

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

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

Augusta, Maine
2019

**CHAPTER 47
H.P. 229 - L.D. 305**

**An Act To Protect Job
Applicants from Identity Theft**

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

Sec. 1. 26 MRSA §598-A is enacted to read:

**§598-A. Prospective employee's social security
number**

Beginning January 1, 2020, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment except for the purposes of substance abuse testing under subchapter 3-A or a preemployment background check. This section does not apply to an employer's request for a social security number after the employee has been hired.

See title page for effective date.

**CHAPTER 48
S.P. 106 - L.D. 365**

**An Act To Allow Flexible
Business Hours for Certain
Agency Liquor Stores**

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

Sec. 1. 28-A MRSA §356 is enacted to read:

**§356. Flexible hours for certain agency liquor
stores**

If an agency liquor store is subject to a substantial seasonal variation in business or retail customers based upon tourism or other factors, the agency liquor store may have flexibility in setting seasonal hours. An agency liquor store that establishes seasonal hours under this section shall notify the bureau, in writing, of those seasonal hours.

See title page for effective date.

**CHAPTER 49
H.P. 363 - L.D. 506**

**An Act To Provide Architects,
Engineers and Certain Other
Professionals Immunity from
Civil Liability When
Volunteering for Evaluating
Damage from Disasters**

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

Sec. 1. 14 MRSA §172 is enacted to read:

**§172. Liability related to professional services for
natural disaster or catastrophe**

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

A. "Architect" means a person licensed as an architect under Title 32, chapter 3-A.

B. "Building inspection official" means a public official with executive responsibility to coordinate building inspection in the jurisdiction in which a natural disaster or catastrophe has occurred.

C. "Contractor" means a person engaged in the business of designing, developing, constructing, altering, adding to or repairing new or existing structures, buildings, facilities, project utilities, equipment, machines, processes, piping or other engineered systems or infrastructure or their appurtenances.

D. "Engineer" means a person licensed as a professional engineer under Title 32, chapter 19.

E. "Environmental official" means a public official with executive responsibility for coordinating an environmental response in the jurisdiction in which a natural disaster or catastrophe has occurred.

F. "Environmental professional" means a person engaged in the business of providing hazardous waste site clean-up services. "Environmental professional" includes a hazardous waste transporter licensed according to Title 38, section 1319-O.

G. "Land surveyor" means a person licensed as a professional land surveyor according to Title 32, chapter 141.

H. "Landscape architect" means a person licensed as a landscape architect under Title 32, chapter 3-A.

I. "Law enforcement official" means a public official with executive responsibility to coordinate law enforcement in the jurisdiction in which a natural disaster or catastrophe has occurred.

J. "Natural disaster or catastrophe" means an event, whether natural or human-made, that is declared an emergency by the President of the United States or by the Governor and that results in the deployment of emergency response personnel or the displacement of persons from the area of the event.

K. "Planner" means a person certified by the American Institute of Certified Planners, or successor organization, as a certified planner.

L. "Public official" means a federal, state or local appointed or elected official with executive responsibility in the jurisdiction in which a natural disaster or catastrophe has occurred.

M. "Public safety official" means a public official with executive responsibility to coordinate public safety in the jurisdiction in which a natural disaster or catastrophe has occurred.

2. Immunity. An architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer who voluntarily, without compensation other than expense reimbursement, and acting in good faith provides, under the applicable license or certification, architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe at the request of or with the approval of a public official, law enforcement official, public safety official, building inspection official or environmental official believed by the architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer to be acting in an official capacity is not liable for any personal injury, wrongful death, property damage or other loss of any nature related to the architect's, contractor's, environmental professional's, land surveyor's, landscape architect's, planner's or engineer's acts, errors or omissions in the performance of engineering, architectural, planning, land surveying, hazardous waste site clean-up or contracting services for a site, a structure, a building, a facility, a project utility, equipment, a machine, a process, piping or some other engineered system, either publicly or privately owned.

3. Voluntary services. The immunity provided in this section applies to only voluntary architectural, structural, electrical, mechanical or other engineering, planning, land surveying, hazardous waste site clean-up, contracting or other professional design services related to a natural disaster or catastrophe that are provided during the natural disaster or catastrophe, unless the period of emergency is extended by an executive order issued by the President of the United States or the Governor under the President's or Governor's emergency executive powers.

4. Reckless or intentional misconduct. Nothing in this section provides immunity for reckless or intentional misconduct.

5. Liability of governmental entities and employees not affected; existing immunity. When an architect, contractor, environmental professional, land surveyor, landscape architect, planner or engineer voluntarily renders services at the request of or with the approval of a state or local official and when such services fall within the immunity of this section, the liability, if any, of governmental entities and their employees under chapter 741 is not affected by this section. The immunity provided in this section is in addition to immunity provided in Title 37-B, section 784-A.

See title page for effective date.

CHAPTER 50

H.P. 378 - L.D. 521

An Act To Amend the Archives and Records Management Law

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

Sec. 1. 5 MRSA §92, as amended by PL 1997, c. 636, §1, is further amended by adding at the end a new paragraph to read:

It is also the policy of the State to ensure that operational, nonpermanent records of agencies are preserved for the time required by approved records retention schedules established pursuant to section 95-C, subsection 2, paragraph A, subparagraph (3) to meet administrative use, legal, fiscal and audit requirements and to ensure compliance with requests for public records under the Freedom of Access Act.

Sec. 2. 5 MRSA §92-A, sub-§2, as amended by PL 1997, c. 636, §2, is further amended to read:

2. Archives. "Archives" means government records that have been determined by the State Archivist, with advice from the Archives Advisory Board, to have sufficient value to warrant their continued preservation and that are in the physical and legal custody of the Maine State Archives.

Sec. 3. 5 MRSA §92-A, sub-§4, as amended by PL 1995, c. 148, §4 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

4. State agency or agency. "State agency" or "agency" means any unit of State Government or local government, including any state board or commission, except and the Legislature and its committees and subcommittees, but not including the ~~Judicial Department~~, judicial branch, the University of Maine System, the