

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 4, 2024 to March 21, 2025

FIRST SPECIAL SESSION
March 25, 2025 to June 25, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 20, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
SEPTEMBER 24, 2025

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

Augusta, Maine
2025

B. Second, the court shall determine the maximum term of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the individual's criminal history, the effect of the offense on the victim, the effect of the potential term of imprisonment on those relying on the individual as a primary caregiver and the protection of the public interest.

Sec. 2. 17-A MRSA §1602, sub-§4 is enacted to read:

4. Class D or Class E crimes. In imposing a sentencing alternative for a Class D or Class E crime pursuant to section 1502 that is contested by the parties and setting the appropriate length of that term as well as any unsuspended portion of that term accompanied by a period of probation or administrative release, the court shall consider all relevant sentencing factors, both aggravating and mitigating, appropriate to the case. Relevant sentencing factors include, but are not limited to, the character of the individual, the individual's criminal history, the effect of the offense on the victim, the effect of the potential sentencing alternative on those relying on the individual as a primary caregiver and the protection of the public interest.

Sec. 3. 17-A MRSA §1602, sub-§5 is enacted to read:

5. Primary caregiver defined. As used in this section, "primary caregiver" means an individual who has the greatest responsibility for the care of a minor, a dependent person or an incapacitated adult as defined by Title 22, section 3472, subsection 10.

See title page for effective date.

CHAPTER 403

S.P. 154 - L.D. 385

An Act to Protect Communications by Alleged Victims Regarding Sexual Assault, Sexual Harassment, Sexual Misconduct, Cyberbullying or Discrimination from Litigation

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

Sec. 1. 14 MRSA §732, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

§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.

1-A. Cyberbullying. "Cyberbullying" has the same meaning as in Title 20-A, section 6554, subsection 2, paragraph C.

1-B. Discrimination. "Discrimination" has the same meaning as in Title 5, section 4553, subsection 2, and includes:

A. Subjecting to harassment;

B. Failing to prevent an act of discrimination;

C. Aiding, abetting, inciting, compelling or coercing an act of discrimination; or

D. Retaliating against a person for reporting an act of discrimination.

2. Person. "Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit or other legal entity.

3. Sexual assault. "Sexual assault" means conduct described under Title 17-A, chapters 11 and 12.

4. Sexual harassment. "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including:

A. Unwelcome sexual advances;

B. Sexually suggestive remarks or actions;

C. Unwanted hugs, touches or kisses;

D. Requests for sexual favors; or

E. Retaliation for communicating about or filing a complaint of sexual harassment.

5. Sexual misconduct. "Sexual misconduct" means conduct described in Title 17-A, chapter 35.

Sec. 2. 14 MRSA §733, sub-§2, ¶C, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

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~~

Sec. 3. 14 MRSA §733, sub-§2, ¶D, as enacted by PL 2023, c. 626, §2 and affected by §§3, 4 and 7, is amended to read:

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; or

Sec. 4. 14 MRSA §733, sub-§2, ¶E is enacted to read:

E. Communication, made without malice, regarding an incident of sexual assault, sexual harassment, sexual misconduct, cyberbullying or discrimination experienced by the person, who has or at any time had a reasonable basis to file a complaint concerning the sexual assault, sexual harassment, sexual misconduct, cyberbullying or discrimination, whether the complaint was filed or not. For purposes of this paragraph, discrimination may include any conduct prohibited by Title 5, chapter 337, subchapters 3, 4 and 5-B.

See title page for effective date.

CHAPTER 404

H.P. 355 - L.D. 536

An Act to Establish Net Neutrality

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

Sec. 1. 10 MRSA c. 239 is enacted to read:

CHAPTER 239

NET NEUTRAL BROADBAND INTERNET ACCESS SERVICE

§1500-Z. Net neutral service required

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

A. "Broadband Internet access service" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph B.

B. "Internet service provider" has the same meaning as in Title 5, section 200-B, subsection 1-A, paragraph A.

C. "Net neutral service" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph E.

D. "Paid prioritization" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph F.

E. "Reasonable network management practice" means a practice that has a primarily technical network management justification and is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of

the broadband Internet access service. "Reasonable network management practice" includes a practice necessary to ensure sufficient capacity for customers of the Internet service provider if the practice is implemented on a nondiscriminatory basis. "Reasonable network management practice" does not include other business practices.

F. "Throttling" has the same meaning as in Title 5, section 1541-B, subsection 1, paragraph I.

2. Net neutral service required. An Internet service provider shall provide net neutral service in the provision of broadband Internet access service to customers in the State.

3. Unfair trade practice violation. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act, except that a person may not bring a private action under Title 5, section 213 based on a violation of this section.

4. Construction. This section does not:

A. Prohibit reasonable efforts by an Internet service provider providing broadband Internet access service to address copyright infringement or other unlawful activity;

B. Supersede any obligations, authorizations or restrictions on an Internet service provider providing broadband Internet access service to address the needs of emergency communications or law enforcement, public safety or national security authorities under the laws of the State and the United States of America and the United States Constitution and the Constitution of Maine; or

C. Prohibit an Internet service provider from offering broadband Internet access service plans that differ in speed or data limits, or offering plans with income-based eligibility, promotional offers or legacy pricing, as long as such plans are offered on a nondiscriminatory basis and are consistent with net neutral service.

See title page for effective date.

CHAPTER 405

H.P. 543 - L.D. 857

An Act to Increase Government Transparency in the Procurement of Goods and Services

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

Sec. 1. 5 MRSA §1825-B, sub-§15 is enacted to read: