

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

shall stay the issuance of a cease operations order under subsection 3 if the employer provides evidence acceptable to the commissioner or the commissioner's designee that the employer has paid the employee or employees for the amount of unpaid wages and benefits owed and has implemented wage payment practices and policies that comply with this chapter.

5. Rules. The Commissioner of Labor shall 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 462

H.P. 1175 - L.D. 1632

An Act Regarding Criminal Procedure with Respect to Allowable Defenses

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

Sec. 1. 17-A MRSA §38, as enacted by PL 1981, c. 324, §14, is amended by adding at the end a new paragraph to read:

An actor does not suffer from an abnormal condition of the mind based solely on the discovery of knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the actor or in which the actor and victim dated or had a romantic or sexual relationship.

Sec. 2. 17-A MRSA §108, sub-§3 is enacted to read:

3. A person is not justified in using force against another based solely on the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the person or in which the person and victim dated or had a romantic or sexual relationship.

Sec. 3. 17-A MRSA §201, sub-§4, as amended by PL 2001, c. 383, §8 and affected by §156, is further amended to read:

4. For purposes of subsection 3, provocation is adequate if:

- A. It is not induced by the person; and
- B. It is reasonable for the person to react to the provocation with extreme anger or extreme fear,

provided that evidence demonstrating only that the person has a tendency towards extreme anger or extreme fear is not sufficient, in and of itself, to establish the reasonableness of the person's reaction.

For purposes of determining whether extreme anger or extreme fear was brought about by adequate provocation, the provocation was not adequate if it resulted solely from the discovery of, knowledge about or potential disclosure of the victim's actual or perceived gender, gender identity, gender expression or sexual orientation, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance toward the person or in which the person and victim dated or had a romantic or sexual relationship.

See title page for effective date.

CHAPTER 463

H.P. 1262 - L.D. 1775

An Act To Protect Sustenance Fishing

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

Sec. 1. 38 MRSA §420, sub-§1-B, ¶A, as enacted by PL 2001, c. 418, §3, is amended to read:

A. The ambient criteria for mercury are as follows:

(1) Ambient water quality criteria for aquatic life:

- (a) Freshwater acute: 1.7 micrograms per liter;
- (b) Freshwater chronic: 0.91 micrograms per liter;
- (c) Saltwater acute: 2.1 micrograms per liter; and
- (d) Saltwater chronic: 1.1 micrograms per liter; and

(2) Fish tissue residue criterion for human health: 0.2 milligrams per kilogram in the edible portion of fish for all waters, except for those water body segments subject to a sustenance fishing designated use pursuant to article 4-A, which must have a fish tissue residue criterion for human health of 0.03 milligrams per kilogram in the edible portion of fish.

Sec. 2. 38 MRSA §465-A, sub-§1, ¶C, as amended by PL 2013, c. 193, §4, is further amended to read: