

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.

Augusta, Maine
2021

§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

(3) The Joint Standing Committee on Innovation, Development, Economic Advancement and Business;

C. Two members of the public who represent low-income workers and recipients of public benefits, appointed by the President of the Senate;

D. One member of the public who represents business and industry, appointed by the Speaker of the House;

E. One member of the public who represents higher education, appointed by the Speaker of the House; and

F. One member of the public who represents a trade union, appointed by the Governor.

2. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the committee.

3. All appointments must be made no later than 30 days following the effective date of this section. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the committee. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the committee to meet and conduct its business.

4. The committee shall examine and assess the feasibility, economic impact and poverty reduction effect of providing basic income security through a direct cash payment system and other programs that are designed to help individuals and families become more economically secure.

The committee shall consider what the State can do to further the goal of helping individuals and families to become more economically secure and to move state residents towards improved economic security. The committee shall make recommendations about what the Federal Government can do to help achieve this goal.

In fulfilling its duties under this section, the committee shall as necessary invite input from the Department of Administrative and Financial Services, Maine Revenue Services and from the Governor's Office of Policy Innovation and the Future.

5. The Legislative Council shall provide necessary staffing services to the committee, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

6. No later than December 1, 2021, the committee shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Labor and Housing. The Joint Standing Committee on Labor

and Housing is authorized to report out a bill related to the report.

7. The committee shall seek funding contributions to fully fund the costs of the study including the hiring of an outside consultant to conduct a feasibility study or to provide the committee with additional staffing needs, if funding permits. The committee is authorized to use the balances from the study authorized in Resolve 2019, chapter 82. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the study have not been received within 30 days after the effective date of this section, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

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

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Study Commissions - Funding 0444

Initiative: Allocates funds received from contributions for the costs to the Legislature of the Committee To Study the Feasibility of Creating Basic Income Security, including the costs of hiring an outside consultant.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
Personal Services	\$1,320	\$0
All Other	\$23,680	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,000	\$0

See title page for effective date.

CHAPTER 406

H.P. 1200 - L.D. 1611

An Act To Amend Maine's Harness Racing Laws Regarding Race Dates and Pari-mutuel Pools

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

Sec. 1. 8 MRSA §275-A, sub-§1, ¶A, as amended by PL 2019, c. 626, §9, is repealed and the following enacted in its place:

A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted racing on more than 69 days in each calendar year after the track was initially licensed as a commercial track, unless a lesser number of days of racing was conducted in a year due to:

(1) Conditions beyond the control of the race-track owner or operator as approved by the commission; or