or any distinctive part ~~thereof of that uniform~~, except on order of the Chief of the State Police.

Sec. C-44. 25 MRSA §1541, sub-§2, as amended by PL 1985, c. 785, Pt. B, §110, is corrected to read:

2. Personnel. The Chief of the State Police may delegate members of the State Police to serve in the ~~bu-reau~~ State Bureau of Identification upon request of the commanding officer. The commanding officer ~~shall have the authority to~~ may hire ~~such~~ such civilian personnel, subject to the Civil Service Law and the approval of the Chief of the State Police, as ~~he may deem~~ the commanding officer considers necessary.

Sec. C-45. 25 MRSA §1594, first ¶ is corrected to read:

Upon the filing with the Chief of the State Police of an application by a member of the State Police in service and upon the determination by the chief that ~~he~~ the member has incurred permanent disability as a result of injuries received in the line of duty, ~~such~~ the member may be retired on a disability retirement allowance equal to 1/2 of the pay per year that is paid to a member of ~~his~~ the grade at which the member was employed at the time of ~~his~~ the disability. A medical board of 3 physicians, designated by the Chief of the State Police, after a medical examination of ~~such~~ the member of the State Police, shall first certify that ~~such~~ the member is mentally or physically incapacitated for further performance of duty, that ~~such~~ the incapacity is likely to be permanent and that ~~he~~ the member should be retired.

Sec. C-46. 25 MRSA §1595, as amended by PL 1967, c. 454, is corrected to read:

§1595. Retirement benefits to ~~wives~~ spouses extended

A surviving ~~widow~~ spouse must be paid 1/2 of the amount that any member of the State Police, including the Chief of the State Police, is receiving either as a pension or a disability retirement allowance under this chapter, and ~~said those~~ payments ~~shall~~ must continue for the remainder of ~~her~~ the spouse's lifetime or until ~~she should remarry~~ the spouse remarries. Payments to the member ~~shall~~ cease as of the day of ~~his~~ the member's death and ~~shall~~ begin to ~~his widow~~ the member's surviving spouse on the following day.

This section ~~shall apply~~ applies to a surviving ~~widow~~ spouse of any member of the State Police who at the time of ~~his~~ that member's death had been eligible to receive or was receiving a pension or a disability retirement allowance under this chapter. Payments to those who were surviving ~~widows~~ spouses on September 3, 1965 ~~shall~~ must be based upon the amount of pension or disability retirement that ~~said~~ the member would have been entitled to receive as of September 3, 1965 under this chapter.

Sec. C-47. 25 MRSA §1668, sub-§2, as enacted by PL 1965, c. 435, is corrected to read:

2. Alternates. If authorized by the laws of ~~his~~ the applicable party state, the administrative head of the state police department of a party state may provide for the discharge of ~~his~~ the duties of office and the performance of ~~his~~ the functions of office on the conference, for periods ~~none of which shall~~ that may not exceed 15 days, by an alternate. ~~No such alternate shall be~~ An alternate is not entitled to serve unless notification of ~~his~~ the alternate's identity and appointment ~~shall have~~ has been given to the conference in ~~such a~~ required form as required by the conference ~~may require~~.

Sec. C-48. 25 MRSA §1668, sub-§6, as enacted by PL 1965, c. 435, is corrected to read:

6. Officers. The conference shall elect annually, from among its members, a ~~chairman~~ chair, who ~~shall not be~~ is not eligible to ~~succeed himself for a 2nd term~~ immediately following a term served, a ~~vice chairman~~ vice-chair and a treasurer. The conference shall appoint an executive secretary and fix ~~his~~ the duties and compensation for that office. ~~Such~~ The executive secretary ~~shall serve~~ serves at the pleasure of the conference, and together with the treasurer ~~shall~~ must be bonded in ~~such an amount as determined by~~ the conference shall determine. The executive secretary also ~~shall serve~~ serves as general secretary of the conference.

Sec. C-49. 25 MRSA §1671, as enacted by PL 1965, c. 435, is corrected to read:

§1671. Additional meetings and services -- Article VI

The members of the conference from any 2 or more party states, upon notice to the ~~chairman~~ chair as to the time and purpose of the meeting, may meet as a section for the discussion of problems common to their states. Any 2 or more party states may designate the conference as a joint agency to maintain for them ~~such those~~ additional common services as they may ~~deem~~ consider desirable for combating organized crime. Except in those cases ~~where~~ when all party states join in such designation for common services, the representative of any group of such designating states in the conference ~~shall~~ constitute constitutes a separate section of ~~such the~~ conference for the performance of the common service or services so designated ~~provided that~~ as long as, if any additional expense is involved, the state so acting ~~shall~~ provide provides the necessary funds for this purpose. The creation of such a section or joint agency ~~shall~~ does not affect the privileges, powers, responsibilities or duties of the states participating ~~therein~~ in a section or joint agency as embodied in the other articles of this compact.

Sec. C-50. 25 MRSA §1672, sub-§2, as enacted by PL 1965, c. 435, is corrected to read:

2. Request for emergency aid. In case of emergency, upon the request of the administrative head of the state police department of a party state, the administrative head of the state police department of each responding state shall order ~~such~~ whichever part of ~~his~~ the state police forces ~~as he~~ that the administrative head of the state police department of the responding state, in his that person's discretion, may find necessary; to aid the state police forces of the requesting state in order to carry out the purposes set forth in this compact. ~~In such case~~ If aid has been requested, it shall be is the duty of the administrative head of the state police department of each responding state to issue the necessary orders for ~~such the~~ use of state police forces of ~~his~~ that state without the borders of ~~his~~ that state; and to direct ~~such those~~ forces to place themselves under the operational control of the administrative head of the state police department of the requesting state.

Sec. C-51. 25 MRSA §1672, sub-§3, as enacted by PL 1965, c. 435, is corrected to read:

3. Participation of personnel. The administrative head of the state police department of any party state, in ~~his~~ that person's discretion, may withhold or recall the state police forces of ~~his~~ that person's state, or any part or any member thereof, serving without its borders.

Sec. C-52. 25 MRSA §1672, sub-§4, as enacted by PL 1965, c. 435, is corrected to read:

4. Rights and immunities. Whenever any of the state police forces of any party state are engaged outside their own state in carrying out the purposes of this compact, the individual members so engaged ~~shall~~ have the same powers, duties, rights, privileges and immunities as members of the state police department of the state

in which they are engaged, but in any event, a requesting state shall save harmless any member of a responding state police department serving within its borders for any act or acts done by ~~him~~ that member in the performance of ~~his~~ that member's duty while engaged in carrying out the purposes of this compact.

Sec. C-53. 25 MRSA §2002, sub-§11, as enacted by PL 1985, c. 478, §2, is corrected to read:

11. Reckless or negligent conduct. "Reckless or negligent conduct" means that the applicant, either consciously disregarding or failing to be aware of a risk that ~~his~~ the applicant's conduct would cause such a result, engaged in conduct ~~which~~ that in fact created a substantial risk of death, serious bodily injury or bodily injury to another human being and the applicant's disregard or failure to be aware of that risk, when viewed in light of the nature and purpose of the applicant's conduct and the circumstances known to ~~him~~ the applicant, involved a deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

Sec. C-54. 25 MRSA §2054, as enacted by PL 1973, c. 237, is corrected to read:

§2054. Employees not covered

~~No liability~~ Liability under this chapter ~~shall be is~~ not created as to ~~workmen who are~~ employees of a contractor, subcontractor or other employer responsible for compliance with this chapter.

Sec. C-55. 25 MRSA §2102-A, sub-§1, as enacted by PL 1983, c. 736, §2, is corrected to read:

1. Commerce. "Commerce" means trade, traffic, commerce or transportation within or through the jurisdiction of the State. "Commerce" does not mean movement of hazardous materials by a farmer for ~~his~~ the farmer's own use to and from the farm or field within a 20-mile radius.

Sec. C-56. 25 MRSA §2397, first ¶, as repealed and replaced by PL 1969, c. 377, §5, is corrected to read:

The Attorney General, or ~~his~~ the Attorney General's designee, ~~shall have~~ has the power to summon and compel the attendance of witnesses before them or either of them, to testify in relation to any matter ~~which is~~ by that is a subject of inquiry and investigation under sections 2394 to 2396 a subject of inquiry and investigation, and to compel the production of all books, records, documents and papers pertaining to ~~said~~ that subject of inquiry and investigation. The Attorney General, or ~~his~~ the Attorney General's designee, may administer oaths and affirmations to persons appearing as witnesses before them, and false swearing in any matter or proceeding ~~aforsaid shall be as described in this paragraph~~ is deemed perjury and shall must be punished as such.

Sec. C-57. 25 MRSA §2447-A, sub-§2, as enacted by PL 1977, c. 639, §1, is corrected to read:

2. Rules. The State Fire Marshal shall, in accordance with the Maine Administrative Procedure Act, establish rules setting forth standards for cellulose ~~fiber~~ fiber insulation ~~which~~ that may be sold in this State. These rules ~~shall~~ may not be ~~no~~ less stringent than current federal specifications for Insulation Thermal: Cellulosic or Wood Fibre, and the rules may exceed the federal standards if, in the judgment of the State Fire Marshal, the action is ~~deemed~~ necessary to protect the health and safety of the public. The State Fire Marshal may incorporate in those rules provisions for testing procedures different from those established by federal specifications ~~where~~ if, in ~~his~~ the judgment of the State Fire Marshal, these federal tests cannot conveniently be conducted in ~~Maine~~ the State or are not appropriate for ~~Maine~~ use in the State.

Sec. C-58. 25 MRSA §2542, as amended by PL 1971, c. 592, §9, is corrected to read:

§2542. Appointment

A county fire marshal for Aroostook County, in this chapter ~~called~~ referred to as "the marshal", ~~shall~~ be is appointed by the county commissioners with the approval of the Aroostook County Fire ~~Chiefs'~~ Chief's Association, and ~~shall hold his~~ holds office for 2 years and until ~~his~~ a successor has been appointed and qualified. The location of ~~his~~ the marshal's office ~~shall be as~~ is designated by the county commissioners. ~~He~~ The marshal shall keep a correct account of all ~~his~~ the marshal's doings. ~~He shall~~ The marshal is entitled to receive from the treasury of Aroostook County an amount not to exceed \$10,000 annually, which ~~shall~~ must include both salary and actual expenses incurred by ~~him~~ the marshal in the performance of ~~his~~ the duties of office. The municipal officers of the towns in ~~said~~ the county may authorize ~~such~~ the marshal to perform the duties imposed ~~upon them~~ by sections 2394, 2395 and 2397, and when ~~so~~ authorized, ~~said~~ the marshal ~~shall have~~ has all the powers ~~thereby~~ conferred, by those sections and shall perform all the duties ~~therein~~ prescribed in those sections. ~~Such~~ The marshal shall furnish the Commissioner of Public Safety with ~~such~~ the information ~~as he may require~~ required by the commissioner and shall perform such inspections as the ~~Commissioner of Public Safety~~ commissioner may direct.

Sec. C-59. 25 MRSA §2804, as amended by PL 1975, c. 579, §8, is corrected to read:

§2804. Meetings

The board of trustees shall meet at such time or times as may be reasonably necessary to carry out ~~their~~ its duties, but it shall meet at least once in each calendar quarter at such place and time as the board ~~shall determine~~ determines and it shall meet at the call of the ~~chair~~

~~man chair.~~ The board shall organize annually by electing a ~~chairman chair, vice-chairman~~ vice-chair and secretary from among its members.

Sec. C-60. 25 MRSA §3507, as enacted by PL 1975, c. 558, is corrected to read:

§3507. Property returned to finder

Any person may surrender property ~~which he that~~ the person has found to a law enforcement agency. ~~Such That person shall be~~ is entitled to have ~~such the surrendered~~ the surrendered property ~~surrendered~~ returned to ~~him~~ the person if the owner ~~thereof of the property~~ or other person entitled to possession ~~thereof of the property~~ has not properly claimed the property within 6 months of its surrender to the law enforcement agency, ~~provided such~~ as long as the person who ~~so~~ surrendered the property reimburses the law enforcement agency and others authorized for reasonable expenses incurred in its custody of ~~such the~~ the property.

Sec. C-61. 25 MRSA §3711, as enacted by PL 1985, c. 56, §3, is corrected to read:

§3711. No solicitation while dressed in uniform

~~No~~ A law enforcement officer, as defined in section 3701, may not solicit funds or anything of value in the furtherance of any campaign for public office while ~~he~~ the law enforcement officer is dressed in uniform or while wearing the badge of the law enforcement agency that employs ~~him~~ the law enforcement officer.

Sec. C-62. 25 MRSA §3712, as enacted by PL 1985, c. 56, §3, is corrected to read:

§3712. No solicitation by law enforcement officers

~~No~~ A law enforcement officer, as defined in section 3701, may not solicit funds or anything of value for the furtherance of ~~his~~ the law enforcement officer's campaign for a nonpartisan public office. ~~Nothing in this~~ This subchapter may not be construed to prohibit any other person from soliciting money for the campaign of a law enforcement officer for nonpartisan office.

Sec. C-63. 25 MRSA §3713, sub-§1, as enacted by PL 1985, c. 56, §3, is corrected to read:

1. Use of authority. ~~No~~ A law enforcement officer, as defined in section 3701, may not use ~~his~~ the law enforcement officer's official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for public office.

EXPLANATION

This Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Titles 1, 6, 8 and 25 pursuant to Public Law 2019, chapter 475, section 52, and, as authorized by Title 1, section 93, this Part also incorporates certain administrative changes and corrections to those statutory units.

SELECTED MEMORIALS AND JOINT RESOLUTIONS

**JOINT RESOLUTION
HONORING THE MEMORY
OF THE VICTIMS OF THE
TRAGIC MASS SHOOTING
IN LEWISTON ON
OCTOBER 25, 2023**

S.P. 910

WHEREAS, the senseless mass shooting at Just-In-Time Recreation and Schemengees Bar & Grille in Lewiston, Maine resulted in the tragic deaths of 18 innocent people; and

WHEREAS, a number of people were injured and in critical condition as a result of the attack; and

WHEREAS, the people of Lewiston and the surrounding communities continue to mourn the deceased and to support the injured, family members, friends and neighbors; and

WHEREAS, the tragic incident marked the 17th mass shooting in the United States in the month of October 2023 alone; and

WHEREAS, it is the deadliest mass shooting in Maine history; and

WHEREAS, residents across the State continue to feel the emotional and psychological toll of the mass shooting; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, wish to reaffirm our sympathies to the victims of this terrible tragedy as well as all of their family and friends and all those across the State and Nation who have been affected by this event.

**Read and adopted by the Senate January 3, 2024
and the House of Representatives January 3, 2024.**

**JOINT RESOLUTION
RECOGNIZING MAY 1, 2024
AS PUREBRED DOG DAY**

S.P. 979

WHEREAS, purebred dogs are living legacies of the cultures that created them, and historically these dogs worked alongside their people and provided them companionship; and

WHEREAS, the service of these breeds continues today as they work alongside humans while serving as guide dogs, service dogs, conservation dogs, livestock guardians, search and rescue dogs, earthdogs, police

dogs and canine soldiers serving alongside our military men and women; and

WHEREAS, purebred dogs also serve as avalanche dogs, trackers, trailers, herders, controllers of vermin, water rescuers, carting and sled dogs, retrievers, protectors, hunters and bird dogs; and

WHEREAS, purebred dogs have been of enormous help to medical science, serving as models for many heritable human diseases, playing a role in humanity's understanding of the human and canine genomes and benefiting pharmaceutical research and development; and

WHEREAS, purebred dogs are guardians of family, home and hearth, and always they are companions near and dear to humans; and

WHEREAS, each purebred breed is indelibly etched in the history of the culture that created it just as surely as are that culture's music, art and language; and

WHEREAS, all dogs should be valued, whatever their ancestry, but the purpose-bred dog and the predictability of its breed should be cherished and preserved; and

WHEREAS, there is currently no day set aside to celebrate and acknowledge the contributions of the purebred dog; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize May 1, 2024 as Purebred Dog Day in celebration of purebred dogs and the many service and companion benefits they provide in Maine.

**Read and adopted by the Senate March 12, 2024
and the House of Representatives March 13, 2024.**

**JOINT RESOLUTION
RECOGNIZING MAY 6 TO
MAY 12, 2024 AS NATIONAL
NURSES WEEK**

H.P. 1483

WHEREAS, the nearly 5,200,000 registered nurses in the United States constitute our nation's largest health care profession; and

WHEREAS, the depth and breadth of the registered nursing profession meet the different and emerging health care needs of our nation's population in a wide range of settings; and

SELECTED MEMORIALS AND JOINT RESOLUTIONS

WHEREAS, the American Nurses Association, as the voice for the registered nurses of our nation, is working to chart a new course for a healthy nation that relies on increasing delivery of primary and preventive health care; and

WHEREAS, a renewed emphasis on primary and preventive health care will require better utilization of all of our nation's registered nursing resources; and

WHEREAS, professional nursing has been demonstrated to be an indispensable component of the safety and quality of care of hospitalized patients; and

WHEREAS, the demand for registered nursing services will be greater than ever as our nation continues to grapple with the long-term effects of the COVID-19 pandemic, an aging population, the continuing expansion of life-sustaining technologies and the explosive growth of home health care services; and

WHEREAS, more qualified registered nurses will be needed in the future to meet the increasingly complex needs of health care consumers in the State; and

WHEREAS, the cost-effective, safe and high-quality health care services provided by registered nurses will be an increasingly important component of the national health care delivery system in the future; and

WHEREAS, along with the American Nurses Association, the American Nurses Association – Maine has declared May 6 to May 12, 2024 as National Nurses Week, with the theme "Nurses Make the Difference" to honor the variety of roles that nurses play in the lives of their patients. Registered nurses make a difference as trusted advocates to ensure that patients, their families and their communities receive safe and high-quality care; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, recognize May 6 to May 12, 2024 as National Nurses Week to celebrate registered nurses' accomplishments and efforts to improve our health care system and show our appreciation for the nation's registered nurses not just during this week but at every opportunity throughout the year and ask that all residents of this State join in honoring the registered nurses who care for all of us.

**Read and adopted by the House of Representatives
May 10, 2024 and the Senate May 10, 2024.**

**JOINT RESOLUTION
RECOGNIZING THE
HONORABLE H. SAWIN
MILLETT, JR. FOR HIS
PUBLIC SERVICE TO THE
STATE**

H.P. 1488

WHEREAS, the Honorable H. Sawin Millett, Jr., who represents House District 81, which includes Norway, Sweden, Waterford, Albany Township, Greenwood, South Oxford, Stoneham, Stow, Mason Township and Locke Mills, is retiring from his service to the Maine State Legislature; and

WHEREAS, Representative Millett is currently serving his 9th term in Maine's House of Representatives and has served as the Republican lead on both the Joint Standing Committee on Appropriations and Financial Affairs and the Government Oversight Committee and has also served on the Joint Standing Committee on Education and Cultural Affairs; and

WHEREAS, Representative Millett was first elected to the Maine House of Representatives in 1968, serving in the 104th and 105th Legislatures, and went on to serve from the 121st Legislature to the 124th Legislature as well as from the 129th Legislature to the 131st Legislature; and

WHEREAS, his varied career includes service as a teacher, coach, principal, assistant school superintendent, farmer, municipal officer and state commissioner, including service as Commissioner of Education; Associate Commissioner of Mental Health, Mental Retardation and Substance Abuse Services; and Commissioner of Administrative and Financial Services. He has served under Governors Longley, Brennan, McKernan, King and LePage; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Thirty-first Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the Honorable H. Sawin Millett, Jr. for his decades of public service to the State and extend to him our appreciation for his dedication, expertise and judgment and congratulate him on his retirement from the Maine State Legislature.

**Read and adopted by the House of Representatives
May 10, 2024 and the Senate May 10, 2024.**

**STATE OF THE STATE ADDRESS
OF
GOVERNOR JANET T. MILLS
JANUARY 30, 2024**

Governor Mills' 2024 State of the State Address

Introduction

Mr. President, Madam Speaker, Madam Chief Justice, distinguished members of the 131st Legislature, members of my extraordinary cabinet, and honored guests.

Thank you for joining me tonight.

I am pleased to be joined by members of my cabinet, including Major General Douglas Farnham, who is retiring next month, and Brigadier General Diane Dunn, soon to become the first woman Commissioner of Veterans and Emergency Management.

Would you please join me in recognizing Major General Farnham's nearly 40 years of decorated service and in welcoming Brigadier General Dunn?

I am also joined by my family, including my daughters Lisl and Tammy, my sister, Dr. Dora Mills and her children Anthony and Julia, and my brothers, Peter and Paul. Tonight, we are sadly missing my brother David, who passed away last Friday. I honor him tonight in my thoughts.

My approach to the State of the State this year is a departure from those of the past; a change from the tradition in which the Chief Executive stands before you to discuss a series of high-profile issues, challenges, and opportunities.

But a State of the State Address — true to its storied purpose — must be a reflection of the times — these times, especially these past few months — have been anything but normal for Maine.

Maine people value straight talk, so I will put it to you plainly: we have had a very rough couple of months. We have been sorely tested, time and again. We have some serious stuff to discuss.

In late October a gunman took the lives of 18 innocent citizens, from ages 14 to 76, and injured many more, physically and emotionally — in an act of senseless and

unconscionable violence that devastated our communities and shook our sense of security — the worst mass shooting in Maine history and the tenth worst in our nation's history.

Then, in December, another traumatic event hit us, as heavy rains and powerful winds brought massive flooding that destroyed homes and businesses, roads and bridges. Four people lost their lives.

In January, two more violent storms caused some of the highest tides ever, which swept fish houses into the sea, kicked pilings out from under once-sturdy piers, broke dunes and breakwaters, chewed up roads and sea walls, wiped storekeepers dry of stock and changed the very landscape of our coast.

These things break our hearts.

Maine people do not welcome crisis or disaster. But we will always rise to meet them.

In these difficult times — when it sometimes feels like we have little control over our fate and our future — the people of Maine have banded together in support of one another, our communities, and our state like never before.

And it is because of Maine people — because of their unyielding resilience and resolve in the hardest of times — that the State of our State is strong.

And it is because of you, the people of Maine, that I am more confident than ever before in the future of our state and in our ability to prepare for and overcome whatever challenges the future has in store.

Rebuilding from the Storm

What gives me cause for such optimism in the face of such loss and hardship?

Look no further than the simple acts of kindness, compassion, and generosity demonstrated by people across Maine in the wake of these recent storms.

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When Doug Hartkopf's dairy barn in Albion was destroyed by powerful winds, his neighbors brought all his cows to safety and shelter.

When the fishing boat, the Tara Lynn II, ran aground on the rocks off Cape Elizabeth at the height of the storm, fire and rescue crews braved those rough seas twice in the middle of the night to rescue all four people on board.

And when the storms in January threatened to toss J.O. Brown's boatyard into the sea, that fixture that has withstood storms since 1855, the whole community stepped up to save it — young and old, neighbors, friends and family. When the storm receded, and the boatyard still stood strong and tall, owner Foy Brown said, "It worked. It worked because the whole town turned out for us."

Yes, that's what Maine people do — we take care of each other. We roll up our sleeves and rebuild.

With help from the Federal government and the support of this Legislature, and with the ingenuity and grit that are the hallmark of Maine people, we will rebuild stronger than ever.

Like other states feeling the brunt of extreme weather events, Maine is not safe from climate change. We know more storms will come.

And make no mistake about it, it *is* climate change that is causing storms to be more frequent, more intense, and more devastating.

The ocean is warming. The sea is rising. The winds are wilder. We no longer know the storms and winters of yesterday.

Because when we burn fossil fuels — like gasoline, oil, and natural gas — we expel harmful greenhouse gases into the atmosphere. Those gases envelop our planet, trap heat and moisture, that melts ancient glaciers, raises sea levels, and increases global temperatures.

Scientists know this. Meteorologists know this. Farmers, fishermen, and foresters know this. Sportsmen know this. Our kids know this.

We all know this now.

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We will address climate change in the long-term by investing in clean energy; by weatherizing homes and businesses; by expanding our state's network of EV chargers; and by advancing cleaner and more efficient technologies, like heat pumps — while also creating good-paying green collar jobs.

And informed by the work of the Maine Climate Council — scientists, citizens, business leaders, and state and local officials — we lead the nation in many of these respects.

In fact, we have exceeded our original goal for installing heat pumps, and we've set a new, more ambitious one. And as a result of our clean energy initiatives, we are seeing significant capital investments that are creating new jobs and new businesses.

We have the fastest growing clean energy economy in New England.

We must, and we will, continue to address climate change in the long-term, for the health of our people, the health of our environment, and the health of our economy.

But we must also take immediate steps — right now — to make our towns, homes and businesses more resilient to climate change and these awful storms.

Thankfully, we have laid the groundwork for how we do that.

In 2021, with the support of the Maine Climate Council, we organized the Community Resilience Partnership, which helps communities plan for the impacts of climate change.

One hundred and seventy-five cities, towns and Tribal governments have taken part in this voluntary program — and the program has awarded more than six million dollars to them.

One of those communities is Rockland, a city that was hard hit by the recent storms.

Recognizing that its waterfront piers and seawall are deteriorating and in need of repairs, Rockland has used these resiliency funds not only to plan for the rebuild of the pier and seawall, but to make long-desired improvements to public spaces.

Having this plan gives Rockland a clear path forward to obtain other available funds to protect and strengthen its downtown waterfront.

This is important work. Cities and towns across Maine are on the front lines of climate change, and these recent storms underscore the importance of fortifying them in the long-term.

Tonight, I am proposing to add \$5 million to our Community Resilience Partnership to allow another 100 cities, towns, and Tribal governments to identify vulnerabilities to extreme weather events and be ready for the next storm, the next flood, the next washouts, the next threats to our bridges, piers and homes.

Let's give them the tools to continue this desperately needed work.

And let's turn those plans into real action.

In 2021, we created the Maine Infrastructure Adaptation Fund that provides grants to municipalities, Tribal governments, and others to improve infrastructure that is vulnerable to flooding, rising sea levels, and other extreme weather events — exactly the type of upgrades that will help communities better withstand the type of storms we are now seeing.

For example, in Kennebunkport, the town is using a grant to raise the road that leads to Bickford Island and the utilities beneath it and improve stormwater runoff, in order to mitigate the impacts of flooding, prevent road closures, and reduce disruption for commercial fishermen and the need for costly repairs.

In Winslow, they are replacing stormwater structures with larger ones that will handle more water, to reduce the risk of flooding and property damage.

These are commonsense projects that will strengthen our resiliency in the long run.

Tonight, I propose we bolster this Infrastructure Fund with \$50 million from our record high "Rainy Day Fund", to allow Maine communities to build and rebuild infrastructure — roads, culverts, working waterfronts, storm water systems — that will be tough enough to withstand the impacts of climate change. Essentially, I propose taking from the Rainy Day Fund to respond to

some pretty rainy days we've had and some rainy days ahead.

At the same time, we will seek every available federal dollar for disaster assistance and resiliency, but the sooner we pass the supplemental budget, the sooner we can get state funds to contractors and fishermen and towns to get things up and running once again before the height of fishing season.

As we recover and rebuild from past storms and as we prepare for those to come, so too will we recover and repair from those shocking events that have threatened our personal security, our community safety, and our very character as a state.

Public Safety

It is time to have a conversation about violence —

Violence in the media that pervades our subconscious.

Violence in homes, streets, towns, and schools.

Violence in America.

Violence abroad.

Violence that has become an all too common — and all too wrong — way to solve differences.

Violence that we know all too well this past year, on a scale previously unknown to us.

On Monday October 23rd Maine boasted that we were the safest state in the nation, with the lowest violent crime rate in the country, according to the FBI. We relished the easy comfort of this brand that attracts people to our state — the sense of personal safety, along with our natural beauty and the sense of place and community unmatched in other parts of the country.

But on October 25th, everything changed. Folks at Just-In-Time Recreation and at Schemengees Bar and Grill in Lewiston, simply doing what many Maine people do all the time — bowling with their kids, enjoying a cold beer and a game of cornhole after a long day at work, spending time with family and friends — had their lives shattered by gunfire.

Darkness descended on our state. Eighteen people lost their lives to a senseless act of violence. Many others

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were injured. Tens of thousands of people sheltered in place for several days. Restaurants, shops, retailers and public buildings were shuttered. College students locked themselves in libraries, dorms, and classrooms. Streets emptied. An eerie pall of silence enveloped our state.

But these moments of darkness were also punctuated by great heroism — heroism when Jason Walker, Michael Deslauriers, and Joe Walker rushed the shooter in a courageous attempt to stop him and lost their lives; or when Tom Giberti instinctively ushered a group of children out the back door of the bowling alley, getting shot himself seven times in the legs while saving those young lives; or when someone still unknown turned the lights off at Schemengees to obscure the shooter's vision.

And there was heroism as first responders came from far and wide to help, and when every doctor, nurse, and healthcare worker at Central Maine Medical Center answered the call of duty and did everything they could to save lives. And when ASL interpreters from near and far, though reeling from the loss of four of their own, stepped up in their own moment of grief to ensure that crucial information was delivered to those who are deaf and hard of hearing. And so many more.

Ordinary people demonstrating extraordinary courage — an example of the resilience and resolve of Maine people.

Tonight, we are joined by:

- Tom Giberti;
- and by Lewiston Police Chief David St. Pierre, Lisbon Police Chief Ryan McGee, and Maine State Police Lieutenant Colonel Brian Scott, all of whom worked with an incredible team of state, county, local and federal law enforcement officials;
- and by our wonderful ASL interpreters, Regan Thibodeau, Amanda Eisenhart and Julia Schafer who remain on the job today.

Please join me in acknowledging them all this evening, in recognizing their heroism and that of their loved ones, and in honoring the memories of those we lost.

Know that Maine people are standing by your side, offering what comfort we can in a moment of

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immeasurable pain, though we know that the pain and hardship of October's tragedy will last a lifetime.

In recognition of that, I propose that we create a fund, similar to the one created in Virginia last year, to cover the medical needs of those injured last October long into the future and I propose that we capitalize it with an initial investment of \$5 million.

We know the road to healing will be long, but we will help you walk it.

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We also know that many Maine people still feel a lingering sense of anxiety and vulnerability, a feeling of being unsafe.

Our calm complacency has been shaken to the core.

I know there are some who may prefer to consider the shootings an aberration, the product of one unstable individual who went on an unconscionable rampage that is unlikely to reoccur.

But many felt it was unlikely to occur before October 25th happened.

And honestly, the hope that it won't happen again is of little comfort to the children, grandchildren, wives, partners, and parents who in an instant lost a loving spouse or child, a breadwinner, or a staple of the community, and who now face an uncertain future without them.

It gives no comfort to the people of our second largest city and its surrounding towns, or to all the businesses, schools, shops, and homes where a shooter on the run required them to shelter in place for 48 terrifying hours.

It gives no comfort at all to the people last April who were shot by a violent felon, recently released from prison, while they were simply driving down a public highway minding their own business, this after he had already killed his parents and two other people in their home.

It gives no comfort to the families who have lost loved ones to the tragedy of suicide or domestic violence.

Yes, we are different than other states, but violence does exist here in the State of Maine — and it strikes at the

very heart of who we are and everything we hold dear for this precious place we call home.

I have heard some say that no matter the law, a dangerous person will always find a way, and no new laws can prevent that. There is some truth to that: a person who is intent on doing harm to themselves or to someone else for whatever reason, may well succeed.

But the idea that we should not make laws because they will just be broken creates a cynical attitude that certain bad things are just inevitable.

I for one refuse to give in to that idea, and I refuse to let it stop us from taking action.

Some have said, well it's really just a mental health issue; that we just need to "fix" our behavioral health system and this violence will end. Well, certainly there may be people with mental health issues who commit violent crimes. But the vast majority of people with those issues do not commit violent crimes, and it would be wrong to stereotype anyone who has mental health problems as a potentially violent individual.

I have heard some say that we should not do anything until the Independent Commission finishes its work. They are right that the findings of that Commission may very well result in conclusions that need a policy remedy, and we will welcome the Commission's conclusions when they are ready. But "fixing" our laws to address a single attack does nothing to anticipate those other acts of violence which we might, with wise actions, prevent.

Actions which might also restore our sense of personal safety; actions whose time I believe has come.

Because, for the sake of the communities, individuals and families now suffering immeasurable pain, for the sake of our state, doing nothing is not an option.

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Throughout my time in office, I have tried to bring people together — lawmakers, law enforcement, public health, and others — to achieve enduring reforms that strengthen public safety, that protect our Constitutional rights, and that honor Maine's longstanding outdoor traditions.

And you, on a bipartisan basis, have agreed. Together, we have enacted:

- laws that allow judges to remove weapons from people under domestic violence orders;
- laws to ensure that survivors of domestic violence are notified if their abuser tries to obtain a firearm;
- penalties for straw purchases of firearms;
- incentives for the safe storage of firearms;
- funding for the Maine School Safety Center to help make our schools safe;
- and an extreme risk protection law to remove weapons from someone who's a danger to themselves or others, with appropriate due process protections.

These commonsense measures were not easy to achieve; they were the product of great discussion and debate. But, together, we got them done. And to me, they are the type of pragmatic and responsible solutions that we can also achieve *this* session.

In recent months, my office has talked with Republican and Democratic lawmakers and with people and organizations across Maine, listening to ideas and concerns and trying to develop a balanced approach to this difficult issue.

What I heard from folks all across the state is that they recognize the problem of gun violence. They see it in acts of domestic violence, suicide, and mass shootings.

Each person had ideas about what we could do to address the problem, and each of these ideas was different.

But what was not different — what was largely agreed upon — was an overarching belief that violence prevention is important; that we must strengthen our mental health system; and that dangerous people should not have access to firearms.

Out of these discussions, tonight I am announcing that I will be filing legislation to address these three areas of concern — legislation that would implement meaningful public safety protections, that would honor the rights afforded by our state and federal constitutions to safe and legal gun ownership, and that would uphold our state's longstanding outdoor heritage.

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Prevention

First, let's talk about prevention.

Many states have programs that approach the issue of violence through the broader lens of public health in order to understand and address long-term trends.

Maine is not one of those states, and I would like to change that.

Right now, data about violent injuries and deaths is kept separately — in police reports, medical examiner files, vital records, emergency department files — which are not easy to understand and analyze.

Tonight, I propose we establish an Injury and Violence Prevention Program at the Maine CDC as a central hub to bring together all this information already collected by diverse sectors such as health care, education, social services, and criminal justice agencies.

Bringing together these data will allow us to identify patterns to inform public health and prevention measures to reduce suicides and homicides in Maine.

Let's do a better job at preventing violence to begin with, to make Maine a safer state.

Mental Health

Now, let's talk about mental health.

As I mentioned earlier, Maine — with almost unanimous, bipartisan support — enacted an extreme risk protection law that allows a court to order the removal of dangerous weapons from an individual determined by a mental health professional to be a risk to themselves or others.

Law enforcement must first take a person into protective custody, at which point they undergo a mental health evaluation, and a judge issues a decision on whether to temporarily remove their weapons.

This law has come under intense scrutiny since the Lewiston shooting, which is appropriate. It is always right to question whether our laws are adequately serving their intended purpose and whether more, if anything, can be done to change or strengthen them.

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For example, some have questioned the necessity of a mental health evaluation — suggesting that it is an unnecessary hurdle that only makes the removal of weapons more difficult.

But I believe that the mental health assessment strengthens our law, protecting due process rights, making it more constitutionally sound and less subject to being struck down if anyone were to challenge it. And it also serves as a doorway to mental health services that might not otherwise be available.

This law has been used 93 times in the past 97 days since October 25th. In other words, nearly once a day since the shooting in Lewiston in courts all over the state — about 15 times more than it had been used in the preceding three years that it has been on the books.

The law is being used, and it is working.

This is not to say that we cannot strengthen the law.

For example, we know that, even with the progress we have made in recent years to expand behavioral health services, access to services can still be a serious struggle.

I want to expand behavioral health services across Maine, particularly for those in crisis.

So, I propose that we establish a network of crisis receiving centers across Maine so that any person suffering a mental health crisis can get prompt and appropriate care, instead of being alone or languishing in an emergency department or a jail, as is too often the case.

And I want to establish the next receiving center in Lewiston, which I will fund in the forthcoming supplemental budget.

My bill will direct the Maine Department of Health and Human Services to expand these receiving centers, over time, into a broader network and provide greater access to services for people.

We know these centers work. My Administration, with your support, opened the first center in Portland in February of 2022. In twenty months, nearly 3,000 people visited the center to get help and resolve a crisis. Since then, we have also announced plans to create a

hybrid crisis receiving center in Kennebec County that also offers substance use treatment.

Crisis receiving centers work — Let's build on them.

Keeping Weapons Out of the Hands of Dangerous
People

Now, let's talk about how we can keep weapons out of the hands of people who should not have them.

We know that in the case of the Lewiston shooter, law enforcement officers were not able to take him into protective custody to initiate our extreme risk protection order law to remove his weapons.

Whether law enforcement could have or should have done something different is a question that is being heavily scrutinized.

But, to me, the fact that they were not able to do so reveals a gap that must be addressed.

What happens in the circumstance when law enforcement knows where a person is but is unable to take them into protective custody, and still believes they pose a likelihood of serious harm to themselves or others?

My proposal will close that gap by allowing law enforcement to seek the approval of a judge, in unusual circumstances, to take a person into protective custody and, if deemed dangerous by a medical practitioner and a judge, remove their weapons, pending a full court hearing.

This will remove a barrier by providing law enforcement with another tool to ensure that someone is taken into protective custody and their weapons are removed.

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This strengthens the ability of law enforcement to remove weapons from dangerous people who already own them. But what about preventing dangerous people from getting a weapon in the first place?

I think we can address this, too.

When a person is subject to our extreme risk protection law, their name is entered into a national database of

persons prohibited from having firearms, a database which includes convicted felons and people subject to a domestic violence protection order, among others — in other words, people who we can all agree should not have a dangerous weapon.

This is a process that works well if the individual attempts to purchase a weapon from a Federally-licensed firearm dealer — from your local gun shop or Cabela's or L.L. Bean, for example. The dealers are required to verify that a person is legally allowed to buy a weapon through the National Instant Criminal Background Check System, known as NICS.

If that person is in NICS, they are a prohibited person. The system flags them, and the sale is denied.

But it is not a process that works well when that very same person can walk out of the gun shop and go to Facebook Marketplace, to Craigslist, or to Uncle Henry's and purchase, through a private commercial sale, the same weapon they were just denied — a weapon they are not legally allowed to have.

In 2016, the question was put to Maine people through referendum whether they wanted to close this so-called private sale loophole. At the time, they rejected it, and that vote has framed my approach to the larger question since then.

But now, in the aftermath of the violence we have seen across Maine, I have asked myself whether this approach is still right.

And I have arrived at the conclusion that I do not know how we can allow people who legally cannot have guns to buy them through a private sale and pose a risk to themselves or the public.

And I do not know how we can hold commercial sellers to a higher standard while allowing an underground market of private sellers to advertise guns for sale without any restrictions.

In my conversations with Maine people, I believe they agree. People who can't legally own guns should not have such easy access to them.

I believe the time has come to address the issue of private gun sales.

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I propose two things. One, that we require any sale of a firearm that is advertised — through Facebook, Craigslist, Uncle Henry's, a gun show, and other means — to be checked against the NICS system, the same system used by licensed firearm dealers.

In doing so, we will ensure that when a gun is sold through an advertised sale, it cannot be sold to someone who is prohibited from having a firearm.

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Now, secondly, you are probably wondering: what about sales that are purely private and not advertised? It's a good question, and it's one I have thought a lot about.

These are the types of transfers that are most often from one family member to another, from one neighbor to another, or from one trusted friend to another.

In other words, the type of safe transfer among law-abiding gun owners that is common in our state.

But we also have to acknowledge that someone could sell a weapon — again, privately and unadvertised — without knowing whether the buyer is legally allowed to own a weapon.

I want to encourage people to make damn sure that if they are selling a firearm to someone they don't know, then they should know that that person is legally allowed to own a gun.

And that is something we can do in a way that respects our longstanding tradition of passing down family firearms from one generation to the next or from one law-abiding gun owner to another.

Now, please forgive me in advance — but this is where the former Attorney General in me is going to come out.

Right now, it is a crime in Maine — a misdemeanor — for someone to intentionally or knowingly sell a firearm to someone who is a prohibited person.

Intentionally or knowingly. A lot is riding on whether or not you actually know.

I don't think that's the right approach. It's too loose a standard.

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Because the bottom-line is: you *should* know. And most gun owners would want to know. It's common sense.

It's the right thing to do.

Let's change our law a bit to reflect that.

Tonight, I am proposing that we expand our law, that we improve it — by adding the term "recklessly" to intentionally or knowingly — making it a stronger standard and making it easier to successfully prosecute anyone who sells a gun to someone who is not allowed to have one.

And then, on top of that, I propose that we toughen the law to make that type of illegal sale a felony — not just a misdemeanor.

What does all of this mean in practicality?

It means if you're transferring a firearm to a relative or a friend who you know is allowed to own one, you have nothing to worry about. Nothing changes. This longstanding tradition in Maine remains the same.

But it also means if you are selling to a stranger, you should visit a licensed firearm dealer to check the NICS system, and make sure they are not a prohibited person.

Because "I'm sorry I didn't know" just isn't going to fly like it used to, and you won't want a felony charge and the possible prison time that comes along with it.

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Now, I know this is a lot so let me recap:

1. Let's strengthen violence prevention by establishing an Injury and Violence Prevention Program at the Maine CDC;
2. Let's expand our crisis mental health system;
3. Let's keep weapons out of the hands of dangerous people by:
 - strengthening our extreme risk protection law;
 - and by requiring those who advertise guns for sale to check the NICS system;
 - and by toughening our law that makes it illegal to transfer a firearm to a prohibited person.

Prevention. Mental health. And keeping weapons away from dangerous people.

That's what my proposal boils down to.

I recognize that, on the one hand, this legislation may be too little to those who believe more is needed, while, on the other hand, it may be too much to those who believe the opposite.

But violence is not a simple problem, nor is the remedy a single, simple measure. And these proposals represent progress, and they do not trample on anybody's rights.

They are practical, common-sense measures. They are not extreme or unusual. They are not a cookie cutter version of another's state's laws; they are Maine-made and true to our culture and our longstanding traditions while meeting today's needs.

If you are a law-abiding citizen who owns firearms in Maine, you have nothing to fear.

If you are a collector of firearms in Maine, you have nothing to fear.

If you like to hunt in Maine — deer, bear, moose, duck, pheasant, coyotes — you have nothing to fear.

And, if you are a 14-year-old kid bowling with your dad on a weeknight in Lewiston, you too should have nothing to fear.

If you are a truck driver, a postal carrier, or an ASL interpreter with a young wife and four kids at home, or a delivery driver taking an evening off to play cornhole with friends, you should have nothing to fear.

If you are a 35-year-old father of two with another on the way who just got his Bachelor's degree from USM, out for a bite to eat with friends, you should have nothing to fear.

Over the past several months, I have been to too many funerals; expressing the condolences of all of you to the loved ones of too many lost too soon; and I have sat with myself — and my own conscience — reflecting upon what is right for Maine in the wake of Lewiston, of Bowdoinham, and of the tragedies of suicide and domestic violence that are all too prevalent in our society.

I hope that you, too, as the elected officials of the people, will do the same, reflecting not only on what you may think is best — but on what those who disagree with you believe is best as well.

The issue of guns in America is often marred by acrimony and divisiveness — tending to polarize people of goodwill, further entrenching people in already deeply held beliefs, hardening our uncharitable opinions of one another, and widening a great divide that only serves to immobilize us and obscure solutions.

Let us not lose our way in the vitriol and heated rhetoric that too often accompanies these debates; but let us have substantive, respectful, and vigorous discussions and arrive at solutions that work for our state and our people.

It is worth doing for the victims of yesterday's horrors, the survivors of today and the vulnerable of tomorrow. It is worth doing:

- for Ron Morin, Peyton Brewer-Ross, Josh Seal, Bryan MacFarlane, Joe Walker, Arthur Strout, Maxx Hathaway, Steve Vozzella, Thomas Ryan Conrad, Michael Deslauriers II, Jason Walker, Tricia Asselin, William Young, Aaron Young, Bob Violette, Lucy Violette, Billy Brackett and Keith Macneir.
- And for Cynthia Eaton, David Eaton, Robert Eger, and Patricia Eger.
- for the people who took their own lives, and those who were killed by an abuser.
- for their families and friends, who now have to live with the unimaginable pain that comes from losing a loved one to violence.
- And for anyone who survived that violence but who can never fully heal.

We have a lot of work to do in this body, creating and debating proposals that are balanced and measured, with care and with dignity. But it is worthwhile because one of the fundamental obligations of government is to keep people safe.

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Closing

As I close, I cannot escape the troubling fact that violence has become all too common in our culture.

Acts of brutality, cruelty, and anger are glorified and normalized in video games, television shows, and social media — acts that reduce our humanity, that leave us angry and bitter towards one another, part of a culture that too often promotes violence as a way to address — but never really resolve — our differences.

As a society, we must consider how we can reject the vitriol that too often consumes us; how we can tune out the rhetoric of rage; how we can recognize the humanity and dignity of others through our own eyes; and how we can lead with grace, compassion, and understanding in our own private and public lives.

We cannot legislate all of this.

Instead, the true solution lies in our hearts, in the lessons we impart to our children, in our daily interactions with each other, in our spiritual faith, as a people who, despite our many differences, truly have more in common than we know — we who walk this same earth, breathe this same air, striving for purpose, happiness, the chance to love and be loved, to be safe, and, perhaps, to make just a small, positive difference in our short, blessed time on this earth.

My friends, we cannot, this month, this spring, alone, heal every damaged life or broken heart or pretend that we are immune from acts that tear us apart; nor can we repair each broken brick of every damaged bridge, replace every washed-out culvert, reweave our wooden wharves, or reimagine the contours of our coast in a single moment.

We will never forget Lewiston, but neither will we let October 25th define us. We have to embrace each other and believe in each other every day. We are still a civil, safe and welcoming state, with a backbone as strong as Katahdin. We are who we always have been — a people with a deep and abiding sense of right and wrong, determined to look out for one another, knowing how very lucky we are to live in this beautiful state.

So we will repair this scar of violence on our communal soul, just as we rebuild our wharves, beaches and bridges, with a cohesive will and a consciousness of the

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future. As we fortify our state against the ravages of unpredictable storms and the predictability of climate change, so will we restore and strengthen our sense of personal security and collective safety, based on reality and on the principles of the Golden Rule, protecting others as we would protect ourselves, in our state and in our nation.

And fundamentally, we will continue to look within ourselves and to each other for the confidence, courage and compassion to face the future, to weather things we have never weathered before, to defeat the dangers of today and prevent the disasters of tomorrow, as we replenish our souls and renew our indomitable sense of hope — one people, made up of many, with one purpose, one broad vision — to be the best we can for ourselves, for our family, for each other, and for our state.

I know that we can, because we are, all of us, the people of the great state of Maine.

And the state of our people is good. And the State of our State is strong.

As always, it is ever an honor and privilege to serve as your Governor.

Thank you.

**STATE OF THE JUDICIARY ADDRESS
OF
CHIEF JUSTICE VALERIE STANFILL
FEBRUARY 21, 2024**

**MAINE JUDICIAL BRANCH
THE STATE OF THE JUDICIARY
A Report to the Joint Convention of the Second
Regular Session of the 131st Maine Legislature**

**Presented by Chief Justice
Valerie Stanfill
February 21, 2024**

Governor Mills, President Jackson, Speaker Talbot Ross, distinguished Members and guests of the 131st Maine Legislature, and people of the State of Maine:

I am pleased to update you on the State of the Judiciary, Maine's third branch of government. Before I came here today, I was thinking about this tradition. Just as I accompanied the Governor for her State of the State address, she accompanied me here today to the Chamber for the joint session of the Senate and House. This extraordinary symbolism – that of the three branches of government existing separately but coming together to talk to each other and to listen – is at the very heart of our democracy and must be treasured.

Before I begin, I would like to take this opportunity to introduce and thank members of the Judicial Branch who have accompanied me here today:

- In addition to the duties as judges, the Supreme Judicial Court operates like the Board of Directors of the Judicial Branch. We always go from most senior – which means longevity on the court, not age – to junior. So, I start by recognizing Senior Associate Justice Andy Mead, located in Bangor; Justice Andrew "Mark" Horton, located in Portland; Justice Cathy Connors, located in Portland; Justice Rick Lawrence, located in Portland; Justice Wayne Douglas, also located in Portland.

(Lest you think everyone but Justice Mead is in Portland, I am located in Augusta.)

- Where the SJC operates like a Board of Directors, the Chiefs of the Trial Courts are like the Executive Committee.
Chief Justice Bob Mullen of the Superior Court, based in Skowhegan;
Chief Judge Brent Davis of the District Court, based in Augusta; and
Deputy Chief Judge Lea-Anne Sutton, based in Biddeford.
- And finally, some of our administrative team. Amy Quinlan is the State Court Administrator; Maine law says she is the head of the Administrative Office of the Courts and is "responsible for administration and management of the court system." This has been a particularly challenging year as we experienced some turnovers at the highest level, but she has brought us through. With her is Tom Hild, our new Chief of Finance and Administration. Also here are two people many of you know: Barbara Cardone, our Director of Legal Affairs and Public Relations, and Julie Finn, our Legislative Analyst.

I also want to specifically recognize some other members of the Judicial Branch who are not in the room today:

- First, our amazing Family Division, headed by Caroline Jova. The Family Division is a small but extraordinary "behind the scenes" group supporting all the programs in family and child protective cases. This year I want to give them special recognition, as did the Maine Coalition to End Domestic Violence. The Coalition awarded the Family Division its "Champions of Change" award for its efforts implementing procedures and training that are trauma-informed and increase access to justice for survivors of domestic abuse and violence.
- Next, the mighty team leading the revitalized rollout of Maine eCourts. Chris Oberg, who is the Project Manager. Lisa LaMothe, the Odyssey Senior IT Business Analyst. Andy Frechette, Clerk of Courts in Lewiston/Auburn. Kyle Ferrill,

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Christen Haskell, Sarah Pelletier, and the entire Court Operations team. And Active Retired Judge Susan Oram. You, together with all the other numerous team members, have turned this project into a success, and we couldn't do it without you. And you transitioned to Maine eCourts in Lewiston/ Auburn the same week in October as the unimaginable tragedy of the mass shootings which so directly impacted all of you. You are vested in your communities and kept working through it all. Thank you.

- And finally, Julie Howard, Manager of Court Operations in York County, together with everyone at the new York Judicial Center: Facilities, Clerks Office, Marshals, and Judges. You seamlessly consolidated operations from four existing courthouses into a brand-new state of the art facility without missing a beat, an undertaking that was breathtaking in its scope.

I must also thank all the women and men who comprise the Judicial Branch for their hard work, dedication, and perseverance in serving the interests of justice and the people of the state of Maine. I am grateful every day for these extraordinary people.

In this address, I would like to talk about Maine Courts in the 21st century, and what is needed to serve all of Maine's citizens as we move forward. But first, I want to look back over the past year. I thank you for the resources that you gave the Judicial Branch in the last biennial budget and want to tell you about what we are doing with those resources.

2023 in Review

In my last address to you, I discussed the backlog and delays of cases that began even before the pandemic forced us to limit the number of jury trials and in-person hearings. Courts are facing more complicated cases, new technology demands, overburdened and decreasing numbers of counsel to handle the caseload, and an increasingly frustrated public. The temperature of public interactions has changed in the last few years and our front-line clerks and marshals bear the brunt of it and are in turn increasingly stressed and burned out. We continue to struggle to provide appropriate security, leading to courthouse closures when we don't have enough.

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Filings for the more serious types of criminal cases, felonies, are increasing. We also discussed the increase in filings for protective custody cases and cases where serious mental health issues need to be addressed.

In 2023 we asked the National Center for State Courts to perform a Weighted Caseload Study, where they look at what judges and clerks are doing and are able to do and what the system needs for judges and clerks. The National Center team has done these studies across the country, and we were happy to have them assess our operations. For several weeks clerks and judges tracked every minute of their time and what they were doing. As a result, we were able to present objective evidence to you of our personnel needs in these two areas. According to the May 2023 report, the Maine Judicial Branch needed at least 9 more trial court judges (64 to 73.1) and 40 more clerk positions (245 to 285) just to handle the existing caseload appropriately. Those numbers do NOT account for trying to catch up on the backlog; they are just to keep us going.

In our biennial budget request last year, we focused on beginning to shore up operations, the frontline people you all see and depend on when you come to a courthouse. We were clear that what we were asking for was not enough to "right size" the court system but would start us on the way. Frankly, I was being realistic considering the workforce and hiring challenges we all face, and expected that it would take time to recruit, hire and onboard necessary personnel.

You listened; we did not get everything we asked for (we did not receive any new clerk positions until July 1, 2024) but you did give us a meaningful increase in positions in the biennial budget year that began July 1, 2023. I am here today to say, "thank you."

The biennial budget gave us additional judge positions. It also added other resources: Additional marshals and court attendants. A few courtroom technology positions to take over recording, zoom functions and the like in the courtroom. Some efilings specialists, allowing centralized and consistent initial review of electronic filings. A few trainers and field operations specialists to support and train the court clerks all over the state. A couple of positions in the

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Service Center, our central phone answering and records search group. The tasks we ask of our court clerks have expanded tremendously, especially in the last decade. These new positions, which we are well on our way to filling, all take pressure off the overworked clerks' offices, allowing them to focus on the critical tasks only they can do. We do not have all the positions we need – remember the National Center said we needed 9 more judges and 40 more clerks to do our jobs! So, there will be additional requests in the future – but I am grateful for the positions you gave us. Creating the right-size Judicial Branch for the State of Maine is a multi-year process.

After the State of the Judiciary address last year, I was asked for a one-word description of where we were – and I said "frail". While we are not yet hale and hearty, I am pleased to report that we are not as frail as we were a year ago. Indeed, I am hopeful – hopeful that with new resources we can continue creating a justice system that meets the needs of Maine people in the 21st century. I want to share with you some of the accomplishments that we at the Judicial Branch are most proud of for 2023. I had hoped to play for you a short year-end presentation created by our Communications team for Judicial Branch employees. It turns out that - much like many of our courtrooms - the Chamber is not really equipped for me to be able to play a video. I did, however, distribute it if you have a chance to look at it; I hope you enjoy it.

Maine eCourts:

I will start with perhaps the biggest achievement of all: the restart of the Maine eCourts implementation.

As I explained last year, Maine eCourts is a fully integrated electronic system for filing, docketing, and case management. Users can file electronically, be notified of court orders, and access documents remotely. Just like our current docketing program, it will be integrated with law enforcement systems for bail, protection orders and the like.

Toward the end of 2020, we implemented the electronic case systems for all civil, child protective, and family matters cases (except for protection order and civil violation cases) in the Bangor District and Superior Courts and in the statewide Business and Consumer Docket. We had previously gone live in the

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Violations Bureau for all traffic cases statewide. Unfortunately, the Bangor and Business Court implementation had a rocky rollout, and I felt we needed to step back and analyze what happened before we moved forward. As a result, we paused and obtained an independent assessment. I know a lot of you were frustrated at my decision to pause; we are way behind where former Chief Justice Saufley said we would be. But the analysis and reorganization paid off when, this past October, we successfully rolled out Maine eCourts for the family, civil and child protective case types in the Lewiston and Auburn courts. It went beautifully! We think we are able to "lather, rinse, repeat" and expect to put the family and civil eCourts package in the Rumford, Farmington, and South Paris courts in a little over a month and then later this year in Augusta and Waterville.

Criminal dockets and protection from abuse and harassment cases require integrations with the Department of Public Safety's systems. DPS reports they are on track to gear up for them this year. So, we hope to add protection orders to the types of cases handled in Maine eCourts in June, and thereafter start with criminal cases. Our goal is to have all case types in all trial courts in the Maine eCourts system by the end of 2026. When we do that, we can unplug our Apple computers and our obsolete electronic docketing system known as "MEJIS."

Backlog:

I also want to update you on the backlog of cases created during the pandemic. I am pleased to report we have made some progress. Overall, we had a modest (+3.0%) change in the statewide rate at which we closed cases in 2023 compared to 2022 across all case types. In criminal dockets, both the numbers of pending cases and the average age of pending cases are down. Last year I reported that we had about 60% more criminal cases pending than before the pandemic, and most were felonies. Now, we have about 40 - 45% more cases than before – still a huge backlog but improved. The downside of that news, however, is that much of that improvement in the criminal dockets can be attributed to a few two-week criminal "blitzes" in Androscoggin and Kennebec Counties as well as a decrease in the numbers of cases filed. The "blitzes" involved coordination with

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prosecutors, the rearranging of scheduling for other case types, use of additional judge resources such as Active Retired Judges, and overtime for clerks' offices. They are short-term, concerted efforts that are not sustainable.

And other dockets have not improved as much. Indeed, the average age of family cases is still increasing. I hope that with the addition of more District Court judges this will improve. The sobering fact is that no matter how hard we work – and we do – we are not providing timely and safe resolution even in priority cases, those involving liberty, families, and children, much less the plethora of other cases. The stresses are being felt by all justice partners, including appointed counsel through the Maine Commission on Indigent Legal Services as well as the Civil Legal Services Providers, who also need adequate funding.

Constitutionally Required Counsel:

One area that is not looking up: appointed counsel. We are in a constitutional crisis. The State is obligated to provide an attorney in most criminal cases. The State is also obligated to provide attorneys to parents in child protective cases, those cases where the DHHS has stepped in to protect children. We must also provide guardians ad litem in all those cases. We depend on the private bar for this, but there are fewer and fewer lawyers available and willing to take cases. We have people sitting in jail every day – frequently a dozen or more in Aroostook County alone – without an attorney because there is no one to take their cases. Raising the pay to \$150 per hour last year has not solved the problem. The Maine Commission on Indigent Legal Services says the onus is on the courts, but we are constrained by the very statutes that created the Commission: we can only appoint attorneys on the Commission's roster, and often there are none. Our trial courts spend hours every week just trying to cajole attorneys into taking cases. I hope that adding some public defenders will help, but it will be a while before we really see results. And in the meantime, I fear the system will indeed collapse. Although this is a problem the courts cannot control, we are all in this together.

Notable achievements in 2023:

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On to more uplifting points. We had many achievements in 2023:

- The new York Judicial Center in Biddeford. Some of you attended our open house and ribbon-cutting ceremony in June. As I mentioned, Facilities, the Clerks' Office, Marshals, and Judges seamlessly consolidated operations from four existing courthouses into one brand-new state of the art Judicial Center without missing a beat. The Clerk manager calculated that 2 ¼ miles of paper files were moved. A huge effort, but it is worth it. The facility is wonderful.
- With the additional training positions, we have been able to restart and expand critical training for clerks. With 245 clerks spread out in 32 different facilities, our small number of operations trainers have been kept very busy. A well-trained workforce is our primary tool in creating efficiencies, and we are seeing results.
- We created new video resources for self-represented litigants. (Remember, most non-criminal cases, especially in District Court, have one or more self-represented litigants.) Check out our videos on Divorce and Parental Rights; Protection from Abuse and Harassment cases; Small Claims cases; and How to Change or Enforce your Divorce or Parental Rights Decree.
- We also created some new short-form brochures, including "Evicting a Residential Tenant for Not Paying Rent" and "Overview of Small Claims Court."
- We expanded a pilot project appointing an attorney to juveniles when the State files a case rather than relying on a "Lawyer of the Day" for the initial appearance. This strengthens the juvenile's relationship with defense counsel and allows the attorney earlier contact with the juvenile and juvenile's family, to explain the court process and the juvenile's rights, and to advocate for the juvenile. We expect statewide implementation to occur in 2024.
- We increased our outreach to schools to broaden civics awareness. Some of you attended oral arguments of the Supreme Judicial Court at Skowhegan High School, Winthrop High School, or Greely High School in Cumberland. We also welcomed several different school groups into

various trial courts around the state. We hope to continue to expand this outreach. And, if any of you would like to host oral arguments in front of the Supreme Judicial Court at your local high school, just let Barbara or Julie know. We will finalize the next round in October shortly. (Lewiston, as the reigning champion of the High School Mock Trial Competition, I am looking at you!)

- We are expanding internal communication to keep employees engaged. The new Employee Engagement Committee is tackling employee satisfaction, training, communication, and recognition. We adopted remote technology to create a virtual suggestion box, regular short zoom "Lunch & Learns" at the lunchbreak, occasional "Ask the Chief" zooms, monthly zooms of all jurists, monthly email updates, and quarterly newsletters. And, the 4-minute year-end video which you have. The latest effort is a pop-up spirit store for JB branded goods. Our team is extraordinary but underappreciated and over-worked, so it is important to keep everyone involved in our mission.
- We shared our expertise. For example, there was a presentation by our team at the New England Regional Judicial Opioid Initiative. Judges Eric Walker and David Mitchell in particular are extraordinary champions and experience significant success in their treatment courts – I think some of you heard from Judge Walker earlier in the year.
- We received recognition: as mentioned, the Family Division team received the "Champions of Change" award from the Maine Coalition to End Domestic Violence. Magistrate Lindsay Cadwallader received the "Children's Advocate Award" from the Maine Coalition Against Sexual Assault. Judge Chuck Dow received a significant achievement award from the Waterville Bar Association.

Looking Forward to the Future

So, where are we going? We need to build on the momentum and continue to "right size" the Judicial Branch so that we can meet the needs of Maine people in a timely and efficient manner. No custody dispute

should have to wait years before the case is heard, no one should be in jail for months or a year or more before their trial, no business should have to wait years before a dispute is resolved. This means the addition of judges and, critically, the staff to support them. Court clerks, judicial marshals, law clerks, courtroom technology assistants and the administrative staff to make it all work. Judges can't do it without them.

But there is another big category of needs for a 21st century court system: technology. Traditionally, we have said that our budget, and the court system itself, is made of two parts: people and buildings. Courts and the way we do business have changed more rapidly in this century than in the last 200 years. Technology is no longer a luxury or an afterthought: it must be part of the infrastructure of the court system. It needs to be maintained and updated on a regular basis. And these are needs that have not been attended to for a long time. In the past, we installed new technology without planning for what happens next. In the 21st century, we must look at technology as infrastructure, just as the courthouses across the state are infrastructure. We must plan to maintain it and improve it, just as we maintain roofs and HVAC systems. And maintenance includes replacement at various interludes. And we must fund it in the same way as we fund infrastructure.

When Maine eCourts was conceived and contracted for, the Legislature authorized bond funding to purchase and install the system. But, there are annual fees, licenses and maintenance that are not covered by the bond funds. You asked us to raise the money ourselves by tacking on surcharges on filing fees, fines, and the like. And we did that. The biggest single source of revenue was the surcharges on traffic ticket fines – the volume of those fines dwarfs anything else. But ticket numbers are going down as more serious charges are going up, and the funds generated are not adequate to pay for the system maintenance – we will be almost a million dollars short this year. It is not a sound plan for the long run, because of course the higher fees are, the more they get waived because people can't afford them.

And it is not just ongoing maintenance and fees for Maine eCourts. We now demand technology in the courtroom that our forebears never dreamed of.

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- Much evidence is in electronic form, including body cams, social media, and recordings. Jurors, witnesses, attorneys, the judge – everyone needs to be able to see and hear it. That means courtrooms have to be equipped with display screens, appropriate sound systems, and computers.
- We must electronically record every case, which means a sophisticated system of recording and microphones so that every word is captured as people move around the room.
- We must accommodate remote appearances of parties, witnesses, and attorneys. And because most court proceedings are constitutionally required to be public, you can't just do it from a laptop. We cobbled together what we call Zoom carts during the pandemic, but that is just one screen. If the TV faces the judge, no one else can see it. If a witness is on a screen, that witness needs to be seen and heard by the judge, the jury, counsel, parties, and the public.
- We need public access kiosks in courthouses for accessing electronic files.
- We need robust Wi-Fi and cell service at all court houses. Right now, there is very limited cell service at the York Judicial Center, making it difficult for attorneys and all court users to access files and communications. We can enhance it, but at a six-figure cost.
- We need to increase the safety of everyone, which means not only marshals but again, technology. Security cameras, recordings, screening, control rooms.
- We need to protect against increasing frequency and sophistication of cyber threats. We are the keepers of immense amounts of sensitive and personal data which cannot go unprotected and which we must safeguard to the best of our collective ability.
- There are more and more demands for data in many forms and layers. Data helps us understand how we got to where we are, measures the cost and benefits of programs and strategies, and helps us plan for the future. We are building a data warehouse, but again, it is a continuing process.

Looking to the future, all that technology needs technical people to keep it working. Given the market, those positions need competitive pay. I have

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previously explained that low judicial salaries in Maine – we were 51st in the country – affect ALL salaries in the Judicial Branch, setting an unrealistic salary ceiling for very skilled and high-level administrative positions, particularly in the area of information technology. The last budget saw the biggest judicial salary raises we have had in many a year and it was appreciated - but the same thing happened across the country consistent with recent inflation rates, so I am afraid our salaries are still near the bottom nationally.

Supplemental Budget

Much of that is for another day. I just want to start the conversation. But turning to this year, in our supplemental budget request we are asking that you support a sustainable funding program for the Maine eCourts system by shifting the cost of system maintenance from a fund built from insufficient fees and assessments to the General Fund. We are building a new infrastructure, and that is not inexpensive – \$3.75 million for the two fiscal years. It involves hefty numbers for a supplemental budget, but it is the only way that we can pay for and support the technology that we need to keep our courts operating. Remember, we tried to do it by raising fees and surcharges, and it is not working. The gains to access for citizens across the state is critical – aligning the courts with modern day business platforms that have been used by other industries for decades. Maine people demand nothing less. There are other requests, but this is critical.

LD 2090 - Bonding

In addition to the requests in the supplemental budget, we also have a bond bill, L.D. 2090, to allow us to build three new courthouses over the next several years. Courthouses themselves have changed. We are continuing to try to modernize the court buildings to meet the needs of staff and of the public, to be efficient and safe places to work and to come to. We have plans to construct a new courthouse in Ellsworth, to add on to the District Court building in Skowhegan, and to rehab the building next to the current District Court in Lewiston. All of these construction projects will result in combined Superior/District Court facilities in these locations which create additional efficiencies.

I know some of you have had the opportunity to tour the outdated facilities currently in use. Some of the buildings are around 200 years old, and have insufficient space for courtrooms, few conference rooms for private conversations, a lack of wiring infrastructure to support current technology, and outdated equipment for heating and ventilation. Modern security needs are primarily achieved with controlled traffic flow, which is impossible in these spaces. This is not an atmosphere conducive to the administration of justice.

We recognize the cost will be hefty, slightly over \$200 million. Unfortunately, because construction costs seem to be rising faster than inflation, if we postpone this construction, it will just have a higher price tag at a future date. These are projects that take years to accomplish and that we need to address, so we hope you will support this bill.

Treatment Courts

Another project we would also like to pursue in 2024 is treatment courts, also known as specialty dockets. They can be tremendously successful in turning around lives derailed by the opioid epidemic and other substance use. In criminal dockets, we hope to rehabilitate rather than be punitive. In child protective cases, we support parents in recovery to facilitate reunification of the families torn apart by substance use disorder. As effective as they can be, however, these dockets are resource intensive. With the increase in judicial positions and supporting clerks and marshals starting July 1, we look forward to working toward expanding these dockets.

Conclusion

To wrap up, there are still many gaps in our judicial branch, and many needs that cannot be paid for with a tax on fines. They are needs without which courts cannot function in the 21st century. They are needs required to serve Maine people, and to meet our constitutional obligation of providing meaningful access to justice for all.

Thank you for the opportunity to talk about the successes in the Judicial Branch in the last year, and my vision for a 21st century court system for Maine, for next year and beyond.

CROSS-REFERENCE TABLES

TABLE I

Sections of the Maine Revised Statutes affected by the laws of the Second Regular Session of the 131st
Legislature and Revisor's Report 2023, chapter 1 and Initiated Bill 2023, chapters 1, 2 and 3.

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	
1	11			AMD	PL 605		1	3	601				RPR	PL 620	A	1
1	18			COR	RR 1 C		1	3	602				RPR	PL 620	A	2
1	20			COR	RR 1 C		2	3	603				RPR	PL 620	A	3
1	21			COR	RR 1 C		3	3	902	1-E			NEW	PL 606		1
1	71	1		COR	RR 1 C		4	3	959	1	J		AMD	PL 679	A	1
1	72	1-A		COR	RR 1 C		5	3	959	1	K		AMD	PL 511		1
1	72	12		COR	RR 1 C		6	3	959	1	S		RP	PL 679	A	2
1	72	28		COR	RR 1 C		7									
1	116			COR	RR 1 C		8	4	421	2	E		AMD	PL 522		1
1	123			COR	RR 1 C		9	4	421	2	F		AMD	PL 522		2
1	150-S			RAL	RR 1 A		1	4	421	2	G		NEW	PL 522		3
1	150-S			RAL	RR 1 A		2	4	1610-Q				NEW	PL 684		1
1	150-T			RAL	RR 1 A		1	4	1801				AMD	PL 558		3
1	150-U			RAL	RR 1 A		2	4	1801				AMD	PL 638		1
1	201			COR	RR 1 C		10	4	1802	2			AMD	PL 558		4
1	202			COR	RR 1 C		11	4	1802	3-A			NEW	PL 638		2
1	206			AMD	PL 487		1	4	1802	5			NEW	PL 638		3
1	363			COR	RR 1 C		12	4	1802-A				NEW	PL 638		4
1	402	3	U	AMD	PL 618		1	4	1804	1			AMD	PL 638		5
1	452			COR	RR 1 C		13	4	1804	2			AMD	PL 638		6
1	501-A	2		AMD	PL 516	B	1	4	1804	3	A		AMD	PL 638		7
1	501-A	3		AMD	PL 516	B	2	4	1804	3	C		AMD	PL 638		8
1	501-A	6		AMD	PL 516	B	3	4	1804	3	D		RPR	PL 638		9
1	503			COR	RR 1 C		14	4	1804	3	E		AMD	PL 638		10
1	547			AMD	PL 581		1	4	1804	3	G		AMD	PL 638		11
1	953	1	A	COR	RR 1 C		15	4	1804	3	H		AMD	PL 638		12
1	953	3		COR	RR 1 C		16	4	1804	4	D		AMD	PL 638		13
1	1001			COR	RR 1 C		17	4	1804	4	E		AMD	PL 638		14
1	1002	3		COR	RR 1 C		18	4	1804	4	F		NEW	PL 638		15
1	1011		2nd	COR	RR 1 C		19	4	1805	7	B-1		AMD	PL 638		16
1	1011		3rd	COR	RR 1 C		20	4	1806				AMD	PL 638		17
1	1012	8		COR	RR 1 C		21									
1	1014	1	E	COR	RR 1 C		22	5	55				RP	PL 607		1
1	1020			COR	RR 1 C		23	5	90-B	1	B		AMD	PL 648	D	1
1	1021			COR	RR 1 C		24	5	90-B	1	B-1		NEW	PL 648	D	2
1	1051			AMD	PL 573		1	5	90-B	1	C-1		NEW	PL 648	D	3
1	1051	2		AMD	PL 573		2	5	90-B	1	F-1		NEW	PL 648	D	4
1	1051	2-A		NEW	PL 573		3	5	90-B	2			AMD	PL 648	D	5
1	1051	4		AMD	PL 573		4	5	90-H				NEW	PL 545		1
								5	90-H				NEW	PL 569		1
2	1		3rd	AMD	PL 488		1	5	158				NEW	IB 1		1
2	2			AMD	PL 488		2	5	158				NEW	PL 545		2
2	6	2		AMD	PL 625		1	5	191	5			NEW	PL 545		3
2	6	3		AMD	PL 643	DD	1	5	243-C				NEW	PL 500		1
2	6	13		AMD	PL 558		1	5	244		2nd		AMD	PL 516	B	5
2	9	3	I	AMD	PL 646	A	1	5	282	9			AMD	PL 646	A	3
2	9	4		AMD	PL 646	A	2	5	285	1	F-11		RP	PL 607		2
2	9	6-A	A	AMD	PL 533		1	5	285-A	3			AFF	RR 1	B	50
2	9	6-A	E	AMD	PL 533		2	5	285-A	3			COR	RR 1	B	1
2	9	6-A	F	NEW	PL 533		3	5	286-A		2nd		AFF	RR 1	B	50
								5	286-A		2nd		COR	RR 1	B	2
3	163	1		AMD	PL 516	B	4	5	934	1	D		AMD	PL 625		2

CROSS-REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
5	943	1	K	AMD	PL 646	A	4	5	3202			NEW	PL 643	DD	2
5	959			AMD	PL 558		5	5	3203			NEW	PL 643	DD	2
5	1531	4		AMD	PL 643	F	1	5	3204			NEW	PL 643	DD	2
5	1532	5		AMD	PL 643	F	2	5	3205			NEW	PL 643	DD	2
5	1535	3		AMD	PL 643	F	3	5	3206			NEW	PL 643	DD	2
5	1591	6		AMD	PL 558		6	5	3360	5-A		NEW	PL 643	N	1
5	1762-A	1		AMD	PL 516	B	6	5	3360-E			RPR	PL 643	N	2
5	1812-A			AMD	PL 516	B	7	5	3360-W			NEW	PL 643	N	3
5	1812-B			AMD	PL 516	B	8	5	4553	8-D		AMD	PL 489		3
5	1812-D			AMD	PL 516	B	9	5	4553	8-D	A	AMD	PL 489		1
5	1812-E	1st		AMD	PL 516	B	10	5	4553	8-D	B	RP	PL 489		2
5	1815			AMD	PL 516	B	11	5	4553	10	F	AMD	PL 489		4
5	1816-A	2	I	AMD	PL 516	B	12	5	4553	10	G	AMD	PL 489		5
5	1817			AMD	PL 516	B	13	5	4553	10	H	NEW	PL 489		6
5	1818			AMD	PL 516	B	14	5	4592	1	C	AMD	PL 489		7
5	1819			AMD	PL 516	B	15	5	4592	1	D	AMD	PL 489		8
5	1824-B	1	B	AMD	PL 516	B	16	5	4592	1	E	RP	PL 489		9
5	1824-B	2		AMD	PL 516	B	17	5	4630			NEW	PL 489		10
5	1825-A	2		AMD	PL 516	B	18	5	6203-B	1		AMD	PL 646	A	5
5	1825-A	3		AMD	PL 516	B	19	5	6203-E	3	C	AMD	PL 643	M	1
5	1825-B	2	F	AMD	PL 516	A	1	5	6204	1		AMD	PL 494		1
5	1825-B	11		AMD	PL 516	B	20	5	7030			AMD	PL 656		1
5	1825-B	12		AMD	PL 516	B	21	5	7032	4		AFF	RR 1	B	50
5	1825-B	14		AMD	PL 516	B	22	5	7032	4		COR	RR 1	B	3
5	1825-C			AMD	PL 516	B	23	5	7034	7		AFF	RR 1	B	50
5	1825-D	1st		AMD	PL 516	B	24	5	7034	7		COR	RR 1	B	4
5	1825-D	3rd		AMD	PL 516	B	25	5	7035		2nd	AFF	RR 1	B	50
5	1825-F	1st		AMD	PL 516	B	26	5	7035		2nd	COR	RR 1	B	5
5	1825-G			AMD	PL 516	B	27	5	7036			AFF	RR 1	B	50
5	1825-H			AMD	PL 516	B	28	5	7036			COR	RR 1	B	6
5	1825-K	3		AMD	PL 516	B	29	5	7036		1st	AFF	RR 1	B	50
5	1825-K	4		AMD	PL 516	B	30	5	7036		1st	COR	RR 1	B	7
5	1825-K	5		AMD	PL 516	B	31	5	7036	2	A	AFF	RR 1	B	50
5	1825-L	1		AMD	PL 516	B	32	5	7036	2	A	COR	RR 1	B	8
5	1825-M			AMD	PL 516	B	33	5	7036	2	B	AFF	RR 1	B	50
5	1825-N			AMD	PL 516	B	34	5	7036	2	B	COR	RR 1	B	9
5	1825-O	1st		AMD	PL 516	B	35	5	7036	5		AFF	RR 1	B	50
5	1825-P			AMD	PL 516	B	36	5	7036	5		COR	RR 1	B	10
5	1825-Q			AMD	PL 516	B	37	5	7036	7		AFF	RR 1	B	50
5	1825-R			AMD	PL 516	B	38	5	7036	7		COR	RR 1	B	11
5	1825-S			AMD	PL 516	B	39	5	7036	10		AFF	RR 1	B	50
5	1831	1		AMD	PL 516	B	40	5	7036	10		COR	RR 1	B	12
5	1831	3		AMD	PL 516	B	41	5	7036	14		AFF	RR 1	B	50
5	2021			NEW	PL 681		1	5	7036	14		COR	RR 1	B	13
5	2022			NEW	PL 681		1	5	7036	19		AFF	RR 1	B	50
5	2023			NEW	PL 681		1	5	7036	19		COR	RR 1	B	14
5	2024			NEW	PL 681		1	5	7036	23		AFF	RR 1	B	50
5	2025			NEW	PL 681		1	5	7036	23		COR	RR 1	B	15
5	2026			NEW	PL 681		1	5	7038		1st	AFF	RR 1	B	50
5	2027			NEW	PL 681		1	5	7038		1st	COR	RR 1	B	16
5	2028			NEW	PL 681		1	5	7038	1		AFF	RR 1	B	50
5	2029			NEW	PL 681		1	5	7038	1		COR	RR 1	B	17
5	2030			NEW	PL 681		1	5	7038	4		AFF	RR 1	B	50
5	2030-A			NEW	PL 681		1	5	7038	4		COR	RR 1	B	18
5	2030-B			NEW	PL 681		1	5	7051	1		AFF	RR 1	B	50
5	2030-C			NEW	PL 681		1	5	7051	1		COR	RR 1	B	19
5	3003-A			AMD	PL 643	U	1	5	7051	3		AFF	RR 1	B	50
5	3110			NEW	PL 643	FF	1	5	7051	3		COR	RR 1	B	20
5	3111			NEW	PL 643	FF	2	5	7051	5		AFF	RR 1	B	50
5	3201			NEW	PL 643	DD	2	5	7051	5		COR	RR 1	B	21

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5	7051	6		AFF	RR	1	B	5	7083	5		AFF	RR	1	B	50
5	7051	6		COR	RR	1	B	5	7083	5		COR	RR	1	B	49
5	7052			AFF	RR	1	B	5	12002-D			AMD	PL	665		1
5	7052			COR	RR	1	B	5	12004-A	28		AMD	PL	580		1
5	7054-A			AMD	PL	646	A	5	12004-C	8		RP	PL	607		3
5	7054-A	1		AFF	RR	1	B	5	12004-C	9		RP	PL	607		4
5	7054-A	1		COR	RR	1	B	5	12004-F	5		RP	PL	608		1
5	7061		1st	AFF	RR	1	B	5	12004-G	25-A		AMD	PL	588		7
5	7061		1st	COR	RR	1	B	5	12004-G	30-D		RP	PL	646	A	8
5	7061	2-A		AFF	RR	1	B	5	12004-I	2-E		RP	PL	607		5
5	7061	2-A		COR	RR	1	B	5	12004-I	2-H		RP	PL	677		1
5	7061	6		AFF	RR	1	B	5	12004-I	6-I		AMD	PL	649		1
5	7061	6		COR	RR	1	B	5	12004-I	6-K		NEW	PL	643	FF	3
5	7062		1st	AFF	RR	1	B	5	12004-I	6-K		NEW	PL	683	A	1
5	7062		1st	COR	RR	1	B	5	12004-I	7		RP	PL	607		6
5	7062	1		AFF	RR	1	B	5	12004-I	52-C		RP	PL	650		1
5	7062	1		COR	RR	1	B	5	12004-J	21		NEW	PL	677		2
5	7062	2		AFF	RR	1	B	5	12004-K		1st	AMD	PL	616		1
5	7062	2		COR	RR	1	B	5	12004-K	10-A		NEW	PL	616		2
5	7063		2nd	AFF	RR	1	B	5	13070-P	2		AMD	PL	599		1
5	7063		2nd	COR	RR	1	B	5	13083-S-1	1	D-1	NEW	PL	613	C	1
5	7063		3rd	AFF	RR	1	B	5	13083-S-1	3	D	AMD	PL	613	C	2
5	7063		3rd	COR	RR	1	B	5	13083-S-1	5		AMD	PL	613	C	3
5	7063	2		AFF	RR	1	B	5	13090-K	2		RPR	PL	613	B	1
5	7063	2		COR	RR	1	B	5	13120-T	6		RP	PL	649		2
5	7064		1st	AFF	RR	1	B	5	13301			NEW	PL	683	A	2
5	7064		1st	COR	RR	1	B	5	13302			NEW	PL	683	A	2
5	7064	1		AFF	RR	1	B	5	13303			NEW	PL	683	A	2
5	7064	1		COR	RR	1	B	5	17851	17		COR	RR	1	A	3
5	7065		1st	AFF	RR	1	B	5	20005	23		AMD	PL	643	QQQ	1
5	7065		1st	COR	RR	1	B	5	20012			NEW	PL	658		1
5	7065	1		AFF	RR	1	B	5	23001	2-A		AMD	PL	646	A	9
5	7065	1		COR	RR	1	B	5								
5	7065	2-D		AFF	RR	1	B	6	3	6		COR	RR	1	C	25
5	7065	2-D		COR	RR	1	B	6	3	13		COR	RR	1	C	26
5	7065	4		AFF	RR	1	B	6	3	18-C		COR	RR	1	C	27
5	7065	4		COR	RR	1	B	6	3	29		COR	RR	1	C	28
5	7068			AFF	RR	1	B	6	3	29-A		COR	RR	1	C	29
5	7068			COR	RR	1	B	6	3	30		COR	RR	1	C	30
5	7068	1	A	AMD	PL	646	A	6	13		2nd	COR	RR	1	C	31
5	7069			AFF	RR	1	B	6	102	1	A	COR	RR	1	C	32
5	7069			COR	RR	1	B	6	102	2	B	COR	RR	1	C	33
5	7070		1st	AFF	RR	1	B	6	103	2	F	COR	RR	1	C	34
5	7070		1st	COR	RR	1	B	6	201			COR	RR	1	C	35
5	7070		2nd	AFF	RR	1	B	6	241		3rd	COR	RR	1	C	36
5	7070		2nd	COR	RR	1	B	6	242	2		COR	RR	1	C	37
5	7070		3rd	AFF	RR	1	B	6	243	3	C	COR	RR	1	C	38
5	7070		3rd	COR	RR	1	B	6	243	3		COR	RR	1	C	39
5	7070	2	D-1	AMD	PL	615		6	244		1st	AMD	PL	646	A	10
5	7070	2	E	AMD	PL	615		7	103	3		AMD	PL	643	L	1
5	7070	2	F	NEW	PL	615		7	197			COR	RR	1	A	4
5	7070	2	F	AMD	PL	646	B	7	219-A			RP	PL	528		1
5	7071			AFF	RR	1	B	7	219-C			NEW	PL	528		2
5	7071			COR	RR	1	B	7								
5	7072			AFF	RR	1	B	8	300	1		AMD	PL	586		1
5	7072			COR	RR	1	B	8	300	2		AMD	PL	586		2
5	7082	5		AFF	RR	1	B	8	383			COR	RR	1	C	40
5	7082	5		COR	RR	1	B	8	408	4		COR	RR	1	C	41
5	7083	4		AFF	RR	1	B	8	566			COR	RR	1	C	42
5	7083	4		COR	RR	1	B	8								

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8	1001	13-B		NEW	PL 549		1	10	1478	5			AMD	PL 516	B 42
8	1001	13-B		NEW	PL 635		1	10	1499-B	1	D-2		NEW	PL 570	1
8	1001	42-A		NEW	PL 635		2	10	1499-B	6			AMD	PL 570	2
8	1003	2	J	AFF	PL 549		15	10	1500-U				NEW	PL 514	1
8	1003	2	J	RP	PL 549		2	10	1663	1	A		AMD	PL 646	A 11
8	1003	2	J-1	AFF	PL 549		15	10	8001-A	6			RPR	PL 580	2
8	1003	2	J-1	NEW	PL 549		3	10	8002		1st		AMD	PL 625	3
8	1003	2	K	AFF	PL 549		15	10	8002	2			AMD	PL 625	4
8	1003	2	K	AMD	PL 549		4	10	8002	11			AMD	PL 625	5
8	1003	2	M	AFF	PL 549		15	10	8002	12			AMD	PL 625	6
8	1003	2	M	AMD	PL 549		5	10	8002	13			NEW	PL 625	7
8	1003	2	N	AFF	PL 549		15	10	8012				NEW	PL 648	E 1
8	1003	2	N	AMD	PL 549		6	10	9093	2			AFF	PL 594	13
8	1003	2	O	AFF	PL 549		15	10	9093	2			RPR	PL 594	1
8	1003	2	O	AMD	PL 549		7	10	9093-A				AFF	PL 594	13
8	1003	2	U	AMD	PL 635		3-5	10	9093-A				NEW	PL 594	2
8	1003	3	I	AMD	PL 635		6	10	9722	6	B-1		AMD	PL 527	1
8	1004			AFF	PL 549		15								
8	1004			AMD	PL 549		8	11	1-1201	10			AFF	PL 669	E 1
8	1006	1	D	AFF	PL 549		15	11	1-1201	10			AMD	PL 669	A 1
8	1006	1	D	AMD	PL 549		9	11	1-1201	15			AFF	PL 669	E 1
8	1006	3		AFF	PL 549		15	11	1-1201	15			AMD	PL 669	A 2
8	1006	3		RP	PL 549		10	11	1-1201	16-A			AFF	PL 669	E 1
8	1006	4		AFF	PL 549		15	11	1-1201	16-A			NEW	PL 669	A 3
8	1006	4		AMD	PL 549		11	11	1-1201	21	c		AFF	PL 669	E 1
8	1006	8		AMD	PL 635		7	11	1-1201	21	c		AMD	PL 669	A 4
8	1018	1	B	AMD	PL 655		1	11	1-1201	24			AFF	PL 669	E 1
8	1020	2	F	AFF	PL 549		15	11	1-1201	24			AMD	PL 669	A 5
8	1020	2	F	AMD	PL 549		12	11	1-1201	27			AFF	PL 669	E 1
8	1020	4		AFF	PL 549		15	11	1-1201	27			AMD	PL 669	A 6
8	1020	4		AMD	PL 549		13	11	1-1201	36			AFF	PL 669	E 1
8	1104	1	J	AMD	PL 635		8	11	1-1201	36			AMD	PL 669	A 7
8	1203	2	K	AMD	PL 635		9	11	1-1201	37			AFF	PL 669	E 1
8	1206	4		AMD	PL 577		1	11	1-1201	37			RP	PL 669	A 8
8	1206	5		AMD	PL 577		2	11	1-1201	37-A			AFF	PL 669	E 1
8	1206	6		AMD	PL 577		3	11	1-1201	37-A			NEW	PL 669	A 9
8	1207	4		AMD	PL 577		4	11	1-1204		1st		AFF	PL 669	E 1
8	1207	5		AMD	PL 577		5	11	1-1204		1st		AMD	PL 669	A 10
8	1207	6		AMD	PL 577		6	11	1-1301	3			AFF	PL 669	E 1
8	1208	4		AMD	PL 577		7	11	1-1301	3			AMD	PL 669	A 11
8	1208	5		AMD	PL 577		8	11	1-1306				AFF	PL 669	E 1
8	1208	6		AMD	PL 577		9	11	1-1306				AMD	PL 669	A 12
8	1209	4		AMD	PL 577		10	11	2-102				AFF	PL 669	E 1
8	1209	5		AMD	PL 577		11	11	2-102				RPR	PL 669	A 13
8	1209	6		AMD	PL 577		12	11	2-106				AFF	PL 669	E 1
8	1213	5		AMD	PL 635		10	11	2-106				AMD	PL 669	A 14
								11	2-106	5			AFF	PL 669	E 1
9-B	823	1		AMD	PL 539		1	11	2-106	5			NEW	PL 669	A 15
9-B	842	2		AMD	PL 539		2	11	2-201	1			AFF	PL 669	E 1
9-B	847	1		RPR	PL 539		3	11	2-201	1			AMD	PL 669	A 16
9-B	847	4		NEW	PL 539		4	11	2-201	2			AFF	PL 669	E 1
9-B	856			AMD	PL 539		5	11	2-201	2			AMD	PL 669	A 17
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10	363	7		AMD	PL 608		2	11	2-203				AFF	PL 669	E 1
10	965	4	B	AMD	PL 555		1	11	2-203				AMD	PL 669	A 19
10	1104	1		AMD	PL 538		1	11	2-205				AFF	PL 669	E 1
10	1104	3		AMD	PL 538		2	11	2-205				AMD	PL 669	A 20
10	1109	3		AMD	PL 538		3	11	2-209	2			AFF	PL 669	E 1

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11	2-1102			AFF	PL 669	E	1	11	5-1116	1		AFF	PL 669	E	1
11	2-1102			RPR	PL 669	A	22	11	5-1116	1		AMD	PL 669	A	51
11	2-1103	1	h-1	AFF	PL 669	E	1	11	5-1116	2		AFF	PL 669	E	1
11	2-1103	1	h-1	NEW	PL 669	A	23	11	5-1116	2		AMD	PL 669	A	52
11	2-1103	3		AFF	PL 669	E	1	11	7-1102	1	j	AFF	PL 669	E	1
11	2-1103	3		AMD	PL 669	A	24	11	7-1102	1	j	RP	PL 669	A	54
11	2-1107			AFF	PL 669	E	1	11	7-1102	1	k	AFF	PL 669	E	1
11	2-1107			AMD	PL 669	A	25	11	7-1102	1	k	RP	PL 669	A	55
11	2-1201	1	b	AFF	PL 669	E	1	11	7-1106			AFF	PL 669	E	1
11	2-1201	1	b	AMD	PL 669	A	26	11	7-1106			AMD	PL 669	A	56
11	2-1201	3		AFF	PL 669	E	1	11	8-1102	1	f	AFF	PL 669	E	1
11	2-1201	3		AMD	PL 669	A	27	11	8-1102	1	f	AMD	PL 669	A	57
11	2-1201	5	a	AFF	PL 669	E	1	11	8-1102	2		AFF	PL 669	E	1
11	2-1201	5	a	AMD	PL 669	A	28	11	8-1102	2		AMD	PL 669	A	58
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11	2-1202			AMD	PL 669	A	29	11	8-1103	8		NEW	PL 669	A	59
11	2-1203			AFF	PL 669	E	1	11	8-1106	4	c	AFF	PL 669	E	1
11	2-1203			AMD	PL 669	A	30	11	8-1106	4	c	AMD	PL 669	A	60
11	2-1205			AFF	PL 669	E	1	11	8-1106	8		AFF	PL 669	E	1
11	2-1205			AMD	PL 669	A	31	11	8-1106	8		NEW	PL 669	A	61
11	2-1208	2		AFF	PL 669	E	1	11	8-1106	9		AFF	PL 669	E	1
11	2-1208	2		AMD	PL 669	A	32	11	8-1106	9		NEW	PL 669	A	62
11	3-1104	1	c	AFF	PL 669	E	1	11	8-1110	7		AFF	PL 669	E	1
11	3-1104	1	c	AMD	PL 669	A	33	11	8-1110	7		NEW	PL 669	A	63
11	3-1105	1		AFF	PL 669	E	1	11	8-1303	2		AFF	PL 669	E	1
11	3-1105	1		RPR	PL 669	A	34	11	8-1303	2		AMD	PL 669	A	64
11	3-1401			AFF	PL 669	E	1	11	9-1102	2		AFF	PL 669	E	1
11	3-1401			AMD	PL 669	A	35	11	9-1102	2		AMD	PL 669	A	65
11	3-1401	2		AFF	PL 669	E	1	11	9-1102	3		AFF	PL 669	E	1
11	3-1401	2		RP	PL 669	A	36	11	9-1102	3		AMD	PL 669	A	66
11	3-1604	1	b	AFF	PL 669	E	1	11	9-1102	4	a	AFF	PL 669	E	1
11	3-1604	1	b	AMD	PL 669	A	37	11	9-1102	4	a	AMD	PL 669	A	67
11	3-1604	1		AFF	PL 669	E	1	11	9-1102	7		AFF	PL 669	E	1
11	3-1604	1		AMD	PL 669	A	38	11	9-1102	7		RP	PL 669	A	68
11	4-1103	1	a	AFF	PL 669	E	1	11	9-1102	7-A		AFF	PL 669	E	1
11	4-1103	1	a	AMD	PL 669	A	39	11	9-1102	7-A		NEW	PL 669	A	69
11	4-1201		2nd	AFF	PL 669	E	1	11	9-1102	7-B		AFF	PL 669	E	1
11	4-1201		2nd	AMD	PL 669	A	40	11	9-1102	7-B		NEW	PL 669	A	70
11	4-1202	2	b	AFF	PL 669	E	1	11	9-1102	11		AFF	PL 669	E	1
11	4-1202	2	b	AMD	PL 669	A	41	11	9-1102	11		RP	PL 669	A	71
11	4-1202	3	b	AFF	PL 669	E	1	11	9-1102	11-A		AFF	PL 669	E	1
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11	4-1208	2	b	AFF	PL 669	E	1	11	9-1102	31		AFF	PL 669	E	1
11	4-1208	2	b	AMD	PL 669	A	45	11	9-1102	31		RP	PL 669	A	75
11	4-1210	1		AFF	PL 669	E	1	11	9-1102	42		AFF	PL 669	E	1
11	4-1210	1		AMD	PL 669	A	46	11	9-1102	42		AMD	PL 669	A	76
11	4-1211	1		AFF	PL 669	E	1	11	9-1102	47		AFF	PL 669	E	1
11	4-1211	1		AMD	PL 669	A	47	11	9-1102	47		AMD	PL 669	A	77
11	4-1305	3		AFF	PL 669	E	1	11	9-1102	54-A		AFF	PL 669	E	1
11	4-1305	3		AMD	PL 669	A	48	11	9-1102	54-A		NEW	PL 669	A	78
11	4-1305	4		AFF	PL 669	E	1	11	9-1102	61		AFF	PL 669	E	1
11	4-1305	4		AMD	PL 669	A	49	11	9-1102	61		AMD	PL 669	A	79
11	5-1104			AFF	PL 669	E	1	11	9-1102	66		AFF	PL 669	E	1
11	5-1104			AMD	PL 669	A	50	11	9-1102	66		AMD	PL 669	A	80
11	5-1106	2-A		AFF	PL 669	E	1	11	9-1102	74		AFF	PL 669	E	1

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11 9-1102	74		RP	PL 669	A	81	11 9-1314-A			NEW	PL 669	A	111
11 9-1102	78		AFF	PL 669	E	1	11 9-1316	1		AFF	PL 669	E	1
11 9-1102	78		RP	PL 669	A	82	11 9-1316	1		AMD	PL 669	A	112
11 9-1102	80	d	AFF	PL 669	E	1	11 9-1316	6		AFF	PL 669	E	1
11 9-1102	80	d	AMD	PL 669	A	83	11 9-1316	6		AMD	PL 669	A	113
11 9-1104	1		AFF	PL 669	E	1	11 9-1317	2		AFF	PL 669	E	1
11 9-1104	1		AMD	PL 669	A	84	11 9-1317	2		AMD	PL 669	A	114
11 9-1105			AFF	PL 669	E	1	11 9-1317	4		AFF	PL 669	E	1
11 9-1105			RP	PL 669	A	85	11 9-1317	4		AMD	PL 669	A	115
11 9-1105-A			AFF	PL 669	E	1	11 9-1317	6		AFF	PL 669	E	1
11 9-1105-A			NEW	PL 669	A	86	11 9-1317	6		NEW	PL 669	A	116
11 9-1107-A			AFF	PL 669	E	1	11 9-1317	7		AFF	PL 669	E	1
11 9-1107-A			NEW	PL 669	A	87	11 9-1317	7		NEW	PL 669	A	117
11 9-1107-B			AFF	PL 669	E	1	11 9-1317	8		AFF	PL 669	E	1
11 9-1107-B			NEW	PL 669	A	88	11 9-1317	8		NEW	PL 669	A	118
11 9-1203	2	c	AFF	PL 669	E	1	11 9-1317	9		AFF	PL 669	E	1
11 9-1203	2	c	AMD	PL 669	A	89	11 9-1317	9		NEW	PL 669	A	119
11 9-1204	2		AFF	PL 669	E	1	11 9-1323	4		AFF	PL 669	E	1
11 9-1204	2		AMD	PL 669	A	90	11 9-1323	4		AMD	PL 669	A	120
11 9-1204	2-A		AFF	PL 669	E	1	11 9-1323	6		AFF	PL 669	E	1
11 9-1204	2-A		NEW	PL 669	A	91	11 9-1323	6		AMD	PL 669	A	121
11 9-1207	3		AFF	PL 669	E	1	11 9-1324	2	b	AFF	PL 669	E	1
11 9-1207	3		AMD	PL 669	A	92	11 9-1324	2	b	AMD	PL 669	A	122
11 9-1208	2		AFF	PL 669	E	1	11 9-1324	4	b	AFF	PL 669	E	1
11 9-1208	2		AMD	PL 669	A	93	11 9-1324	4	b	AMD	PL 669	A	123
11 9-1209	2		AFF	PL 669	E	1	11 9-1326-A			AFF	PL 669	E	1
11 9-1209	2		AMD	PL 669	A	94	11 9-1326-A			NEW	PL 669	A	124
11 9-1210			AFF	PL 669	E	1	11 9-1330	1		AFF	PL 669	E	1
11 9-1210			AMD	PL 669	A	95	11 9-1330	1		AMD	PL 669	A	125
11 9-1301		1st	AFF	PL 669	E	1	11 9-1330	2		AFF	PL 669	E	1
11 9-1301		1st	AMD	PL 669	A	96	11 9-1330	2		AMD	PL 669	A	126
11 9-1301	3		AFF	PL 669	E	1	11 9-1330	6		AFF	PL 669	E	1
11 9-1301	3		AMD	PL 669	A	97	11 9-1330	6		AMD	PL 669	A	127
11 9-1304	1		AFF	PL 669	E	1	11 9-1331			AFF	PL 669	E	1
11 9-1304	1		AMD	PL 669	A	98	11 9-1331			AMD	PL 669	A	128
11 9-1305	2	f	AFF	PL 669	E	1	11 9-1332			AFF	PL 669	E	1
11 9-1305	2	f	NEW	PL 669	A	99	11 9-1332			AMD	PL 669	A	129
11 9-1306-A			AFF	PL 669	E	1	11 9-1334	6	a	AFF	PL 669	E	1
11 9-1306-A			NEW	PL 669	A	100	11 9-1334	6	a	AMD	PL 669	A	130
11 9-1306-B			AFF	PL 669	E	1	11 9-1338	2		AFF	PL 669	E	1
11 9-1306-B			NEW	PL 669	A	101	11 9-1338	2		RPR	PL 669	A	131
11 9-1310	2	h	AFF	PL 669	E	1	11 9-1341		1st	AFF	PL 669	E	1
11 9-1310	2	h	AMD	PL 669	A	102	11 9-1341		1st	AMD	PL 669	A	132
11 9-1310	2	h-1	AFF	PL 669	E	1	11 9-1403	1		AFF	PL 669	E	1
11 9-1310	2	h-1	NEW	PL 669	A	103	11 9-1403	1		AMD	PL 669	A	133
11 9-1312			AFF	PL 669	E	1	11 9-1403	2	d	AFF	PL 669	E	1
11 9-1312			AMD	PL 669	A	104	11 9-1403	2	d	AMD	PL 669	A	134
11 9-1312	1		AFF	PL 669	E	1	11 9-1403	3		AFF	PL 669	E	1
11 9-1312	1		AMD	PL 669	A	105	11 9-1403	3		AMD	PL 669	A	135
11 9-1312	5		AFF	PL 669	E	1	11 9-1404	1	b	AFF	PL 669	E	1
11 9-1312	5		AMD	PL 669	A	106	11 9-1404	1	b	AMD	PL 669	A	136
11 9-1313	1		AFF	PL 669	E	1	11 9-1406			AFF	PL 669	E	1
11 9-1313	1		AMD	PL 669	A	107	11 9-1406			AMD	PL 669	A	137
11 9-1313	3		AFF	PL 669	E	1	11 9-1408	5		AFF	PL 669	E	1
11 9-1313	3		AMD	PL 669	A	108	11 9-1408	5		NEW	PL 669	A	138
11 9-1313	4		AFF	PL 669	E	1	11 9-1509	1	a	AFF	PL 669	E	1
11 9-1313	4		AMD	PL 669	A	109	11 9-1509	1	a	AMD	PL 669	A	139
11 9-1314			AFF	PL 669	E	1	11 9-1509	2		AFF	PL 669	E	1
11 9-1314			AMD	PL 669	A	110	11 9-1509	2		AMD	PL 669	A	140
11 9-1314-A			AFF	PL 669	E	1	11 9-1513	2	b	AFF	PL 669	E	1

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11	9-1513	2	b	AMD	PL 669	A	141	11	12-103			NEW	PL 669	B	1
11	9-1513	3		AFF	PL 669	E	1	11	12-104			AFF	PL 669	E	1
11	9-1513	3		AMD	PL 669	A	142	11	12-104			NEW	PL 669	B	1
11	9-1601	2		AFF	PL 669	E	1	11	12-105			AFF	PL 669	E	1
11	9-1601	2		AMD	PL 669	A	143	11	12-105			NEW	PL 669	B	1
11	9-1605			AFF	PL 669	E	1	11	12-106			AFF	PL 669	E	1
11	9-1605			AMD	PL 669	A	144	11	12-106			NEW	PL 669	B	1
11	9-1608	1	a	AFF	PL 669	E	1	11	12-107			AFF	PL 669	E	1
11	9-1608	1	a	AMD	PL 669	A	145	11	12-107			NEW	PL 669	B	1
11	9-1611	1	a	AFF	PL 669	E	1	11	15-101			AFF	PL 669	E	1
11	9-1611	1	a	AMD	PL 669	A	146	11	15-101			NEW	PL 669	C	1
11	9-1611	2		AFF	PL 669	E	1	11	15-102			AFF	PL 669	E	1
11	9-1611	2		AMD	PL 669	A	147	11	15-102			NEW	PL 669	C	1
11	9-1611	3		AFF	PL 669	E	1	11	15-201			AFF	PL 669	E	1
11	9-1611	3		AMD	PL 669	A	148	11	15-201			NEW	PL 669	C	1
11	9-1611	5	b	AFF	PL 669	E	1	11	15-301			AFF	PL 669	E	1
11	9-1611	5	b	AMD	PL 669	A	149	11	15-301			NEW	PL 669	C	1
11	9-1613	5		AFF	PL 669	E	1	11	15-302			AFF	PL 669	E	1
11	9-1613	5		AMD	PL 669	A	150	11	15-302			NEW	PL 669	C	1
11	9-1613	6		AFF	PL 669	E	1	11	15-303			AFF	PL 669	E	1
11	9-1613	6		NEW	PL 669	A	151	11	15-303			NEW	PL 669	C	1
11	9-1614	3		AFF	PL 669	E	1	11	15-304			AFF	PL 669	E	1
11	9-1614	3		AMD	PL 669	A	152	11	15-304			NEW	PL 669	C	1
11	9-1614	3-A		AFF	PL 669	E	1	11	15-305			AFF	PL 669	E	1
11	9-1614	3-A		NEW	PL 669	A	153	11	15-305			NEW	PL 669	C	1
11	9-1615	1	c	AFF	PL 669	E	1	11	15-306			AFF	PL 669	E	1
11	9-1615	1	c	AMD	PL 669	A	154	11	15-306			NEW	PL 669	C	1
11	9-1615	1	d	AFF	PL 669	E	1								
11	9-1615	1	d	AMD	PL 669	A	155	12	598-C			AMD	PL 644		1
11	9-1616	1		AFF	PL 669	E	1	12	685-A	11		AMD	PL 646	A	12
11	9-1616	1		AMD	PL 669	A	156	12	685-B	2-D		NEW	PL 660		1
11	9-1616	2	a	AFF	PL 669	E	1	12	685-C	8-A		NEW	PL 602		1
11	9-1616	2	a	AMD	PL 669	A	157	12	685-C	8-A		NEW	PL 623		1
11	9-1616	3		AFF	PL 669	E	1	12	6024	1-A		AMD	PL 556		1
11	9-1616	3		AMD	PL 669	A	158	12	6072	1-A		AMD	PL 564		1
11	9-1619	1		AFF	PL 669	E	1	12	6072	5		AMD	PL 564		2
11	9-1619	1		AMD	PL 669	A	159	12	6072	6	B	AMD	PL 564		3
11	9-1620	1	b	AFF	PL 669	E	1	12	6072	7-A	F	RP	PL 564		4
11	9-1620	1	b	AMD	PL 669	A	160	12	6072	12		AMD	PL 564		5
11	9-1620	2	a	AFF	PL 669	E	1	12	6072	12-A	A	AMD	PL 564		6
11	9-1620	2	a	AMD	PL 669	A	161	12	6072	12-D		NEW	PL 564		7
11	9-1620	3		AFF	PL 669	E	1	12	6072	13	B	AMD	PL 564		8
11	9-1620	3		AMD	PL 669	A	162	12	6072-A	5		AMD	PL 564		9
11	9-1620	6	b	AFF	PL 669	E	1	12	6072-A	6		AMD	PL 564		10
11	9-1620	6	b	AMD	PL 669	A	163	12	6072-A	18		AMD	PL 564		11
11	9-1621	1	a	AFF	PL 669	E	1	12	6072-A	20-A		NEW	PL 564		12
11	9-1621	1	a	AMD	PL 669	A	164	12	6078-A			RP	PL 563		1
11	9-1624			AFF	PL 669	E	1	12	6080			AMD	PL 556		2
11	9-1624			AMD	PL 669	A	165	12	6302-A	2		AMD	PL 646	A	13
11	9-1628	1		AFF	PL 669	E	1	12	6302-A	10		AMD	PL 646	A	14
11	9-1628	1		AMD	PL 669	A	166	12	6305	1		AMD	PL 563		2
11	9-1628	2		AFF	PL 669	E	1	12	6305	1-A		AMD	PL 563		3
11	9-1628	2		AMD	PL 669	A	167	12	6305	1-B		AMD	PL 563		4
11	9-1628	6		AFF	PL 669	E	1	12	6310	1		AMD	PL 540		1
11	9-1628	6		NEW	PL 669	A	168	12	6310	2	D	NEW	PL 540		2
11	12-101			AFF	PL 669	E	1	12	6465	2		AMD	PL 556		3
11	12-101			NEW	PL 669	B	1	12	6502-C	2		AMD	PL 562		1
11	12-102			AFF	PL 669	E	1	12	6502-C	2-A		NEW	PL 562		2
11	12-102			NEW	PL 669	B	1	12	6502-C	2-B		NEW	PL 562		3
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12	6673	2-A			AMD PL 564		13	14	736				NEW PL 626		2
12	6749-Q	4			AMD PL 563		5	14	737				AFF PL 626		7
12	6803	2	E		AMD PL 563		6	14	737				NEW PL 626		2
12	6808	4-B			NEW PL 563		7	14	738				AFF PL 626		7
12	8884	3-A			NEW PL 495		1	14	738				NEW PL 626		2
12	8884	4			RPR PL 495		2	14	739				AFF PL 626		7
12	10206	3	C		AMD PL 612		1	14	739				NEW PL 626		2
12	10264				AMD PL 593		1	14	740				AFF PL 626		7
12	10853	8			AMD PL 646	A	15	14	740				NEW PL 626		2
12	10954				AFF PL 530		2	14	741				AFF PL 626		7
12	10954				AMD PL 530		1	14	741				NEW PL 626		2
12	11154	13			AMD PL 526		1	14	742				AFF PL 626		7
12	11402	4	C		AMD PL 593		2	14	742				NEW PL 626		2
12	12201	3	A		AMD PL 646	A	16	14	4422	1	C		AMD PL 640		1
12	12260-A	4			AMD PL 646	A	17	14	6000	1-A			AFF PL 594		13
12	13001	27-A			NEW PL 611		1	14	6000	1-A			NEW PL 594		3
12	13056	8	A		AMD PL 612		2	14	6000	1-B			AFF PL 594		13
12	13056	8	B		AMD PL 612		3	14	6000	1-B			NEW PL 594		4
12	13056	14			NEW PL 611		2	14	6000	3-A			AFF PL 594		13
12	13058	3			AMD PL 612		4	14	6000	3-A			NEW PL 594		5
12	13068-A	10	A		AMD PL 583		1	14	6001	3	A		AFF PL 594		13
12	13068-A	10	A		AMD PL 646	A	18	14	6001	3	A		AMD PL 594		6
12	13068-A	10-A			NEW PL 583		2	14	6001	7			RAL RR 1	A	5
12	13068-A	18			NEW PL 611		3	14	6001	8			RAL RR 1	A	5
								14	6015				AFF PL 594		13
13	1031-A				NEW PL 676		1	14	6015				AMD PL 594		7
13	1032				AMD PL 676		2	14	6022-A				AFF PL 594		13
13	1035				AMD PL 676		3	14	6022-A				NEW PL 594		8
13	1101-A	2			AMD PL 676		4	14	6030	2			AFF PL 594		13
13	1265				AMD PL 676		5	14	6030	2			AMD PL 594		9
13	1266				AMD PL 676		6	14	6030	4			AFF PL 594		13
13	1303		2nd		AMD PL 676		7	14	6030	4			NEW PL 594		10
13	1304				AMD PL 676		8	14	6030-I				AFF PL 594		13
13	1374				AMD PL 677		3	14	6030-I				NEW PL 594		11
13	1742	4-A			NEW PL 513		1	14	6030-J				AFF PL 594		13
13	1742	4-B			NEW PL 513		2	14	6030-J				NEW PL 594		12
13	1742	4-C			NEW PL 513		3	14	9001				NEW PL 648	A	1
13	1754	2			AMD PL 513		4	14	9002				NEW PL 648	A	1
13	1760	1	B		AMD PL 513		5	14	9003				NEW PL 648	A	1
13	1763				NEW PL 513		6	14	9004				NEW PL 648	A	1
13	1764				NEW PL 513		7	14	9005				NEW PL 648	A	1
								14	9006				NEW PL 648	A	1
								14	9007				NEW PL 648	A	1
14	402	2-A			NEW PL 648	B	1	15	203	5			NEW PL 648	C	1
14	402	2-B			NEW PL 648	B	2								
14	403	1-A			NEW PL 648	B	3	15	393	1	A-1		AMD PL 491		1
14	403	2			AMD PL 648	B	4	15	393	1	D		AMD PL 491		2
14	403	4			NEW PL 648	B	5	15	393	1	E		AMD PL 491		3
14	556				AFF PL 626		7	15	393	1	E-1		AMD PL 675		1
14	556				RP PL 626		1	15	393	1	F		AMD PL 491		4
14	731				AFF PL 626		7	15	393	1	G		AMD PL 491		5
14	731				NEW PL 626		2	15	393	1	H		AMD PL 491		6
14	732				AFF PL 626		7	15	393	1	I		AMD PL 491		7
14	732				NEW PL 626		2	15	393	1	J		AMD PL 491		8
14	733				AFF PL 626		7	15	393	1			AMD PL 491		
14	733				NEW PL 626		2	15	394	1	B-1		NEW PL 675		2
14	734				AFF PL 626		7	15	394	1	B-2		NEW PL 675		3
14	734				NEW PL 626		2	15	394	1	B-3		NEW PL 675		4
14	735				AFF PL 626		7	15	394	2			AMD PL 675		5
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15	2261	6		RPR	PL 639		1	19-A	1765	2	B	AMD	PL 532		1
15	2262	4		AMD	PL 666		1	19-A	4102	1	B	AMD	PL 519		4
15	2262	5		AMD	PL 666		2	19-A	4102	1	E	AMD	PL 519		5
15	2262	6		RP	PL 666		3								
15	3010	3		AMD	PL 557		1	20-A	1	11-A		NEW	PL 566		1
15	3010	4	B	AMD	PL 638		18	20-A	11			RP	PL 607		7
15	3010	4	C	AMD	PL 638		19	20-A	1352	2	I	AMD	PL 646	A	21
15	3010	4	D	NEW	PL 638		20	20-A	3802	3	D	AMD	PL 607		8
15	3101	2	F	NEW	PL 605		2	20-A	4016			NEW	PL 643	G	1
15	3306	1	B	AMD	PL 638		21	20-A	4703	8		AMD	PL 566		2
15	3308-C	4	H	NEW	PL 638		22	20-A	4703	9		AMD	PL 566		3
15	3308-C	10	E	AMD	PL 557		2	20-A	4703	10		NEW	PL 566		4
15	6203	1	F	AMD	PL 646	A	19	20-A	4706			AMD	PL 537		1
15	6203	2	F	AMD	PL 646	A	20	20-A	4706	2		AMD	PL 537		2
								20-A	4723			AMD	PL 601		1
16	358	5		NEW	PL 646	D	1	20-A	5205	11		RP	PL 607		9
16	641	3-A		NEW	PL 499		2	20-A	6309			NEW	PL 492		1
16	641	5		AMD	PL 499		3	20-A	6555			AMD	PL 493		1
16	641	6		RP	PL 499		4	20-A	7001	1		AMD	PL 643	W	1
16	641	7		RPR	PL 499		5	20-A	7001	1-A		AMD	PL 643	W	2
16	641	8		AMD	PL 499		6	20-A	7001	1-D		NEW	PL 643	W	3
16	642			AMD	PL 499		7	20-A	7001	2-D		NEW	PL 643	W	4
16	642	3		NEW	PL 648	C	2	20-A	7001	2-E		NEW	PL 643	W	5
16	643		1st	AMD	PL 499		8	20-A	7001	3-A		NEW	PL 643	W	6
16	643	3		AMD	PL 499		9	20-A	7001	3-B		NEW	PL 643	W	7
16	644	1		AMD	PL 499		10	20-A	7001	3-C		NEW	PL 643	W	8
16	644	3		AMD	PL 499		11	20-A	7001	4-C		NEW	PL 643	W	9
16	704	3		NEW	PL 560	B	1	20-A	7001	6-A		NEW	PL 643	W	10
16	705	4		NEW	PL 560	B	2	20-A	7006			AMD	PL 643	W	11
16	805-A	2		RP	PL 557		3	20-A	7207-B	5		NEW	PL 643	Z	1
								20-A	7209	3		AMD	PL 643	W	12
17	317-A	1	E	AMD	PL 578		1	20-A	7209	3-A		AMD	PL 643	W	13
17	317-A	1	F	AMD	PL 578		2	20-A	7209	4	E	AMD	PL 643	W	14
17	317-A	1	G	NEW	PL 578		3	20-A	7209	4	F	AMD	PL 643	W	15
17	317-A	1	H	NEW	PL 578		4	20-A	7209	4	G	NEW	PL 643	W	16
17	317-A	4		NEW	PL 578		5	20-A	7209-A			NEW	PL 643	W	17
17	1835-A	5		AMD	PL 578		6	20-A	7211			NEW	PL 643	W	18
17	1842	3	D	AMD	PL 578		7	20-A	7303			NEW	PL 643	W	19
17	1842	3	E	AMD	PL 578		8	20-A	7304			NEW	PL 643	W	20
17	1842	3	F	NEW	PL 578		9	20-A	7305			NEW	PL 643	W	21
17	1842	3	G	NEW	PL 578		10	20-A	8231			RP	PL 607		10
17	1842	5-A		NEW	PL 578		11	20-A	8231			RP	PL 643	Y	1
								20-A	8232			RP	PL 607		10
17-A	10-A	3		NEW	PL 605		3	20-A	8232			RP	PL 643	Y	1
17-A	210	1		AMD	PL 519		1	20-A	8233			RP	PL 607		10
17-A	210-A	2	A	RPR	PL 519		2	20-A	8233			RP	PL 643	Y	1
17-A	506	1	A	RPR	PL 519		3	20-A	8234			RP	PL 607		10
17-A	855	1	A	COR	RR 1	A	6	20-A	8234			RP	PL 643	Y	1
17-A	1111-B	1	A	AMD	PL 507		1-4	20-A	8235			RP	PL 607		10
17-A	1604	5	B	AMD	PL 557		4	20-A	8235			RP	PL 643	Y	1
								20-A	8236			RP	PL 607		10
18-C	1-701			AMD	PL 560	A	1	20-A	8236			RP	PL 643	Y	1
18-C	9-4032			RP	PL 567		1	20-A	8237			RP	PL 607		10
								20-A	8237			RP	PL 643	Y	1
19-A	951-A	2	C	AMD	PL 646	C	1	20-A	8238			RP	PL 607		10
19-A	951-A	5	M-1	AMD	PL 646	C	2	20-A	8238			RP	PL 643	Y	1
19-A	953	1	D	AMD	PL 646	C	3	20-A	10017			NEW	PL 643	BB	1
19-A	1501	3		AMD	PL 646	C	4	20-A	11801	3		RP	PL 607		11

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20-A	11803	2			AMD PL 607		12	22	2147	14			COR RR 1 A		9
20-A	12102				AMD PL 607		13	22	2147	15			RAL RR 1 A		11
20-A	12106				RP PL 607		14	22	2147	15	B		COR RR 1 A		10
20-A	13019-H	5			RAL RR 1 A	A	7	22	2147	16			RAL RR 1 A		11
20-A	13019-H	6			RAL RR 1 A	A	7	22	2152	4-A			AMD PL 679 C		2
20-A	13025	7			NEW PL 643 Z		2	22	2158-B				AMD PL 679 C		3
20-A	15677	2	B		AMD PL 643 G		2	22	2353	3			RPR PL 646 A		23
20-A	15677	2	C		NEW PL 643 G		3	22	2353	5	B		RPR PL 646 A		24
20-A	15689-A	12			RPR PL 646 A	A	22	22	2421-A				NEW PL 679 A		3
20-A	15689-A	26			RP PL 607		15	22	2422				RP PL 679 A		4
								22	2423-A	2			AMD PL 679 A		5
21-A	723-A	1	C		AMD PL 628		1	22	2423-A	3	B		AMD PL 679 A		6
21-A	723-A	2			AMD PL 628		2	22	2423-A	10	E		RPR PL 646 A		25
21-A	723-A	3			AMD PL 628		3	22	2423-A	10	E		RPR PL 679 A		7
21-A	723-A	7			NEW PL 628		4	22	2423-F	12			AMD PL 679 A		8
21-A	801	2			AMD PL 628		5	22	2425-A	1			RP PL 679 A		9
21-A	803				RPR PL 628		6	22	2425-A	3			AMD PL 679 A		10
21-A	805	2			AMD PL 628		7	22	2425-A	3	A		AMD PL 679 A		11
21-A	805	2-A			NEW PL 628		8	22	2425-A	5	A		AMD PL 679 A		12
21-A	1064				NEW IB 2		1	22	2425-A	10	J		AMD PL 679 A		13
21-A	1301				NEW PL 628		9	22	2425-A	11-A			NEW PL 679 A		14
21-A	1302				NEW PL 628		9	22	2425-A	12			RP PL 637		1
21-A	1303				NEW PL 628		9	22	2425-A	14			NEW PL 637		2
21-A	1304				NEW PL 628		9	22	2428	6	H		RP PL 679 A		15
21-A	1305				NEW PL 628		9	22	2428	6	O		NEW PL 679 A		16
21-A	1306				NEW PL 628		9	22	2428	9	D		AMD PL 679 A		17
21-A	1307				NEW PL 628		9	22	2429-B	2	A		AMD PL 679 A		18
21-A	1310				NEW PL 628		9	22	2429-C	4			RPR PL 679 A		19
								22	2430-D		1st		AMD PL 679 A		20
22	42	3-B			AMD PL 614		1	22	2430-D	2			AMD PL 679 A		21
22	259	1	B		AMD PL 643 QQ	QQ	1	22	2430-D	3			AMD PL 679 A		22
22	259	1	C		AMD PL 643 QQ	QQ	2	22	2430-D	4			NEW PL 679 A		23
22	259	1	D		NEW PL 643 QQ	QQ	3	22	2430-G				RP PL 646 A		26
22	259	3			NEW PL 643 QQ	QQ	4	22	2430-G				RP PL 679 A		24
22	1427				NEW PL 643 FFFF		1	22	2430-I	1			RP PL 679 A		25
22	1598	1-A			RAL RR 1 A	A	8	22	2430-I	1-A			NEW PL 679 A		26
22	1598	1-B			RAL RR 1 A	A	8	22	2430-I	2			AMD PL 679 A		27
22	1711-C	1	A-2		NEW PL 648 F	F	1	22	2430-I	3			AMD PL 679 A		28
22	1711-C	1	B-1		NEW PL 648 F	F	2	22	2430-I	4			AMD PL 679 A		29
22	1711-C	1	G-1		NEW PL 648 F	F	3	22	2430-I	5			AMD PL 679 A		30
22	1711-C	1	G-2		NEW PL 648 F	F	4	22	2430-I	6			AMD PL 679 A		31
22	1711-C	8			RPR PL 648 F	F	5	22	2430-I	8			RPR PL 679 A		32
22	1714-C				AMD PL 643 LL	LL	1	22	2430-I	8-A			NEW PL 679 A		33
22	1714-D				AFF PL 643 LL	LL	3	22	2430-I	9			RPR PL 679 A		34
22	1714-D				AMD PL 643 LL	LL	2	22	2430-I	10			NEW PL 679 A		35
22	1718-B	1	A-1		NEW PL 672		1	22	2604-A				AMD PL 524		1
22	1718-B	1	C		NEW PL 672		2	22	2660-AA				RAL RR 1 A		13
22	1718-B	1	D		NEW PL 672		3	22	2660-FF				RAL RR 1 A		13
22	1718-B	2	B		AMD PL 584 A	A	1	22	2841-A				NEW PL 676		9
22	1718-B	2	B-1		NEW PL 584 A	A	2	22	2843		1st		AMD PL 676		10
22	1718-B	2	E		NEW PL 672		4	22	2843		2nd		AMD PL 676		11
22	1718-C				RPR PL 584 A	A	3	22	2843	3			AMD PL 676		12
22	1718-I				NEW PL 584 B	B	1	22	2843	3-A			AMD PL 676		13
22	1718-J				NEW PL 584 A	A	4	22	2843-A	2			AMD PL 676		14
22	1730				NEW PL 643 MM	MM	1	22	2843-A	10			AMD PL 676		15
22	1812-I				RPR PL 643 KK	KK	1	22	2883		3rd		AMD PL 676		16
22	2053	4-B			AMD PL 607		16	22	2886				AMD PL 676		17
22	2127	2	E		AMD PL 597		1	22	2900	1	D		NEW PL 676		18
22	2127	6			AMD PL 597		2	22	2900-A				NEW PL 676		19
22	2142	1-A			AMD PL 679 C	C	1	22	2954	9			AMD PL 676		20

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22	3022	8			AMD PL 637		3	22	7932	10	G	NEW	PL 643	KK	4
22	3104	16			AMD PL 501		1	22	8301-A	1-A	B-1	NEW	PL 567		3
22	3173-C	2			AMD PL 546		1	22	8301-A	6		RP	PL 567		4
22	3173-C	3	F		AMD PL 546		2	22	8301-A	6-A		NEW	PL 567		5
22	3173-C	3	G		AMD PL 546		3	22	8712	2-A		AMD	PL 672		5
22	3173-C	3	H		NEW PL 546		4	22	8731	1-B		NEW	PL 610		1
22	3173-C	3	I		NEW PL 546		5	22	8731	2-A		NEW	PL 610		2
22	3173-C	7			AMD PL 546		6	22	8732	3		NEW	PL 610		3
22	3173-C	8			AMD PL 546		7	22	9053	2		RPR	PL 646	A	27
22	3173-K		1st		AMD PL 597		3	22	9053	14	D	RPR	PL 646	A	28
22	3174-B	3			AMD PL 597		4	22-A	203	2		AMD	PL 675		7
22	3174-G	1	B		AMD PL 597		5								
22	3174-G	1	D		RP PL 597		6								
22	3174-G	1	E		AMD PL 597		7-8								
22	3174-G	1-D			AMD PL 597		9	23	52		2nd	AMD	PL 516	B	43
22	3174-G	4			AMD PL 597		10	23	73	3	F	RPR	PL 646	A	29
22	3174-T				AMD PL 597		11	23	73	3	G	COR	RR 1	A	19
22	3174-U				AMD PL 597		12	23	73	3	H	RAL	RR 1	A	21
22	3174-V	3			COR RR 1	A	14	23	73	3	H	COR	RR 1	A	20
22	3174-X	1	A		AMD PL 597		13	23	73	3	I	RAL	RR 1	A	21
22	3174-BB	1			AMD PL 597		14	23	357			NEW	PL 657		1
22	3174-KKK				RAL RR 1	A	15	23	1803-C	2	A	AMD	PL 646	A	30-31
22	3174-LLL	2			AMD PL 643	NN	1	23	3036	5		AMD	PL 642		1
22	3174-MMM				RAL RR 1	A	15	23	3105-A		1st	AMD	PL 642		2
22	3174-NNN				NEW PL 576		1	23	3360-A	1	E	AMD	PL 572		1
22	3174-NNN				NEW PL 597		15	23	3360-A	1	F	AMD	PL 572		2
22	3294				AMD PL 637		4	23	4210-B	7-A		AMD	PL 613	B	2
22	3731-A	1			NEW PL 643	RRR	1	23	4210-B	7-A		AMD	PL 643	H	1
22	3731-A	2			NEW PL 643	RRR	2	23	4210-B	7-A		AMD	PL 673		1
22	3763	11	J		AMD PL 679	C	4	23	5003			AMD	PL 618		2
22	3769-C	1	C		AMD PL 622		1	23	7015			NEW	PL 618		3
22	3769-C	1	D		AMD PL 622		2	23	7311	2-A		NEW	PL 618		4
22	3931	15			AMD PL 567		2	23	7311	2-B		NEW	PL 618		5
22	3953	1	A		COR RR 1	A	16	23	7311	2-C		NEW	PL 618		6
22	4004	2	F		AMD PL 518		1	23	7311	5		NEW	PL 618		7
22	4004	2	G		AMD PL 518		2	23	7313			NEW	PL 618		8
22	4004	2	H		NEW PL 518		3	23	7314			NEW	PL 618		9
22	4005	2			AMD PL 638		23	24	2332-A	2		AMD	PL 597		16
22	4005-D	3-A			NEW PL 638		24	24	2332-E			AMD	PL 521		1
22	4006		1st		AMD PL 638		25	24	2510	2-A		AMD	PL 515		1
22	4007	1-A	E		NEW PL 638		26	24	2513			NEW	PL 648	E	2
22	4008	2	L		AMD PL 638		27	24	2931	2		AMD	PL 646	A	32
22	4008	2	M		AMD PL 638		28								
22	4008	2	N		NEW PL 638		29	24-A	1912			AMD	PL 521		2
22	4008-A	6			NEW PL 518		4	24-A	2159-F			AMD	PL 648	E	3
22	4302-A				NEW PL 575		1	24-A	2680			AMD	PL 521		3
22	4304	1			AMD PL 575		2	24-A	2753			AMD	PL 521		4
22	4305	7			NEW PL 575		3	24-A	2823-B			AMD	PL 521		5
22	4307	4			AMD PL 575		4	24-A	2844	2		AMD	PL 597		17
22	4308	2			AMD PL 643	II	1	24-A	2849-B	3	C-1	AMD	PL 597		18
22	4310	4			RPR PL 643	II	2	24-A	4235			AMD	PL 521		6
22	4323	1			AMD PL 575		5	24-A	4301-A	1		AMD	PL 680	A	1
22	4323	6			NEW PL 575		6	24-A	4301-A	1-A		NEW	PL 648	E	4
22	4327				NEW PL 575		7	24-A	4301-A	2		AMD	PL 680	A	2
22	5409				AMD PL 637		5	24-A	4301-A	5-A		NEW	PL 648	E	5
22	7246	1			AMD PL 544		1	24-A	4301-A	8-A		NEW	PL 648	E	6
22	7852	2-A			COR RR 1	A	17	24-A	4301-A	17-A		NEW	PL 648	E	7
22	7862	2-A			COR RR 1	A	18	24-A	4302	2		AMD	PL 680	B	1
22	7932	10	D		AMD PL 643	KK	2	24-A	4302	2-A		NEW	PL 680	B	2
22	7932	10	E		AMD PL 643	KK	3	24-A	4302	2-B		NEW	PL 680	B	3

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24-A	4303	2	B	AMD	PL 648	E	8	25	3711			COR	RR	1	C	61	
24-A	4303	3	A	AMD	PL 648	E	9	25	3712			COR	RR	1	C	62	
24-A	4303	3-C		NEW	PL 648	E	10	25	3713	1		COR	RR	1	C	63	
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24-A	4303	9		AMD	PL 574		1	26	53			AMD	PL	651		1	
24-A	4303	10		AMD	PL 574		2	26	622			COR	RR	1	A	23	
24-A	4303	21		AMD	PL 584	A	5	26	632-A			NEW	PL	643	ZZ	1	
24-A	4303	25		RAL	RR 1	A	22	26	850-A	4		AMD	PL	643	ZZZ	1	
24-A	4303	26		RAL	RR 1	A	22	26	850-A	5		AMD	PL	643	ZZZ	2	
24-A	4303-C	2	B	AMD	PL 591		1	26	850-B	1	A	RP	PL	643	ZZZ	3	
24-A	4303-C	2	D-1	NEW	PL 591		2	26	850-B	5		AMD	PL	643	ZZZ	4	
24-A	4303-F	1	E	AMD	PL 591		3	26	850-E	4		AMD	PL	643	ZZZ	5	
24-A	4303-F	3		AMD	PL 591		4	26	879	3	F	AMD	PL	662		1	
24-A	4304	2	E	NEW	PL 680	A	4	26	979-F			AMD	PL	541		1	
24-A	4304	2	F	NEW	PL 680	A	5	26	1025			AMD	PL	541		2	
24-A	4304	5	B	NEW	PL 680	A	6	26	1287			AMD	PL	541		3	
24-A	4304	5	C	NEW	PL 680	A	7	26	2006			COR	RR	1	A	24	
24-A	4311-A			NEW	PL 661		1										
24-A	4312		1st	AMD	PL 680	A	8	28-A	83-C	2-B		NEW	PL	632		1	
24-A	4312	1-A		NEW	PL 680	A	9	28-A	83-C	3		AMD	PL	516	B	44	
24-A	4314	1	A	AMD	PL 580		3	28-A	83-C	6		AMD	PL	632		2	
24-A	4329			NEW	PL 590		1	28-A	453	1-A		AMD	PL	550		3	
								28-A	453	1-A	E	AMD	PL	550		1	
25	1503			COR	RR 1	C	43	28-A	453	1-A	F	RP	PL	550		2	
25	1541			COR	RR 1	C	44	28-A	651	2	A	RPR	PL	633		1	
25	1542-A	1	AA	NEW	PL 506		1	28-A	651	2	A-1	NEW	PL	633		2	
25	1542-A	1	BB	NEW	PL 506		2	28-A	651	3		AMD	PL	633		3	
25	1542-A	3	Z	NEW	PL 506		3	28-A	651	4		NEW	PL	633		4	
25	1542-A	3	AA	NEW	PL 506		4	28-A	1403-A	1	C	NEW	PL	604		1	
25	1594		1st	COR	RR 1	C	45	28-A	1403-A	1	D	NEW	PL	604		2	
25	1595			COR	RR 1	C	46	28-A	1403-A	4		AMD	PL	604		3	
25	1668	2		COR	RR 1	C	47	28-A	1403-A	5		AMD	PL	604		4	
25	1668	6		COR	RR 1	C	48	28-A	1403-A	5-A		NEW	PL	604		5	
25	1671			COR	RR 1	C	49	28-A	1403-A	11		RPR	PL	604		6	
25	1672	2		COR	RR 1	C	50	28-A	1403-A	12		AMD	PL	604		7	
25	1672	3		COR	RR 1	C	51	28-A	1403-A	13		AMD	PL	604		8	
25	1672	4		COR	RR 1	C	52										
25	2002	11		COR	RR 1	C	53	28-B	102			RP	PL	679	B	2	
25	2015			NEW	PL 643	HHHH	1	28-B	102-A			NEW	PL	679	B	3	
25	2015			NEW	PL 678		1	28-B	104			RP	PL	679	B	4	
25	2021			NEW	PL 621		1	28-B	104-A			NEW	PL	679	B	5	
25	2054			COR	RR 1	C	54	28-B	104-B			NEW	PL	679	B	6	
25	2102-A	1		COR	RR 1	C	55	28-B	104-C			NEW	PL	679	B	7	
25	2397		1st	COR	RR 1	C	56	28-B	105			1st	AMD	PL	679	B	8
25	2447-A	2		COR	RR 1	C	57	28-B	105			2nd	AMD	PL	679	B	9
25	2463-A	1	D	AMD	PL 607		17	28-B	105	1		RPR	PL	679	B	10	
25	2542			COR	RR 1	C	58	28-B	105	1-B		AMD	PL	679	B	11	
25	2801-A	5		AMD	PL 525		1	28-B	105	1-C		AMD	PL	679	B	12	
25	2801-A	7-A		NEW	PL 525		2	28-B	105	2		AMD	PL	679	B	13	
25	2801-B	1	A	AMD	PL 525		3	28-B	106			AMD	PL	679	B	14	
25	2803-A	5-C		NEW	PL 525		4	28-B	107			AMD	PL	679	B	15	
25	2804			COR	RR 1	C	59	28-B	108			AMD	PL	679	B	16	
25	2804-C	2-E		AMD	PL 675		8	28-B	109			AMD	PL	679	B	17	
25	2804-M			NEW	PL 525		5	28-B	111			1st	AMD	PL	679	B	18
25	2804-N			NEW	PL 525		6	28-B	113	1		AMD	PL	679	B	19	
25	2921	4-A		NEW	PL 609		1	28-B	113	2		AMD	PL	679	B	20	
25	2921	4-B		NEW	PL 609		2	28-B	201			AMD	PL	679	B	21	
25	2923-C			NEW	PL 609		3	28-B	202			1st	AMD	PL	679	B	22
25	2927	3-E		NEW	PL 609		4	28-B	202	1		AMD	PL	679	B	23	
25	3507			COR	RR 1	C	60	28-B	202	2		RP	PL	679	B	24	

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
28-B	202	12			AMD PL 679	B	25	28-B	503-A	1			AMD PL 679	B	85
28-B	203		1st		AMD PL 679	B	26	28-B	503-A	2			AMD PL 679	B	86
28-B	203	1			RP PL 679	B	27	28-B	503-A	4			AMD PL 679	B	87
28-B	204		1st		AMD PL 679	B	28	28-B	503-A	7			AMD PL 679	B	88
28-B	204	4			AMD PL 679	B	29	28-B	504	2	A		AMD PL 679	B	89
28-B	204	6			AMD PL 679	B	30	28-B	504	4			AMD PL 679	B	90
28-B	204	7			AMD PL 679	B	31	28-B	504	4-A			RP PL 679	B	91
28-B	204	8			AMD PL 679	B	32	28-B	504	9			AMD PL 679	B	92
28-B	205	1			AMD PL 679	B	33	28-B	504	10			AMD PL 679	B	93
28-B	205	3			AMD PL 679	B	34	28-B	504	12			NEW PL 679	B	94
28-B	205	4			AMD PL 679	B	35	28-B	504	13			NEW PL 679	B	95
28-B	205	5			AMD PL 679	B	36	28-B	504-A		1st		AMD PL 679	B	96
28-B	205	6			AMD PL 679	B	37	28-B	504-A	1			AMD PL 679	B	97
28-B	206				AMD PL 679	B	38	28-B	504-A	1-A			AMD PL 679	B	98
28-B	207				AMD PL 679	B	39	28-B	504-A	3			AMD PL 679	B	99
28-B	208				AMD PL 679	B	40	28-B	504-A	4	E		AMD PL 679	B	100
28-B	209				AMD PL 679	B	41	28-B	504-A	5			AMD PL 679	B	101
28-B	210				AMD PL 679	B	42	28-B	504-A	5-A			AMD PL 679	B	102
28-B	211				AMD PL 679	B	43	28-B	505		2nd		AMD PL 679	B	103
28-B	212				AMD PL 679	B	44	28-B	506				AMD PL 679	B	104
28-B	213				AMD PL 679	B	45	28-B	507				RPR PL 679	B	105
28-B	214				AMD PL 679	B	46	28-B	508				AMD PL 679	B	106
28-B	215				AMD PL 679	B	47	28-B	508	1			AMD PL 679	B	107
28-B	301		1st		AMD PL 679	B	48	28-B	510				AMD PL 679	B	108
28-B	302		1st		AMD PL 679	B	49	28-B	511				AMD PL 679	B	109
28-B	303				AMD PL 679	B	50	28-B	512				AMD PL 679	B	110
28-B	304	1			AMD PL 679	B	51	28-B	513				RP PL 679	B	111
28-B	304	2			AMD PL 679	B	52	28-B	601				AMD PL 679	B	112
28-B	402	1	B		AMD PL 679	B	53	28-B	602	1	C		AMD PL 679	B	113
28-B	402	3	C		AMD PL 679	B	54	28-B	602	1			AMD PL 679	B	114
28-B	402	3			AMD PL 679	B	55	28-B	602	1-A			AMD PL 679	B	115
28-B	403	1			AMD PL 679	B	56	28-B	602	2			AMD PL 679	B	116
28-B	403	2			AMD PL 679	B	57	28-B	602	3			AMD PL 679	B	117
28-B	403	3	D		AMD PL 679	B	58	28-B	603				AMD PL 679	B	118
28-B	403	3			AMD PL 679	B	59	28-B	604-A				AMD PL 679	B	119
28-B	405				AMD PL 679	B	60	28-B	605	4			AMD PL 679	B	120
28-B	501	2			AMD PL 679	B	61	28-B	606				AMD PL 679	B	121
28-B	501	3	E		AMD PL 679	B	62	28-B	701				AMD PL 679	B	122
28-B	501	4			AMD PL 679	B	63	28-B	702	1	D		AMD PL 679	B	123
28-B	501	5			AMD PL 679	B	64	28-B	702	2			AMD PL 679	B	124
28-B	501	6			RP PL 679	B	65	28-B	702	4			NEW PL 679	B	125
28-B	501	7	C		AMD PL 679	B	66	28-B	703	1	A		RP PL 679	B	126
28-B	501	12			NEW PL 679	B	67	28-B	703	1	D		RPR PL 641		1
28-B	502	1-A			NEW PL 679	B	68	28-B	703	1	D		RPR PL 679	B	127
28-B	502	2			AMD PL 679	B	69	28-B	703	1	G		RP PL 679	B	128
28-B	502	3			AMD PL 679	B	70	28-B	703	1	G-1		NEW PL 679	B	129
28-B	502	4			AMD PL 679	B	71	28-B	703	2			AMD PL 679	B	130
28-B	502	7			AMD PL 679	B	72	28-B	704				AMD PL 679	B	131
28-B	502	9			AMD PL 679	B	73	28-B	801				RP PL 679	B	132
28-B	502	10			AMD PL 679	B	74	28-B	802				RP PL 679	B	133
28-B	502	11			AMD PL 679	B	75	28-B	802-A				NEW PL 679	B	134
28-B	503	1			AMD PL 679	B	76	28-B	803				AMD PL 679	B	135
28-B	503	2			AMD PL 679	B	77	28-B	803-A				AMD PL 679	B	136
28-B	503	3			AMD PL 679	B	78	28-B	804				RP PL 679	B	137
28-B	503	4			AMD PL 679	B	79	28-B	901				RP PL 650		2
28-B	503	4-A			NEW PL 679	B	80	28-B	902				RP PL 650		2
28-B	503	5			AMD PL 679	B	81	28-B	903				RP PL 650		2
28-B	503	6			AMD PL 679	B	82	28-B	904				RP PL 650		2
28-B	503	7			AMD PL 679	B	83	28-B	905				RP PL 650		2
28-B	503	10			AMD PL 679	B	84	28-B	1101		1st		AMD PL 679	B	138

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28-B	1101	2			AMD PL 679	B	139	30	6209-A	1		AFF	PL 647	A	5
28-B	1101	2	C-1		NEW PL 658		2	30	6209-A	1		AMD	PL 647	A	1
28-B	1101	2	C-1		NEW PL 683	A	3	30	6209-A	1-A		AFF	PL 647	A	5
28-B	1101	2	D		AMD PL 658		3	30	6209-A	1-A		AMD	PL 647	A	2
28-B	1101	2	D		AMD PL 683	A	4	30	6209-A	1-B		AFF	PL 647	A	5
28-B	1101	3			AMD PL 679	B	140	30	6209-A	1-B		NEW	PL 647	A	3
28-B	1102				AMD PL 679	B	141	30	6209-A	2		AFF	PL 647	A	5
28-B	1505				NEW PL 679	B	142	30	6209-A	2		AMD	PL 647	A	4
								30	6209-B	1		AFF	PL 647	B	9
29-A	101	3	A		AMD PL 634		1	30	6209-B	1		AMD	PL 647	B	4
29-A	101	4	A		AMD PL 634		2	30	6209-B	1-A		AFF	PL 647	B	9
29-A	160				RAL RR 1	A	25	30	6209-B	1-A		AMD	PL 647	B	5
29-A	161				RAL RR 1	A	25	30	6209-B	1-B		AFF	PL 647	B	9
29-A	457	3	A		AMD PL 634		3	30	6209-B	1-B		NEW	PL 647	B	6
29-A	461	2			AMD PL 634		4	30	6209-B	2		AFF	PL 647	B	9
29-A	468	1-A			AMD PL 634		5	30	6209-B	2		AMD	PL 647	B	7
29-A	501	7	G		RP PL 634		6	30	6209-B	6		AFF	PL 647	B	9
29-A	517	8			NEW PL 542		1	30	6209-B	6		NEW	PL 647	B	8
29-A	523	1			AMD PL 634		7	30	6209-C	1		AFF	PL 647	C	5
29-A	523	2			AMD PL 634		8	30	6209-C	1		AMD	PL 647	C	1
29-A	523	3			AMD PL 646	A	33	30	6209-C	1-C		AFF	PL 647	C	5
29-A	651-B				AMD PL 634		9	30	6209-C	1-C		NEW	PL 647	C	2
29-A	652	13			AMD PL 634		10	30	6209-C	1-D		AFF	PL 647	C	5
29-A	657	7			AMD PL 634		11	30	6209-C	1-D		NEW	PL 647	C	3
29-A	851	4	C		AMD PL 571		1	30	6209-C	2		AFF	PL 647	C	5
29-A	903	1	K		AMD PL 634		12	30	6209-C	2		AMD	PL 647	C	4
29-A	953-A				AMD PL 634		13	30	6210	1		AFF	PL 647	E	5
29-A	954	5			AMD PL 634		14	30	6210	1		RPR	PL 647	E	2
29-A	956	1	H		AMD PL 634		15	30	6210	2		AFF	PL 647	E	5
29-A	956	1	I		AMD PL 634		16	30	6210	2		RPR	PL 647	E	3
29-A	956	1	J		NEW PL 634		17	30	6210	3		AFF	PL 647	E	5
29-A	1002	1-A			RPR PL 634		18	30	6210	3		AMD	PL 647	E	4
29-A	1002	5	F		AMD PL 634		19	30	7203	7		AFF	PL 647	D	6
29-A	1052	3			RP PL 634		20	30	7203	7		RP	PL 647	D	1
29-A	1108	1	J		AMD PL 634		21	30	7208	1		AFF	PL 647	D	6
29-A	1113	5	A		AMD PL 634		22	30	7208	1		AMD	PL 647	D	2
29-A	1253	8			NEW PL 634		23	30	7208	2		AFF	PL 647	D	6
29-A	1301	2-A			AMD PL 634		24	30	7208	2		AMD	PL 647	D	3
29-A	1353	1			AMD PL 634		25	30	7208	2-A		AFF	PL 647	D	6
29-A	1354	3	A		AMD PL 634		26	30	7208	2-A		NEW	PL 647	D	4
29-A	1410	8			AMD PL 634		27	30	7208	3		AFF	PL 647	D	6
29-A	1754	1	D		AMD PL 634		28	30	7208	3		AMD	PL 647	D	5
29-A	1754	1	E		AMD PL 634		29								
29-A	1754	1	F		NEW PL 634		30	30-A	503	1-B		NEW	PL 615		4
29-A	1801	2-A			NEW IB 3		1	30-A	503	1-B	D	AMD	PL 646	B	2
29-A	1801	6			NEW IB 3		2	30-A	701	2-C		AMD	PL 646	A	34
29-A	1810				NEW IB 3		3	30-A	3007	7		NEW	PL 598		1
29-A	1811				NEW IB 3		4	30-A	3008	1	C	AMD	PL 502		1
29-A	2081	4	A-1		AMD PL 634		31	30-A	3008	1	D	AMD	PL 502		2
29-A	2310	2			AMD PL 634		32	30-A	3008	1	E	NEW	PL 502		3
29-A	2524	2			AMD PL 498		1	30-A	3008	1-A		AMD	PL 502		4
								30-A	3008	3	B	AMD	PL 502		5
30	6206	1			AFF PL 647	B	9	30-A	3008	3	C	AMD	PL 502		6
30	6206	1			AMD PL 647	B	1	30-A	3008	3	F	RP	PL 502		7
30	6206	3			AFF PL 647	E	5	30-A	3008	3	G	NEW	PL 502		8
30	6206	3			AMD PL 647	E	1	30-A	3008	3	H	NEW	PL 502		9
30	6207	11			AFF PL 647	B	9	30-A	3008	4		AMD	PL 502		10
30	6207	11			NEW PL 647	B	2	30-A	3008	5		AMD	PL 502		11
30	6207-B				AFF PL 647	B	9	30-A	3008	5-A		NEW	PL 502		12
30	6207-B				NEW PL 647	B	3	30-A	3008	7		AMD	PL 502		13

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30-A	3008	8		NEW	PL 502		14	32	2423			RP	PL 580		4
30-A	3009-B			NEW	PL 502		15	32	2425			RP	PL 580		4
30-A	3010			AMD	PL 502		16	32	2426			RP	PL 580		4
30-A	3010		1st	AMD	PL 502		17	32	2430			RP	PL 580		4
30-A	3010	1		AMD	PL 502		18	32	2430-B			RP	PL 580		4
30-A	3010	2	A	AMD	PL 502		19	32	2431-A			RP	PL 580		4
30-A	3010	5		AMD	PL 502		20	32	2434			RP	PL 580		4
30-A	3010	5-A		AMD	PL 502		21	32	2435			RP	PL 580		4
30-A	3010	5-B		RP	PL 502		22	32	2436			RP	PL 580		4
30-A	3010	5-C		AMD	PL 502		23	32	2444			RP	PL 580		4
30-A	3010	5-D		NEW	PL 502		24	32	2446			RP	PL 580		4
30-A	3010	6		AMD	PL 502		25	32	2447			RP	PL 580		4
30-A	3010	6-A		AMD	PL 502		26	32	2448			RP	PL 580		4
30-A	3010	6-B		AMD	PL 502		27	32	2449			RP	PL 580		4
30-A	3010	8		AMD	PL 502		28	32	2450			RP	PL 580		4
30-A	4211	3-A		NEW	PL 614		2	32	2450-A			RP	PL 580		4
30-A	4326	3-A	I	AMD	PL 646	A	35	32	2594-A	2nd	AMD		PL 580		5
30-A	4326	3-A	J	AMD	PL 646	A	36	32	3114-D		NEW		PL 506		5
30-A	4326	3-A	L	RP	PL 646	A	37	32	3121		RP		PL 506		6
30-A	4326	3-A	M	RP	PL 646	A	38	32	3270-A	2nd	AMD		PL 580		6
30-A	4352	4		AMD	PL 646	A	39	32	3300-E		AMD		PL 580		7
30-A	4358	2		AMD	PL 552		1	32	3833-B		NEW		PL 506		7
30-A	4364-A	1-A		RAL	RR 1	A	26	32	6067		NEW		PL 662		2
30-A	4364-A	1-B		RAL	RR 1	A	26	32	6068		NEW		PL 662		2
30-A	4364-B	1-A		RAL	RR 1	A	27	32	6071		NEW		PL 662		2
30-A	4364-B	1-B		RAL	RR 1	A	27	32	6074		NEW		PL 662		2
30-A	4364-C	3		NEW	PL 490		1	32	6075		NEW		PL 662		2
30-A	4364-C	3		AMD	PL 536		1	32	6078		NEW		PL 662		2
30-A	4452	1-A		NEW	PL 602		2	32	6079		NEW		PL 662		2
30-A	4907	1		AMD	PL 559		1	32	6080		NEW		PL 662		2
30-A	4994-A			NEW	PL 643	KKKK	1	32	6081		NEW		PL 662		2
30-A	5250-P	1	C	AMD	PL 631		1	32	6082		NEW		PL 662		2
30-A	5681	2	B	AMD	PL 629		1	32	6083		NEW		PL 662		2
30-A	5681	2	E	AMD	PL 629		2	32	6084		NEW		PL 662		2
30-A	5681	8		AMD	PL 603		1	32	6087		NEW		PL 662		2
30-A	5704			AMD	PL 608		3	32	6088		NEW		PL 662		2
30-A	5721-A			RP	PL 603		2	32	6089		NEW		PL 662		2
30-A	6006-B	1	B	AMD	PL 608		4	32	6090		NEW		PL 662		2
30-A	7102		2nd	RP	PL 603		3	32	6091		NEW		PL 662		2
								32	6092		NEW		PL 662		2
32	85	8		RPR	PL 646	A	40	32	6093		NEW		PL 662		2
32	85	9		NEW	PL 587		1	32	6096		NEW		PL 662		2
32	88-B	1	A	AMD	PL 587		2	32	6097		NEW		PL 662		2
32	220	2	B	AMD	PL 548		1	32	6100		NEW		PL 662		2
32	1202-B	3	B	AMD	PL 551		1-3	32	6100-A		NEW		PL 662		2
32	1400	4-A		NEW	PL 676		21	32	6100-B		NEW		PL 662		2
32	1400	4-B		NEW	PL 676		22	32	6100-C		NEW		PL 662		2
32	1400	5		AMD	PL 676		23	32	6100-D		NEW		PL 662		2
32	2102	2	H	RPR	PL 592		1	32	6100-E		NEW		PL 662		2
32	2102	11		NEW	PL 592		2	32	6100-H		NEW		PL 662		2
32	2411			RP	PL 580		4	32	6100-I		NEW		PL 662		2
32	2413			RP	PL 580		4	32	6100-L		NEW		PL 662		2
32	2415			RP	PL 580		4	32	6100-M		NEW		PL 662		2
32	2416			RP	PL 580		4	32	6100-N		NEW		PL 662		2
32	2417			RP	PL 580		4	32	6100-O		NEW		PL 662		2
32	2418			RP	PL 580		4	32	6100-R		NEW		PL 662		2
32	2418-A			RP	PL 580		4	32	6100-S		NEW		PL 662		2
32	2420			RP	PL 580		4	32	6100-T		NEW		PL 662		2
32	2421			RP	PL 580		4	32	6100-U		NEW		PL 662		2
32	2422			RP	PL 580		4	32	6100-X		NEW		PL 662		2

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32	6100-Y			NEW	PL	662	2	32	7092			NEW	PL	674	1	
32	6100-Z			NEW	PL	662	2	32	7093			NEW	PL	674	1	
32	6100-AA			NEW	PL	662	2	32	7094			NEW	PL	674	1	
32	6100-BB			NEW	PL	662	2	32	7095			NEW	PL	674	1	
32	6100-CC			NEW	PL	662	2	32	7096			NEW	PL	674	1	
32	6100-DD			NEW	PL	662	2	32	7097			NEW	PL	674	1	
32	6100-EE			NEW	PL	662	2	32	7098			NEW	PL	674	1	
32	6100-HH			NEW	PL	662	2	32	11002	7-A		NEW	PL	663	1	
32	6100-II			NEW	PL	662	2	32	11013	2	O	AMD	PL	663	2	
32	6100-JJ			NEW	PL	662	2	32	11013	2	P	AMD	PL	663	3	
32	6100-KK			NEW	PL	662	2	32	11013	2	Q	NEW	PL	663	4	
32	6100-LL			NEW	PL	662	2	32	11013	2	R	NEW	PL	663	5	
32	6100-OO			NEW	PL	662	2	32	11013	2	S	NEW	PL	663	6	
32	6100-PP			NEW	PL	662	2	32	11013	3	M	AMD	PL	663	7	
32	6100-QQ			NEW	PL	662	2	32	11013	3	N	AMD	PL	663	8	
32	6100-RR			NEW	PL	662	2	32	11013	3	O	NEW	PL	663	9	
32	6100-SS			NEW	PL	662	2	32	11013	3	P	NEW	PL	663	10	
32	6100-TT			NEW	PL	662	2	32	11013	3	Q	NEW	PL	663	11	
32	6100-UU			NEW	PL	662	2	32	13800-D	2		AMD	PL	610	4	
32	6101			RP	PL	662	4	32	13831	6		RAL	RR	1	A	28
32	6102			RP	PL	662	4	32	13831	7		RAL	RR	1	A	28
32	6103			RP	PL	662	4	32	14011	7		AMD	PL	543		1
32	6104			RP	PL	662	4	32	14039	2		AMD	PL	543		2
32	6105			RP	PL	662	4	32	14042	4		AMD	PL	543		3
32	6106			RP	PL	662	4	32	14042	18		AMD	PL	543		4
32	6107			RP	PL	662	4	32	15224			AMD	PL	643	E	1
32	6109			RP	PL	662	4	32	15225-A			AMD	PL	643	E	2
32	6110			RP	PL	662	4	32	16103			AMD	PL	503		1
32	6111			RP	PL	662	4	32	16304	6-A	D	AMD	PL	503		2
32	6112			RP	PL	662	4	32	16402	2	A	AMD	PL	503		3
32	6113			RP	PL	662	4	32	16411	6		AMD	PL	503		4
32	6114			RP	PL	662	4	32	16411	9		AMD	PL	503		5
32	6115			RP	PL	662	4	32	18325	3		NEW	PL	515		2
32	6116			RP	PL	662	4	32	18377	4		AMD	PL	597		19
32	6117			RP	PL	662	4	32	18431			NEW	PL	664		1
32	6118			RP	PL	662	4	32	18432			NEW	PL	664		1
32	6119			RP	PL	662	4	32	18433			NEW	PL	664		1
32	6120			RP	PL	662	4	32	18434			NEW	PL	664		1
32	6121			RP	PL	662	4	32	18435			NEW	PL	664		1
32	6122			RP	PL	662	4	32	18436			NEW	PL	664		1
32	6123			RP	PL	662	4	32	18437			NEW	PL	664		1
32	6124			RP	PL	662	4	32	18438			NEW	PL	664		1
32	6125			RP	PL	662	4	32	18439			NEW	PL	664		1
32	6126			RP	PL	662	4	32	18440			NEW	PL	664		1
32	6127			RP	PL	662	4	32	18441			NEW	PL	664		1
32	6128			RP	PL	662	4	32	18442			NEW	PL	664		1
32	6129			RP	PL	662	4	32	18443			NEW	PL	664		1
32	6132	5	C	AMD	PL	662	5	32	18444			NEW	PL	664		1
32	6132	6	B	AMD	PL	662	6	32	18445			NEW	PL	664		1
32	7081			NEW	PL	674	1	32	18531			NEW	PL	670		1
32	7082			NEW	PL	674	1	32	18532			NEW	PL	670		1
32	7083			NEW	PL	674	1	32	18533			NEW	PL	670		1
32	7084			NEW	PL	674	1	32	18534			NEW	PL	670		1
32	7085			NEW	PL	674	1	32	18535			NEW	PL	670		1
32	7086			NEW	PL	674	1	32	18536			NEW	PL	670		1
32	7087			NEW	PL	674	1	32	18537			NEW	PL	670		1
32	7088			NEW	PL	674	1	32	18538			NEW	PL	670		1
32	7089			NEW	PL	674	1	32	18539			NEW	PL	670		1
32	7090			NEW	PL	674	1	32	18540			NEW	PL	670		1
32	7091			NEW	PL	674	1	32	18541			NEW	PL	670		1

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
32	18542			NEW	PL 670		1	34-A	3036-A	12		AMD	PL 659		3
32	18543			NEW	PL 670		1	34-A	3036-A	13		AMD	PL 659		4
32	18544			NEW	PL 670		1	34-A	3049	3	D	AMD	PL 558		10
32	18701			AFF	PL 643	DDD	1	34-A	3069-D			NEW	PL 600		1
32	18702			AFF	PL 643	DDD	1								
32	18703			AFF	PL 643	DDD	1	34-B	1404	1		AMD	PL 516	B	47
32	18704			AFF	PL 643	DDD	1	34-B	3613			AFF	PL 643	EEEE	3
32	18705			AFF	PL 643	DDD	1	34-B	3613			NEW	PL 643	EEEE	1
32	18706			AFF	PL 643	DDD	1	34-B	3613			NEW	PL 643	KKK	1
32	18707			AFF	PL 643	DDD	1	34-B	3613			NEW	PL 675		9
32	18708			AFF	PL 643	DDD	1	34-B	3862-A			AMD	PL 675		10
32	18709			AFF	PL 643	DDD	1	34-B	3862-A	1	C	AMD	PL 675		11
32	18710			AFF	PL 643	DDD	1	34-B	3862-A	2	B	AMD	PL 675		12
32	18711			AFF	PL 643	DDD	1	34-B	3862-A	2	C	AMD	PL 675		13
32	18712			AFF	PL 643	DDD	1	34-B	3862-A	2	C-1	NEW	PL 675		14
32	18713			AFF	PL 643	DDD	1	34-B	3862-A	2-A		NEW	PL 675		15
32	19101			NEW	PL 580		8	34-B	3862-A	3		AMD	PL 675		16
32	19201			NEW	PL 580		8	34-B	3862-A	4		AMD	PL 675		17
32	19202			NEW	PL 580		8	34-B	3862-A	6	A	AMD	PL 675		18
32	19203			NEW	PL 580		8	34-B	3862-A	6	B	AMD	PL 675		19
32	19204			NEW	PL 580		8	34-B	3862-A	6	C	AMD	PL 675		20
32	19301			NEW	PL 580		8	34-B	3862-A	6	D	AMD	PL 675		21
32	19302			NEW	PL 580		8								
32	19303			NEW	PL 580		8	35-A	123			NEW	PL 554		1
32	19304			NEW	PL 580		8	35-A	302	2	A	AMD	PL 596		1
32	19305			NEW	PL 580		8	35-A	302	2	C	AMD	PL 596		2
32	19306			NEW	PL 580		8	35-A	1311-A	1	D	AMD	PL 646	A	42
32	19307			NEW	PL 580		8	35-A	1908			AMD	PL 516	B	48
32	19308			NEW	PL 580		8	35-A	2503	20		AMD	PL 502		29
32	19309			NEW	PL 580		8	35-A	2901			RP	PL 608		5
32	19310			NEW	PL 580		8	35-A	2902			RP	PL 608		5
32	19311			NEW	PL 580		8	35-A	2903			RP	PL 608		5
32	19312			NEW	PL 580		8	35-A	2904			RP	PL 608		5
32	19401			NEW	PL 580		8	35-A	2905			RP	PL 608		5
32	19402			NEW	PL 580		8	35-A	2906			RP	PL 608		5
32	19501			NEW	PL 580		8	35-A	2907			RP	PL 608		5
32	19502			NEW	PL 580		8	35-A	2908			RP	PL 608		5
32	19601			NEW	PL 580		8	35-A	2909			RP	PL 608		5
32	19602			NEW	PL 580		8	35-A	2910			RP	PL 608		5
32	19603			NEW	PL 580		8	35-A	2911			RP	PL 608		5
32	19604			NEW	PL 580		8	35-A	2912			RP	PL 608		5
32	19605			NEW	PL 580		8	35-A	2913			RP	PL 608		5
32	19701			NEW	PL 580		8	35-A	2914			RP	PL 608		5
32	19702			NEW	PL 580		8	35-A	2915			RP	PL 608		5
								35-A	2916			RP	PL 608		5
								35-A	2917			RP	PL 608		5
33	173	5		AMD	PL 585		1	35-A	2918			RP	PL 608		5
33	173	5		AMD	PL 602		3	35-A	2919			RP	PL 608		5
33	173	6	B	AMD	PL 585		2	35-A	2920			RP	PL 608		5
33	173	6	B	AMD	PL 602		4	35-A	2921			RP	PL 608		5
33	173	7		NEW	PL 585		3	35-A	2922			RP	PL 608		5
33	173	7		NEW	PL 602		5	35-A	2923			RP	PL 608		5
33	193	3	B	AMD	PL 585		4	35-A	2924			RP	PL 608		5
33	193	4		NEW	PL 585		5	35-A	2925			RP	PL 608		5
33	194			NEW	PL 585		6	35-A	2926			RP	PL 608		5
								35-A	2927			RP	PL 608		5
34-A	1210-E	6		AMD	PL 646	A	41	35-A	2928			RP	PL 608		5
34-A	1402	5		AMD	PL 659		1	35-A	2929			RP	PL 608		5
34-A	1403	11		AMD	PL 516	B	45	35-A	2930			RP	PL 608		5
34-A	3004	1		AMD	PL 516	B	46	35-A	2930			RP	PL 608		5
34-A	3036-A	10		AMD	PL 659		2	35-A	3132	6-C		AMD	PL 644		2

CROSS-REFERENCE TABLE I

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
35-A	3136	1			AMD PL 644		3	36	943		6th		AMD PL 640		2
35-A	3136	4			AMD PL 644		4	36	943		9th		AMD PL 523	A	7
35-A	3136	5			NEW PL 644		5	36	943-C				AMD PL 640		3
35-A	3136	6			NEW PL 644		6	36	943-C	2			AMD PL 523	A	8
35-A	3136	7			NEW PL 644		7	36	946		3rd		AMD PL 523	A	9
35-A	3136	8			NEW PL 644		8	36	1109	1			AMD PL 523	A	10
35-A	3136	9			NEW PL 644		9	36	1109	3	F		AMD PL 523	A	11
35-A	3148				NEW PL 553		1	36	1132	11			AMD PL 671		1
35-A	3201	8-C			NEW PL 660		2	36	1135	2	A		AMD PL 671		2
35-A	3203	4-B			AMD PL 636		1	36	1135	2	B		AMD PL 671		3
35-A	3210-C	3			AMD PL 516	B	49	36	1135	2	D		NEW PL 671		4
35-A	3210-I	1	B		AMD PL 660		3	36	1137	2			AMD PL 523	A	12
35-A	3210-I	1	D		AMD PL 660		4	36	1138	4			AMD PL 671		5
35-A	3210-I	1	E		AMD PL 660		5	36	1140-B	3			NEW PL 671		6
35-A	3210-I	1	F		NEW PL 660		6	36	1140-C				NEW PL 671		7
35-A	3210-I	2			AMD PL 660		7	36	1281				AMD PL 579		2
35-A	3210-I	3			AMD PL 660		8	36	1284				AMD PL 523	A	13
35-A	3210-I	3-B			NEW PL 660		9	36	1483	4			AMD PL 646	A	45
35-A	3210-I	5			NEW PL 660		10	36	1483	16			AMD PL 565		1
35-A	3212	2			AMD PL 516	B	50	36	1483-A				RP PL 565		2
35-A	3214	2-A			AMD PL 534		1	36	1611	2	B		RP PL 603		4
35-A	3214	2-A			AMD PL 534		2	36	1752	1-I			AMD PL 679	C	6
35-A	3214	2-A			AMD PL 534		3	36	1752	1-J			AMD PL 679	C	7
35-A	3408	3			AMD PL 533		4	36	1752	5-D			NEW PL 643	H	2
35-A	3474	4			AMD PL 643	WWW	1	36	1752	5-D			NEW PL 673		2
35-A	3802	1-A			NEW PL 553		2	36	1752	5-E			NEW PL 643	H	3
35-A	3803	2			AMD PL 553		3	36	1752	5-E			NEW PL 673		3
35-A	7104	10			NEW PL 568		1	36	1752	6-D			AMD PL 679	C	8
35-A	10103	4-A	A		AMD PL 646	A	43	36	1752	6-H			AMD PL 679	C	9
35-A	10103	4-A	B		RP PL 646	A	44	36	1752	6-I			AMD PL 679	C	10
35-A	10105	4			AMD PL 516	B	51	36	1752	9-G			AMD PL 679	C	11
35-A	10110	2	L		AMD PL 534		4	36	1752	10			AMD PL 643	H	4
35-A	10110	3			AMD PL 516	B	52	36	1752	10			AMD PL 673		4
35-A	10126	3			AMD PL 535		1	36	1752	11	B		AMD PL 643	H	5-11
35-A	10126	4			AMD PL 535		2	36	1752	11	B		AMD PL 673		5-11
								36	1752	13			AMD PL 643	H	12
36	111	1-A			AFF PL 619		2	36	1752	13			AMD PL 673		12
36	111	1-A			AMD PL 619		1	36	1752	14	A		AMD PL 643	H	13
36	172	3			AMD PL 679	C	5	36	1752	14	A		AMD PL 673		13
36	191	2	JJ		AMD PL 516	B	53	36	1752	14	B		AMD PL 643	H	14-18
36	191	2	EEE		AMD PL 558		11	36	1752	14	B		AMD PL 673		14-18
36	191	2	SSS	RAL	RR 1	A	29	36	1752	17-B			AMD PL 643	H	19
36	191	2	TTT	RAL	RR 1	A	29	36	1752	17-B			AMD PL 673		19
36	191	2	UUU	NEW	PL 667		1	36	1754-B	1-B	A		AMD PL 643	H	20
36	191	3-B			AMD PL 637		6	36	1754-B	1-B	A		AMD PL 673		20
36	194-D	2			AMD PL 613	D	1	36	1758				RP PL 643	H	21
36	251				AMD PL 523	A	1	36	1758				RP PL 673		21
36	252				AMD PL 523	A	2	36	1760	115			NEW PL 643	H	22
36	253				AMD PL 523	A	3	36	1811	1	D		AMD PL 643	H	23
36	382				AMD PL 523	A	4	36	1811	1	D		AMD PL 673		22
36	383	1			AMD PL 523	A	5	36	1819	2			AMD PL 643	H	24
36	611				AMD PL 523	A	6	36	1819	2			AMD PL 673		23
36	655	1	T		AMD PL 682		1	36	1819	3			NEW PL 643	H	25
36	655	1	U		AMD PL 682		2	36	1819	3			NEW PL 673		24
36	655	1	V		NEW PL 682		3	36	1819	4			NEW PL 643	H	26
36	656	1	E		AMD PL 588		1-2	36	1819	4			NEW PL 673		25
36	656	1	K		AMD PL 682		4	36	1819	5			NEW PL 643	H	27
36	656	1	L		NEW PL 682		5	36	1819	5			NEW PL 673		26
36	691	1	A		AMD PL 588		3-5	36	1820		1st		RP PL 613	B	3
36	942		3rd		AMD PL 579		1	36	1820		2nd		AMD PL 613	B	4

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
36	2022			NEW	PL 643	H	28	38	485-A	1-D		NEW	PL 660		12
36	2022			NEW	PL 673		27	38	486-A	2-A		NEW	PL 644		11
36	2891	1		AMD	PL 643	JJ	1	38	486-A	2-A		NEW	PL 660		13
36	2892			AMD	PL 643	JJ	4	38	489-A	9	A	AMD	PL 512		4
36	2892		2nd	AMD	PL 643	JJ	2	38	584-F			AMD	PL 496		1
36	2892		9th	AMD	PL 643	JJ	3	38	585-D			AMD	PL 624		1-2
36	2893	2-A		NEW	PL 643	JJ	5	38	1303-C	2-C		NEW	PL 517		1
36	2893	3		RPR	PL 643	JJ	6	38	1303-C	19-D		NEW	PL 517		2
36	2903-D	2		AMD	PL 668		1	38	1303-C	19-E		NEW	PL 517		3
36	2903-D	3		AMD	PL 668		2	38	1303-C	32-A		AMD	PL 517		4
36	4372-A	7		AMD	PL 516	B	54	38	1310-N	5-A	B	AMD	PL 517		5
36	4401	9		AMD	PL 613	B	5	38	1310-N		1st	NEW	PL 517		6
36	4404-C	7		AMD	PL 516	B	55	38	1310-N	9	A-1	AMD	PL 646	A	47
36	4921			AMD	PL 679	C	12	38	1310-Y		1st	AMD	PL 517		7
36	4923	5		AMD	PL 679	C	13	38	1310-Y	2		AMD	PL 517		8
36	5122	2	M-2	AMD	PL 523	B	1	38	1367			AMD	PL 510		2
36	5122	2	HH	AMD	PL 523	B	2	38	1367-B	1-C		NEW	PL 510		3
36	5122	2	LL	AMD	PL 523	B	3	38	1612	1	B	RP	PL 504		1
36	5122	2	PP	AMD	PL 679	C	14	38	1612	1	D	AMD	PL 504		2
36	5200-A	2	BB	AMD	PL 679	C	15	38	1612	1	K	AMD	PL 504		3
36	5202-E			NEW	PL 627		1	38	1612	3	B	AMD	PL 504		4
36	5219-KK	1	A-1	AMD	PL 523	B	4	38	1614			AMD	PL 630		1
36	5219-ZZ	1	B	AMD	PL 558		12	38	2146	13	A	AMD	PL 589		1
36	5219-AAA10	A		AMD	PL 631		2	38	2146	13	E	AMD	PL 589		2
36	5219-BBB			NEW	PL 667		3	38	3107	3-B		AMD	PL 646	A	48
36	5228	7		AMD	PL 523	B	5	38	3107	3-B	F-1	NEW	PL 529		1
36	5242		2nd	AMD	PL 523	B	6	38	3108-A	2	B	AFF	PL 529		7
36	6235			NEW	PL 547		1	38	3108-A	2	B	AMD	PL 529		2-4
36	6251	1	B	RPR	PL 523	A	14	38	3114-A	3		AMD	PL 529		5
36	6251	1	C	RPR	PL 523	A	15	38	3115	3	B	AMD	PL 529		6
36	6252	5		AMD	PL 523	A	16								
36	6252-A	6		AMD	PL 613	A	1								
36	6652	1-E		NEW	PL 588		6								
36	6764			NEW	PL 631		3								
37-B	12			NEW	PL 617		1								
37-B	384			AMD	PL 487		2								
37-B	745	4		AMD	PL 643	Q	1								
38	341-D	2		AMD	PL 512		1								
38	341-D	4	A	AMD	PL 512		2								
38	342	15		AMD	PL 510		1								
38	344	1		AMD	PL 509		1								
38	344	2-A	A	AMD	PL 512		3								
38	346	4		AMD	PL 660		11								
38	347-A	3-A		NEW	PL 623		2								
38	420-C		2nd	AMD	PL 505		1								
38	420-C		3rd	AMD	PL 505		2								
38	464	4	F	AMD	PL 646	A	46								
38	480-E	16		NEW	PL 497		1								
38	480-E	16		NEW	PL 531		1								
38	480-E	17		NEW	PL 531		2								
38	480-Q	2-F		NEW	PL 531		3								
38	480-Q	30		AMD	PL 531		4								
38	480-Q	32		AMD	PL 531		5								
38	480-Q	33		NEW	PL 531		6								
38	480-Q	34		NEW	PL 531		7								
38	480-R	2		AMD	PL 505		3								
38	480-KK			NEW	PL 643	YYY	1								
38	485-A	1-D		NEW	PL 644		10								

CROSS-REFERENCE TABLE II

TABLE II

Public Laws not allocated to the Maine Revised Statutes affected by the laws of the Second Regular Session of the 131st Legislature and Revisor's Report 2023, chapter 1.

YEAR	CHAP	SEC	AFFECTED BY													
			(TYPE)	YEAR	CHAP	SEC										
				2023	406	8	AMD	PL	2023	643	PPP5					
2023	329	3	AMD	PL	2023	643	DDD1		2023	412	A38	AMD	PL	2023	646	A49
2023	370	2	AMD	PL	2023	620	B1		2023	412	VVV11	AMD	PL	2023	643	SS1
2023	406	1	AMD	PL	2023	643	PPP1		2023	412	WWW4	RP	PL	2023	643	QQQ2
2023	406	5	AMD	PL	2023	643	PPP2		2023	419	3	COR	RR	2023	1	A30
2023	406	6	AMD	PL	2023	643	PPP3		2023	465	18	COR	RR	2023	1	A31
2023	406	7	AMD	PL	2023	643	PPP4		2023	473	2	COR	RR	2023	1	A32

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POWERS & DUTIES	SEE ALSO PARKS & LANDS BUREAU
MEETINGS, EASEMENTS, RIGHTS OF WAYPUBLIC 642	AUGUSTA CONY ROAD FACILITY
ABUSE & NEGLECT	UPGRADE FUNDING (PART I,J)PUBLIC 643
SEE ALSO CHILD ABUSE	COMMERCIAL DAIRY FARMS
SEE ALSO DOMESTIC ABUSE	SUPPORT TASK FORCE RESOLVE 146
CHILDREN	HIGH-IMPACT TRANSMISSION LINES
REPORTS TO MILITARY PROGRAMSPUBLIC 518	LAND PROTECTION CRITERIA.....PUBLIC 644
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ADDRESSES	MAINE TRAILS PROGRAM BOND ISSUEPUBLIC 652
SEE GOVERNOR (MILLS)	REUSABLE FOOD CONTAINERS
SEE SUPREME JUDICIAL COURT – CHIEF JUSTICE (STANFILL)	CONSUMERS & BUSINESSES.....PUBLIC 528
ADMINISTRATIVE & FINANCIAL SERV DEPT	SALMONELLA ENTERITIDIS
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NATIONAL SECURITY RISK LISTPUBLIC 681	AIR POLLUTION CONTROL
FORMS	AIR QUALITY MONITORING
3RD OPTION FOR GENDERRESOLVE 163	HEALTH WARNINGSPUBLIC 496
INFORMATION SERVICES PROGRAM	AIRBOATS
FUNDING (PART MMM)PUBLIC 643	SEE WATERCRAFT
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MUNICIPAL REIMBURSEMENT.....PUBLIC 520	ALCOHOLIC BEVERAGES
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RECRUITMENT & RETENTION (PART PPP)PUBLIC 643	MUNICIPAL LICENSES.....PUBLIC 550
WORKFORCE DEVELOPMENT	LICENSES & CERTIFICATES OF APPROVAL
SOCIAL EQUITY PROGRAM.....PUBLIC 683	OWNERSHIP DISCLOSURE REQSPUBLIC 633
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