

# 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**

The Department of Labor is responsible for enforcement of this section.

**7. Application.** This section applies to all non-compete agreements entered into or renewed after the effective date of this section.

**§599-B. Restrictive employment agreements**

**1. Definition.** For purposes of this section, "restrictive employment agreement" means an agreement that:

A. Is between 2 or more employers, including through a franchise agreement or a contractor and subcontractor agreement; and

B. Prohibits or restricts one employer from soliciting or hiring another employer's employees or former employees.

**2. Restrictive employment agreements prohibited.** An employer may not:

A. Enter into a restrictive employment agreement; or

B. Enforce or threaten to enforce a restrictive employment agreement.

**3. Penalty; enforcement.** An employer that violates subsection 2 commits a civil violation for which a fine of not less than \$5,000 may be adjudged. The Department of Labor is responsible for enforcement of this section.

See title page for effective date.

**CHAPTER 514**

**S.P. 230 - L.D. 786**

**An Act To Reduce Hunger and Promote Maine Agriculture**

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

**Sec. 1. Transfer of funds.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer to the unappropriated surplus of the General Fund \$1,000,000 no later than June 30, 2020 and \$1,000,000 no later than June 30, 2021 from the Medical Use of Marijuana Fund, established in the Maine Revised Statutes, Title 22, section 2430.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Statewide Hunger Relief Program N230**

Initiative: Provides ongoing funds to contract with a nonprofit organization that provides statewide hunger relief services to allow that organization to engage in statewide hunger relief services, including, but not limited to, the purchase of food from Maine food producers and processors, to provide grants to local hunger relief programs and to pay the operational and distribution expenses of the organization.

| GENERAL FUND              | 2019-20            | 2020-21            |
|---------------------------|--------------------|--------------------|
| All Other                 | \$1,000,000        | \$1,000,000        |
| <b>GENERAL FUND TOTAL</b> | <b>\$1,000,000</b> | <b>\$1,000,000</b> |

See title page for effective date.

**CHAPTER 515**

**S.P. 137 - L.D. 459**

**An Act Regarding Presumptive Eligibility and Homelessness under the General Assistance Laws**

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

**Sec. 1. 22 MRSA §4301, sub-§5-A** is enacted to read:

**5-A. Homelessness.** "Homelessness" means a situation in which a person or household is:

A. Living in a place that is not fit for human habitation;

B. Living in an emergency shelter;

C. Living in temporary housing, including but not limited to a hotel, motel, campground, unlicensed campsite or rehabilitation facility;

D. Exiting a hospital or institution licensed under chapter 405 or a correctional facility where the person or household resided for up to 90 days if the person or household was in an emergency shelter or a place not fit for human habitation before entering the hospital, institution or correctional facility;

E. Losing the person's or household's primary nighttime residence and lacking the resources or support networks to remain in that residence; or

F. Fleeing or attempting to flee violence and has no other residence.

**Sec. 2. 22 MRSA §4308, sub-§2,** as amended by PL 1999, c. 45, §1, is further amended to read:

**2. Emergencies.** A person, including a person experiencing or facing homelessness, who does not have sufficient resources to provide one or more basic

necessities in an emergency is eligible for emergency general assistance, even when that applicant has been found ineligible for nonemergency general assistance, except as provided in this subsection.

A. A person who is currently disqualified from general assistance for a violation of section 4315, 4316-A or 4317 is ineligible for emergency assistance under this subsection.

B. Municipalities may by standards adopted in municipal ordinances restrict the disbursement of emergency assistance to alleviate emergency situations to the extent that those situations could not have been averted by the applicant's use of income and resources for basic necessities. The person requesting assistance shall provide evidence of income and resources for the applicable time period.

A municipality may provide emergency assistance when the municipality determines that an emergency is imminent and that failure to provide assistance may result in undue hardship and unnecessary costs.

**Sec. 3. 22 MRSA §4309, sub-§5** is enacted to read:

**5. Presumptive eligibility.** The overseer in a municipality shall presume eligibility to receive general assistance of a person who is provided shelter in an emergency shelter for the homeless located in that municipality. After 30 days, that person's eligibility must be redetermined. When presumptive eligibility is determined under this subsection, no other municipality may be determined to be the municipality of responsibility during that 30-day period.

**Sec. 4. Work group.** The Department of Health and Human Services shall convene a work group of stakeholders to study the municipal general assistance program established in the Maine Revised Statutes, Title 22, chapter 1161 to determine more efficient methods of distributing general assistance benefits to individuals, review differential effects on service center municipalities and other municipalities of providing general assistance, devise equitable methods of establishing the municipality of responsibility and develop services to reduce homelessness and reliance on homeless shelters. The stakeholders must include, but are not limited to, the Maine State Housing Authority and organizations representing mayors, municipalities, general assistance providers, clients of services and other appropriate persons. The department shall report its findings, together with recommendations and any suggested legislation, to the Joint Standing Committee on Health and Human Services no later than January 2, 2020.

See title page for effective date.

## CHAPTER 516 H.P. 621 - L.D. 847

### An Act To Ensure Persons with Disabilities Have Access to Public Rest Rooms

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

**Sec. 1. 5 MRSA §4594-G, sub-§12** is enacted to read:

**12. Single-occupancy toilet facilities; qualifying new construction.** Beginning January 1, 2020, new construction of a public building, as defined in subsection 6, must include single-occupancy toilet facilities that meet the standards of construction required by this section. This subsection applies to new construction for which the maximum occupant capacity exceeds 100 individuals.

See title page for effective date.

## CHAPTER 517 H.P. 629 - L.D. 855

### An Act To Strengthen the Maine Uniform Building and Energy Code

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

**Sec. 1. 10 MRSA §9723, sub-§2**, as repealed and replaced by PL 2013, c. 424, Pt. A, §3, is amended to read:

**2. Training program standards; implementation.** The committee shall direct the training coordinator of the Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Department of ~~Economic and Community Development, Office of Community Development~~ Public Safety, Office of the State Fire Marshal, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

**Sec. 2. 25 MRSA §2372, sub-§2**, as amended by PL 2011, c. 633, §9, is further amended to read:

**2. Staff.** The commissioner may appoint ~~or~~ and may remove for cause staff of the division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the division director and principal administrative and supervisory employee of the board. The tech-