

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

3. Exception. This section does not apply to an employer who inquires about compensation history pursuant to any federal or state law that specifically requires the disclosure or verification of compensation history for employment purposes.

4. Penalty. This section may be enforced pursuant to section 626-A. The civil action provided pursuant to section 626-A may be brought to enforce this section by or on behalf of a person affected by a violation of subsection 2 or by the Department of Labor on behalf of a person affected by a violation of subsection 2, and the plaintiff or plaintiffs may also seek judgment for compensatory damages.

See title page for effective date.

**CHAPTER 36
H.P. 59 - L.D. 62**

An Act To Enhance the Senior Volunteer Benefit Program

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

Sec. 1. 36 MRSA §6232, sub-§1-A, as enacted by PL 2007, c. 635, §2, is amended to read:

1-A. Volunteer program. A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a maximum of \$750 ~~\$1,000~~ or 100 times the state minimum hourly wage under Title 26, section 664, subsection 1, whichever is greater, by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

See title page for effective date.

**CHAPTER 37
H.P. 192 - L.D. 229**

An Act To Increase the Safety of Home Buyers Concerning Chimney Inspections

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

Sec. 1. 33 MRSA §173, sub-§2-A, ¶¶E and F, as enacted by PL 2005, c. 378, §26 and affected by §29, are amended to read:

E. The annual fuel consumption per heating system or source; ~~and~~

F. Any malfunctions per heating system or source within the past 2 years; ~~and~~

Sec. 2. 33 MRSA §173, sub-§2-A, ¶G is enacted to read:

G. The date of the most recent inspection of the chimneys and vents for the heating system or source;

See title page for effective date.

**CHAPTER 38
H.P. 225 - L.D. 301**

An Act To Help Older Adults Age in Place through Comprehensive Planning

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

Sec. 1. 30-A MRSA §4301, sub-§1-B is enacted to read:

1-B. Age-friendly community. "Age-friendly community" means a community where policies, services, settings and structures support and enable older people to actively age in place and that recognizes the capabilities, resources and needs of older adults, plans to meet the needs of older adults in flexible ways that support healthy and active aging, promotes the inclusion and contributions of older adults in all areas of community life, respects the self-determination and independence of older adults and protects those older adults who are most vulnerable.

Sec. 2. 30-A MRSA §4312, sub-§3, ¶J, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

Sec. 3. 30-A MRSA §4312, sub-§3, ¶K, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

Sec. 4. 30-A MRSA §4312, sub-§3, ¶L is enacted to read:

L. To encourage municipalities to develop policies that accommodate older adults with aging in place and that encourage the creation of age-friendly communities.

Sec. 5. 30-A MRSA §4326, sub-§1, ¶H-1 is enacted to read:

H-1. Housing that meets the needs of older residents, including housing that is rehabilitated, adapted or newly constructed to help older adults age in place;

Sec. 6. 30-A MRSA §4326, sub-§3-A, ¶G, as amended by PL 2015, c. 349, §4, is further amended to read:

G. Ensure that the municipality's or multimunicipal region's land use policies and ordinances encourage the siting and construction of affordable housing within the community and comply with the requirements of section 4358 pertaining to individual mobile home and mobile home park siting and design requirements. The municipality or multimunicipal region shall seek to achieve a level of at least 10% of new residential development, based on a 5-year historical average of residential development in the municipality or multimunicipal region, that meets the definition of affordable housing. A municipality or multimunicipal region is encouraged to seek creative approaches to assist in the development of affordable housing and housing that meets the needs of older residents, including, but not limited to, cluster housing, reduced minimum lot and frontage sizes, increased residential densities, adaptation, rehabilitation and construction of housing that helps older adults age in place, use of municipally owned land and establishment of policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets;

Sec. 7. 30-A MRSA §4326, sub-§3-A, ¶J, as amended by PL 2015, c. 349, §5, 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. 8. 30-A MRSA §4326, sub-§3-A, ¶K, as enacted by PL 2015, c. 349, §6, is amended to read:

K. Encourage policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

Sec. 9. 30-A MRSA §4326, sub-§3-A, ¶L is enacted to read:

L. Ensure that land use policies encourage aging in place and appropriate housing options for older residents and address issues of special concern to older adults, including transportation to and accessibility and availability of needed services.

See title page for effective date.

CHAPTER 39

S.P. 162 - L.D. 497

An Act Regarding the Providing of Human Food Waste to Swine Producers

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

Sec. 1. 7 MRSA §1814-A, sub-§3-A is enacted to read:

3-A. Application. An individual, organization or institution, including a public school, that donates garbage to a swine producer for use in swine feed is not required to verify that the swine producer has a license under subsection 1. The commissioner shall ensure any guidance about this section issued to individuals, organizations or institutions clearly states that the donating individual, organization or institution is not required to verify that the swine producer has a license under subsection 1 and that the individual, organization or institution cannot be held responsible for the enforcement of this section or for any assessment of penalties under this section.

See title page for effective date.