

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 2020 to March 30, 2021**

**FIRST SPECIAL SESSION**  
**April 28, 2021 to July 19, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 18, 2021**

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

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**Augusta, Maine**  
**2021**

probation has violated a condition of probation, that officer may deliver to that person, or cause to be delivered to that person, a summons ordering that person to appear for a court hearing on the alleged violation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.

**Sec. 3. 17-A MRSA §1812, sub-§4**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**4. Failure to comply with requirement of probation.** If the alleged violation does not constitute a crime and the court finds by a preponderance of the evidence that the person on probation has inexcusably failed to comply with a requirement imposed as a condition of probation, it may revoke probation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.

**Sec. 4. 17-A MRSA §1812, sub-§6**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**6. Authority of court finding violation of probation.** Upon a finding of a violation of probation, the court may vacate all, part or none of the suspension of execution as to imprisonment or fine specified when probation was granted, considering the nature of the violation and the reasons for granting probation. The remaining portion of the sentence for which suspension of execution is not vacated upon the revocation of probation remains suspended and is subject to revocation at a later date. During the service of that portion of the sentence imposed for which the suspension of execution was vacated upon revocation, the running of the period of probation must be interrupted and resumes again upon release. If the court finds a violation of probation but vacates none of the suspended sentence, the running of the period of probation resumes upon entry of that final disposition. The court may nevertheless revoke probation and vacate the suspension of execution as to the remainder of the suspended sentence or a portion thereof for any criminal conduct committed during the service of that portion of the sentence for which the suspension of execution was vacated upon revocation. This subsection does not apply to a violation of a condition of probation imposed pursuant to section 1807, subsection 2, paragraph I when there is no alleged violation that constitutes a crime, except as set out in section 1814.

**Sec. 5. 17-A MRSA §1814**, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**§1814. Additional conditions in lieu of probation revocation proceedings**

Whenever a probation officer has probable cause to believe that a person under the supervision of that probation officer has violated a condition of probation but the violation does not constitute a crime, the probation officer, instead of commencing a probation revocation proceeding under section 1809 or section 1810, may offer to the person the option of adding one or more of the following conditions to the person's probation:

**1. Participation in public restitution program or treatment program.** The person will participate in a public restitution program or treatment program ~~administered through a correctional facility or county jail in the community; or~~ and

~~**2. Residence at correctional facility or county jail.** The person will reside at a correctional facility or county jail for a period of time not to exceed 90 days.~~

**3. Graduated sanction.** The person will comply with a graduated sanction, which may not consist of incarceration.

Notwithstanding other provisions in this subchapter, a probation officer may arrest a person for a violation of a condition imposed pursuant to section 1807, subsection 2, paragraph I and may commence probation revocation proceedings if that officer has probable cause to believe that the person has committed a violation of the condition and determines there is a significant risk to the safety of others or the person that cannot be managed through a noncustodial response.

If the person agrees in writing to the additional conditions under subsection 1 or ~~2~~ 3, the conditions must be implemented. If the person does not agree or if the person fails to fulfill the additional conditions to the satisfaction of the probation officer, the probation officer may commence probation revocation proceedings under section 1809 or 1810 for the violation that the probation officer had probable cause to believe occurred. If the person fulfills the additional conditions to the satisfaction of the probation officer, the probation officer shall so notify the person in writing and the probation officer may not commence probation revocation proceedings for the violation that the probation officer had probable cause to believe occurred.

See title page for effective date.

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**CHAPTER 404**

**H.P. 845 - L.D. 1167**

**An Act Relating to Fair Chance in Employment**

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

**Sec. 1. 26 MRSA §600-A** is enacted to read:

**§600-A. Criminal history record information; employment application**

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

A. "Criminal history record information" has the same meaning as in Title 16, section 703, subsection 3.

B. "Employer" means a person in this State who employs individuals. "Employer" includes municipalities and political subdivisions of the State, but does not include an employer of an individual who holds a position in the legislative, executive or judicial branch of State Government or a position with a quasi-independent state entity or public instrumentality of the State. "Employer" includes a person acting in the interest of an employer directly or indirectly.

**2. Initial employee application form.** Except as provided in subsection 4, an employer may not:

A. Request criminal history record information on the employer's initial employee application form; or

B. State on an initial employee application form or advertisement or specify prior to determining a person is otherwise qualified for the position that a person with a criminal history may not apply or will not be considered for a position.

**3. Interviews.** An employer may inquire about a prospective employee's criminal history record information during an interview or once the prospective employee has been determined otherwise qualified for the position. An employer that inquires about a prospective employee's criminal history record information shall afford to the prospective employee the opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.

**4. Exceptions for initial employee application form.** An employer may inquire about criminal convictions on an initial employee application form or state on an initial employee application form or advertisement or otherwise assert that a person with a criminal history may not apply or will not be considered for a position if:

A. The position is one for which a federal or state law or regulation or rule creates a mandatory or presumptive disqualification based on a conviction for one or more types of criminal offenses, and the questions on the initial employee application form are limited to the types of criminal offenses creating the disqualification; or

B. The employer is subject to an obligation imposed by a federal or state law or regulation or rule

not to employ in a position a person who has been convicted of one or more types of criminal offenses, and the questions on the initial employee application form are limited to the types of criminal offenses creating the obligation.

**5. Penalty.** This section must be enforced pursuant to section 626-A.

**Sec. 2. 26 MRSA §626-A, first ¶,** as amended by PL 2019, c. 35, §2, is further amended to read:

Whoever violates any of the provisions of section 600-A, sections 621-A to 623 or section 626, 628, 628-A, 629 or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

See title page for effective date.

**CHAPTER 405**

**H.P. 1192 - L.D. 1603**

**An Act To Implement the Recommendations of the Committee To Study the Feasibility of Creating Basic Income Security**

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

**Sec. 1. Committee To Study the Feasibility of Creating Basic Income Security; reestablished.** The Committee To Study the Feasibility of Creating Basic Income Security, referred to in this section as "the committee," is established.

1. The committee consists of 11 members appointed as follows:

A. Three members of the Senate appointed by the President of the Senate, including a representative of each of the following joint standing committees:

- (1) The Joint Standing Committee on Labor and Housing;
- (2) The Joint Standing Committee on Health and Human Services; and
- (3) The Joint Standing Committee on Taxation;

B. Three members of the House of Representatives appointed by the Speaker of the House, including a representative of each of the following joint standing committees:

- (1) The Joint Standing Committee on Labor and Housing;
- (2) The Joint Standing Committee on Health and Human Services; and