

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1458 - L.D. 2170

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

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

PART A

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

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

and implementation of local and multimunicipal growth management programs consistent with the procedures, goals and guidelines established in this subchapter.

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

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

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

7. Dismissal and disciplinary action. Except as provided in subsection 5, an appointing authority may dismiss, suspend or otherwise discipline an employee in the classified service for cause. This right is subject to the right of appeal and arbitration of grievances set forth in the applicable labor contract, in sections 7081 to 7084 or by civil service rule; and sections 7081 to 7084 apply to any employee who has satisfactorily completed an initial probationary period. This subsection does not apply to unclassified employees listed in section 931, nor does this subsection in any way limit the collective bargaining rights of classified and unclassified employees. This subsection does not apply to an employee appointed to a major policy-influencing position listed in sections 932 to ~~953~~ 952 and sections 958 to 960.

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

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

2. Eligibility of unclassified employees for classified service. In addition to any other provisions in this chapter, unclassified employees listed in section 931, subsection 1, paragraph H, and other unclassified employees, except those cited in section 931, subsection 1, paragraphs A to G, and ~~paragraphs I and J,~~ and in sections 932 to ~~953~~ 952 and sections 958 to 960, are eligible for appointment to the classified service on the same basis as other members of the classified service.

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

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

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

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

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

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

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

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

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

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

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

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

5-F. Change of beneficiary. If the recipient of a service retirement benefit has elected an optional method of payment under subsection 3, 4, ~~5~~, 5-A, 5-B, 5-C, 5-D or 5-E and has designated someone other than a spouse or ex-spouse as sole beneficiary, the recipient is permitted a one-time change in the designated beneficiary except as provided in paragraph D, but may not change the already elected payment option or the amount of the benefits under that option, by filing a written designation of the new beneficiary, duly acknowledged with the chief executive officer on a form provided or specified by the

retirement system. The change of beneficiary permitted by this subsection may only be made prior to the death of the prior designated beneficiary.

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

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

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

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

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

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

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

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

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

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

prima facie evidence. The notice must specify those matters concerning which the defendant requests testimony.

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

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

The failure of a person to comply with the duty to submit to and complete a chemical test under section 204 is admissible in evidence on the issue of whether that person was under the influence of intoxicating liquor or drugs. If the law enforcement officer having probable cause to believe that the person operated or attempted to operate an aircraft while under the influence of intoxicating liquor or drugs fails to give either of the warnings required under subsection 2, the failure of the person to comply with the duty to submit to a chemical test is not admissible, except when a test was required pursuant to subsection 11. If a failure to submit to and complete a chemical test is not admitted into evidence, the court may inform the jury of the fact that no test result is available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) The vendor has entered into not more than one contract in any calendar year or 2 contracts in any 5-year period;
- (2) The option contract for the purchase of real property or rent-to-own real property does not require an initial payment of more than 4 times the monthly rent charged for the real property;
- (3) The option contract for the purchase of real property or rent-to-own real property requires the vendor to maintain the real property pursuant to the provisions of section 6021, unless a waiver pursuant to the provisions of section 6021, subsection 5 has been entered into, the provisions of section 6021-A and, if applicable, the provisions of Title 10, section 9099, unless a waiver pursuant to Title 10, section 9099, subsection 4 has been entered into; and
- (4) The vendor has otherwise complied with the requirements of this section.

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

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

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

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

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

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

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

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

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

C. Provides one or more of the following services:

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

(a) Screening procedures that are not related to the diagnosis or treatment of a specific condition; or

(b) Services when:

(i) The services are owned by a community health center, a physician or group of physicians;

(ii) The services are offered solely to the patients of that center, physician or group of physicians; and

(iii) Referrals for the purpose of performing those services are not accepted from other physicians;

(2) Laboratory services performed by a hospital or by a medical laboratory licensed in accordance with the Maine Medical Laboratory Commission, or licensed by an equivalent out-of-state licensing authority, excluding those licensed laboratories owned by community health centers, a physician or group of physicians where the laboratory services are offered solely to the patients of that center, physician or group of physicians;

(3) Cardiac diagnostic services, including, but not limited to, cardiac catheterization and angiography but excluding electrocardiograms and electrocardiograph stress testing;

(4) Lithotripsy services;

(5) Services provided by free-standing ambulatory surgery facilities certified to participate in the Medicare program; or

(6) Any other service performed in an out-patient setting requiring the purchase of medical equipment costing in the aggregate \$500,000 or more and for which the charge per unit of service is \$250 or more.

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

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

- A. Is either a direct provider of major ambulatory service, as defined in former section 382, subsection 8-A, or is or has been required to obtain a certificate of need under section 329 or former section 304 or 304-A;
- B. Provides outpatient services as defined in former section 382, subsection 9-A; and
- C. Provides one or more of the following services:
 - (1) Imaging services, including, but not limited to, magnetic resonance imaging, computerized tomography, mammography and radiology. For purposes of this section, imaging services do not include:
 - (a) Screening procedures that are not related to the diagnosis or treatment of a specific condition; or
 - (b) Services when:
 - (i) The services are owned by a community health center, a physician or group of physicians;
 - (ii) The services are offered solely to the patients of that center, physician or group of physicians; and
 - (iii) Referrals for the purpose of performing those services are not accepted from other physicians;
 - (2) Laboratory services performed by a hospital or by a medical laboratory licensed by the department or licensed by an equivalent out-of-state licensing authority, excluding those licensed laboratories owned by community health centers, by a physician or by a group of physicians at which the laboratory services are offered solely to the patients of that center, physician or group of physicians;
 - (3) Cardiac diagnostic services, including, but not limited to, cardiac catheterization and angiography but excluding electrocardiograms and electrocardiograph stress testing;
 - (4) Lithotripsy services;
 - (5) Services provided by free-standing ambulatory surgery facilities certified to participate in the Medicare program; or
 - (6) Any other service performed in an out-patient setting requiring the purchase of medical equipment costing in the aggregate \$500,000 or more and for which the charge per unit of service is \$250 or more.

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

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

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

Sec. A-30. 22 MRSA §2843, 2nd ¶, as amended by PL 2023, c. 676, §11, 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 organic reduction or removal from the State only upon receipt of a certificate by a duly appointed medicolegal death investigator or medical examiner as specified in section 2900-A, subsection 8 or Title 32, section 1405 ~~or section 2900-A, subsection 8.~~

Sec. A-31. 24-A MRSA §1443-A, sub-§1, ¶A, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended by amending subparagraph (4) to read:

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

Sec. A-32. 24-A MRSA §2003, sub-§7, ¶A, as enacted by PL 2011, c. 331, §3 and affected by §§16 and 17, is amended by amending subparagraph (2) to read:

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

Sec. A-33. 25 MRSA §2803-B, sub-§1, ¶O, as amended by PL 2025, c. 219, §2 and c. 344, §2, is repealed and the following enacted in its place:

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

Sec. A-34. 25 MRSA §2803-B, sub-§1, ¶P, as enacted by PL 2025, c. 219, §3, is amended to read:

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

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

Sec. A-36. 25 MRSA §2803-B, sub-§1, ¶Q, as enacted by PL 2025, c. 219, §4, is amended to read:

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

Sec. A-37. 26 MRSA §1192-A, sub-§1, ¶C, as enacted by PL 2025, c. 235, §11, is amended by amending subparagraph (5) to read:

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

Sec. A-38. 26 MRSA §2066, sub-§1, ¶F, as enacted by PL 2025, c. 396, §12, is amended to read:

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

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

Sec. A-40. 30-A MRSA §4326, sub-§3-B, ¶D, as enacted by PL 2025, c. 393, §34, is amended to read:

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

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

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

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

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

Sec. A-41. 30-A MRSA §4346, as repealed by PL 2025, c. 388, Pt. D, §35 and amended by c. 393, §§35 and 36, is repealed.

Sec. A-42. 30-A MRSA §4347-A, as repealed by PL 2025, c. 388, Pt. D, §35 and amended by c. 393, §§37 to 44, is repealed.

Sec. A-43. 30-A MRSA §4364, sub-§2, as amended by PL 2025, c. 385, §4 and affected by §23 and amended by c. 388, Pt. D, §36, is repealed and the following enacted in its place:

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

Sec. A-44. 30-A MRSA §4364-A, sub-§1, as repealed and replaced by PL 2025, c. 385, §7 and affected by §23 and amended by c. 388, Pt. D, §37, is repealed and the following enacted in its place:

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

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

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

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

Sec. A-45. 30-A MRSA §4364-E, sub-§6, as enacted by PL 2025, c. 364, §2 and reallocated by RR 2025, c. 1, Pt. A, §42, is amended to read:

6. Rulemaking. The state agency responsible for administering the Housing Opportunity Program established in Title 5, section ~~43056-J~~ 3241 may adopt rules to administer and enforce this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-46. 32 MRSA §3270-G, sub-§4, as enacted by PL 2019, c. 627, Pt. B, §17 and amended by PL 2025, c. 316, §3, is further amended to read:

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

Sec. A-47. 34-B MRSA §3012, sub-§3, as enacted by PL 2025, c. 349, §1, is amended to read:

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

Sec. A-48. 34-B MRSA §3801, sub-§4-A, ¶D, as enacted by PL 2009, c. 651, §4, is amended to read:

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

Sec. A-49. 36 MRSA §1545, first ¶, as amended by PL 2025, c. 113, Pt. D, §81, is further amended to read:

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

Sec. A-50. 36 MRSA §1546, first ¶, as repealed and replaced by PL 1975, c. 339, §16 and amended by PL 1995, c. 502, Pt. E, §30, PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended to read:

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

Sec. A-51. 36 MRSA §4365-F, as amended by PL 2025, c. 367, §§16 and 17 and affected by §20 and repealed by c. 388, Pt. E, §2 and affected by §6, is repealed.

Sec. A-52. 38 MRSA §3107, sub-§1, as amended by PL 2025, c. 241, §5, is further amended to read:

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

Sec. A-53. 38 MRSA §3113, first ¶, as amended by PL 2023, c. 482, §32, is further amended to read:

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

Sec. A-54. 39-A MRSA §309, sub-§3, as corrected by RR 2025, c. 1, Pt. B, §10, is amended to read:

3. Witnesses; discovery. All witnesses must be sworn. Sworn written evidence may not be admitted unless the author is available for cross-examination or subject to subpoena; except that sworn statements by a medical doctor or osteopathic physician relating to medical questions, by a psychologist relating to psychological questions, by a chiropractor relating to chiropractic questions, by a certified nurse practitioner who qualifies as an advanced practice registered nurse relating to advanced practice registered nursing questions or by a physician associate relating to physician assistance questions pertaining to the business of a physician associate are admissible in workers' compensation hearings only if notice of the testimony to be used is given and service of a copy of the letter or report is made on the opposing counsel 14 days before the scheduled hearing.

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

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

Sec. A-55. 39-A MRSA §309, sub-§4, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

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

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

PART B

Sec. B-1. 5 MRSA §3233, sub-§4, ¶C, as enacted by PL 2025, c. 388, Pt. D, §12, is amended to read:

C. Within ~~35~~ 10 business days after receiving the comprehensive plan, notify the municipality or multimunicipal region if the plan is complete for purposes of review. If the office notifies the municipality or multimunicipal region that the plan is not complete for purposes of review, the office shall indicate in its notice necessary additional data or information;

Sec. B-2. 5 MRSA §3233, sub-§4, ¶D, as enacted by PL 2025, c. 388, Pt. D, §12, is amended to read:

D. Within ~~40~~ 35 business days of issuing notification that a comprehensive plan is complete for purposes of review, issue findings specifically describing whether the submitted plan is consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2 and identify which inconsistencies in the plan, if any, may directly affect rate of growth, zoning or impact fee ordinances.

(1) In its findings, the office shall clearly indicate its position on any point on which there are significant conflicts among the written comments submitted to the office.

(2) If the office finds that the comprehensive plan was developed in accordance with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2, the office shall issue a finding of consistency for the comprehensive plan.

(3) A finding of inconsistency must identify the goals under Title 30-A, chapter 187, subchapter 2 not adequately addressed, specific sections of the rules relating to comprehensive plan review adopted by the office not adequately addressed and recommendations for resolving the inconsistency;

Sec. B-3. 5 MRSA §3233, sub-§4, ¶F, as enacted by PL 2025, c. 388, Pt. D, §12, is amended to read:

F. Provide ample opportunity for the municipality or multimunicipal region submitting a comprehensive plan to respond to and ~~correct any identified deficiencies in the plan~~ revise the plan to be consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2. A finding of inconsistency for a comprehensive plan may be addressed within 24 months of the date of the finding without addressing any new review standards that are created during that time interval. After 24 months, the plan must be resubmitted in its entirety for state review under the office's most current review standards.

Sec. B-4. 5 MRSA §3233, sub-§4, as enacted by PL 2025, c. 388, Pt. D, §12, is amended by amending the 3rd blocked paragraph to read:

A finding by the office pursuant to paragraph D that a comprehensive plan is consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2 is valid for 12 years from the date of its issuance. A finding by the Department of Agriculture, Conservation and Forestry issued after January 1, 2013 that a comprehensive plan is consistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2 is valid until December 12, 2028 or 12 years after the date of consistency determined by the department, whichever is later. For purposes of Title 30-A, section 4314, subsection 3 and Title 30-A, section 4352, subsection 2, expiration of a finding of consistency pursuant to this subsection does not itself make a comprehensive plan inconsistent with the procedures, goals and guidelines established in Title 30-A, chapter 187, subchapter 2.

PART C

Sec. C-1. 5 MRSA §4763, as enacted by PL 2025, c. 517, §1, is amended by amending the section headnote to read:

§4763. Prohibited Regulated activities

Sec. C-2. 5 MRSA §7039, as corrected by RR 2001, c. 2, Part A, §9, is amended to read:

§7039. Civil Service Law

The Civil Service Law consists of chapters ~~56-A~~, 65, 67, 68, 69, and 71 and this chapter. Whenever reference is made in statute or rule to the Civil Service Law, the chapters delineated in this section apply.

Sec. C-3. 9-B MRSA §131, sub-§22-B, as enacted by PL 1997, c. 315, §9, is amended to read:

22-B. Insurance agent ~~or agency~~ and insurance producer. "Insurance agent ~~or agency~~" means a person engaged in the business of an insurance agent as defined and "insurance producer" have the same meaning as "insurance producer" in Title 24-A, section 1502 1402, subsection 5.

Sec. C-4. 9-B MRSA §131, sub-§22-C, as enacted by PL 1997, c. 315, §9, is repealed.

Sec. C-5. 9-B MRSA §427, sub-§3, ¶C, as enacted by PL 1975, c. 500, §1, is amended to read:

~~C. Nothing contained in this~~ This subsection shall be deemed may not be construed to modify or otherwise affect Title 11, section ~~1-201, subsection 25 or Title 11, section 3-304, nor 1-1202, 3-1302, 3-1304 or 3-1307~~ or to relieve ~~such a drawee financial institution from any liability imposed upon it by law to the extent of any payment or amount which such~~ that the institution may receive for its benefit from any ~~of such checks drawn or endorsed as described in paragraph A or funds represented thereby by those checks.~~

Sec. C-6. 9-B MRSA §448, as amended by PL 1999, c. 790, Pt. A, §10 and PL 2007, c. 273, Pt. B, §§5 and 6 and affected by §7 and c. 695, Pt. A, §47, is further amended by amending the section headnote to read:

§448. Insurance agency activities

Sec. C-7. 9-B MRSA §448, sub-§3, as enacted by PL 1997, c. 315, §17, is amended to read:

3. Customer notice that insurance is not federally guaranteed. An institution that engages in insurance ~~agency or brokerage~~ activities authorized under subsection 1 must provide customer notice regarding insurance products in the following manner.

A. The institution shall post conspicuously a notice that is clearly visible to all customers that may purchase insurance products from the institution. The notice must state in clearly understandable language that the insurance is not insured by the Federal Deposit Insurance Corporation or National Credit Union Administration, as applicable;

B. When a prospective purchaser of insurance is directly and personally contacted by the institution, the institution shall orally inform that prospective purchaser of insurance that the insurance product is not insured by the Federal Deposit Insurance Corporation or National Credit Union Administration, as applicable; and

C. Before the sale of an insurance product is completed the institution must obtain a written statement signed by the purchaser of insurance that the purchaser received the oral notice required by paragraph B.

Sec. C-8. 12 MRSA §6025, sub-§1, as amended by PL 1985, c. 785, Pt. B, §67, is further amended to read:

1. Appointment. Applicants for the position of a marine patrol officer who qualify under the officer's code and pass the examination administered by the Bureau of Human Resources may be appointed by the commissioner to hold office under ~~Title 5, chapters 51 to 67~~ the Civil Service Law and under the officer's code.

Sec. C-9. 24-A MRSA §4362, sub-§3, as enacted by PL 1969, c. 132, §1 and amended by PL 1973, c. 585, §12, is further amended to read:

3. Notwithstanding any other provision of law, no bond shall be required of the superintendent as a prerequisite for the issuance of any injunction or restraining order pursuant to ~~this section~~ subsection 1 or 2.

Sec. C-10. 24-A MRSA §4362, sub-§4, as enacted by PL 2025, c. 17, §3, is amended to read:

4. Notwithstanding subsections 1, and 2 or ~~3~~ or any provision of this chapter to the contrary, a person may not for more than 10 days be restrained, enjoined or prohibited from

exercising or enforcing any right or cause of action under any pledge, security, credit, collateral, loan, advance, reimbursement, guarantee agreement or arrangement or any similar agreement, arrangement or other credit enhancement to which a federal home loan bank is a party.

Sec. C-11. 26 MRSA §852, as corrected by RR 2023, c. 2, Pt. E, §34, is amended to read:

§852. Employment of replacements prohibited

A person, partnership, union, agency, firm or corporation or officer, employee or agent thereof may not recruit, procure, supply or refer any person for employment who customarily and repeatedly offers to accept employment in place of any employee involved in a labor, strike or lockout in which that person, partnership, union, agency, firm or corporation is not directly involved.

Sec. C-12. 26 MRSA §853, as corrected by RR 2023, c. 2, Pt. E, §35, is amended to read:

§853. Arrangements

A person, partnership, union, firm or corporation involved in a labor, strike or lockout may not, directly or indirectly, employ in the place of an employee involved in that strike or lockout any person who customarily and repeatedly offers to accept employment in the place of employees involved in a labor strike or lockout or contract or arrange with any other person, partnership, union, agency, firm or corporation to recruit, procure, supply or refer persons for employment who customarily and repeatedly offer to accept employment in place of employees involved in a labor, strike or lockout.

Sec. C-13. 26 MRSA §854, as corrected by RR 2023, c. 2, Pt. E, §36, is amended to read:

§854. Offers

A person who customarily and repeatedly offers to accept employment in place of employees involved in a labor, strike or lockout may not take or offer to take the place of employment of any employee involved in a labor, strike or lockout.

Sec. C-14. 26 MRSA §855, as corrected by RR 2023, c. 2, Pt. E, §37, is amended to read:

§855. Evidence

It is prima facie evidence that a person customarily and repeatedly offers to accept employment in place of employees involved in a labor, strike or lockout if the person has 2 times before offered to take the place of employment of persons involved in labor, strikes or lockouts.

Sec. C-15. 33 MRSA §1603-117, first ¶, as enacted by PL 1981, c. 699, is amended to read:

(a) A judgment for money against the association, if a lien order is filed with the ~~Register of Deeds~~ register of deeds of the county where the condominium is located, as provided in Title 14, section 3132, ~~as it or its equivalent may be amended or modified from time to time~~ 3131, subsection 9, paragraph B, is not a lien on the common elements, but is a lien in favor of the judgment lienholder against all of the units in the condominium at the

time the judgment was entered. ~~No other~~ Other property of a unit owner is not subject to the claims of creditors of the association.

Sec. C-16. 34-B MRSA §3613, as repealed and replaced by PL 2025, c. 388, Pt. YY, §1 and repealed by c. 390, Pt. A, §55, is repealed and the following enacted in its place:

§3613. Crisis receiving centers

1. Definitions. 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. 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. C-17. 34-B MRSA §3614, as enacted by PL 2023, c. 675, §9 and reallocated by PL 2025, c. 390, Pt. A, §56, is repealed.

Sec. C-18. 38 MRSA §1303-C, sub-§40, as amended by PL 1989, c. 869, Pt. A, §5 and affected by §21, is further amended to read:

40. Waste facility. "Waste facility" means any land area, structure, location, equipment or combination of them, including dumps, used for handling hazardous, biomedical or solid waste, waste oil, sludge or septage. A land area or structure does not become a waste facility solely because:

A. It is used by its owner for disposing of septage from the owner's residence;

B. It is used to store for 90 days or less hazardous wastes generated on the same premises;

C. It is used by individual homeowners or lessees to open burn leaves, brush, deadwood and tree cuttings accrued from normal maintenance of their residential property, when such burning is permitted under Title 12, section 599 9325, subsection 3 1, paragraph F; or

~~D. It is used by its residential owner to burn highly combustible domestic, household trash such as paper, cardboard cartons or wood boxes, when such burning is permitted under section 599, subsection 3.~~

E. It is used by its residential owner to engage in out-of-door burning of wood wastes as defined in Title 12, section 9324, subsection 7-A and painted or unpainted wood from construction and demolition debris under Title 12, section 9325, subsection 1, paragraph E.

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