

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

SECOND SPECIAL SESSION
September 29, 2021

SECOND REGULAR SESSION
January 5, 2022 to May 9, 2022

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2022

~~color, creed, age, religion, ancestry or national origin, citizenship status, gender sex, sexual orientation, gender identity, disability or marital status.~~ This subparagraph may not be construed to require a provider to furnish medical services that are not within the scope of that provider's license; and

Sec. 18. 26 MRSA §979-D, sub-§1, ¶E, as amended by PL 1997, c. 741, §6 and affected by §12, is further amended by amending subparagraph (1), division (f) to read:

(f) Rules for personnel administration, ~~except the following: Rules for rules~~ relating to applicants for employment in state or legislative service and state classified employees in an initial probationary status, including any extensions thereof, ~~provided as long as~~ such rules are not discriminatory by reason of an applicant's actual or perceived race, color, creed, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status;

Sec. 19. 26 MRSA §1285, sub-§1, ¶E, as amended by PL 1989, c. 596, Pt. N, §6, is further amended by amending subparagraph (6) to read:

(6) Rules for personnel administration, except for rules relating to applicants for employment and employees in an initial probationary status, including any extensions thereof, ~~provided that as long as~~ the rules are not discriminatory by reason of an applicant's actual or perceived race, color, creed, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin, age or familial status.

Sec. 20. 30-A MRSA §3010, sub-§6, as amended by PL 2021, c. 348, §48, is further amended to read:

6. Rights of individuals. A cable system operator may not deny service, deny access or otherwise discriminate against subscribers, channel users or general citizens on the basis of age, actual or perceived race, religion color, sex, sexual orientation, gender identity, physical or mental disability, ancestry or country of natural national origin, age or familial status.

Sec. 21. 33 MRSA §124, sub-§4, as amended by PL 2021, c. 348, §51, is further amended to read:

4. Class of persons to whom residential real estate may be sold. To restrict the class of persons to whom residential real estate may be sold or leased, as long as that restriction does not discriminate based upon actual or perceived race, color, sex, sexual orientation, gender identity, physical or mental disability, religion, ancestry or national origin or familial status and does

not otherwise contravene the Constitution of Maine or the United States Constitution, except that the prohibition under this subsection regarding discrimination on the basis of familial status does not apply to housing for older persons, as defined in Title 5, section 4581, subsection 2;

Sec. 22. 34-B MRSA §3611, sub-§9, ¶B, as amended by PL 2021, c. 366, §32, is further amended to read:

B. A person may not be excluded from the council system or discriminated against within the council system by reason of actual or perceived race, creed, color, gender sex, sexual orientation, gender identity, age, marital status, homelessness, physical or mental disability, religion, ancestry or national origin, disability age, familial status or status as a consumer of mental health services.

See title page for effective date.

CHAPTER 554

H.P. 1336 - L.D. 1795

An Act To Update Statutory References to Building Code Standards for Public Improvements

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

Sec. 1. 5 MRSA §1742, sub-§6-A, as amended by PL 2001, c. 607, §1, is further amended to read:

6-A. Building code. To adopt for design purposes for all public improvements the ~~most recent version of one of the following published compilations of rules that has been prepared by the International Code Council, the American Insurance Association, the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association or the Southern Building Code Congress, except that, where an administrative unit has adopted one of the above codes, that code must be used for the design of a school building in that administrative unit~~ current Maine Uniform Building and Energy Code pursuant to Title 10, section 9722.

~~The bureau has discretion to determine which portions of the building codes used in this subsection are applicable to public improvement projects. This determination must be adopted by rule and applies to all public improvement projects covered by those codes. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter H-A 2-A;~~

Sec. 2. 5 MRSA §1742, sub-§24, as amended by PL 2005, c. 634, §4, is further amended to read:

24. Application of minimum air ventilation standards. ~~Beginning September 1, 1988, to To apply ASHRAE Standard 62-1989 entitled, Ventilation for Acceptable Indoor Air Quality, as prepared by the American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. or more stringent standards Maine Uniform Building and Energy Code ventilation standards to buildings occupied by state employees during normal working hours. These standards must be applied to buildings that are constructed or substantially renovated by the State after September 1, 1988 and to buildings for which the State enters into new leases or renews leases following the date in this subsection. For the purpose of this subsection, "substantial renovation" means any renovation for which the cost exceeds 50% of the buildings' value.~~

~~A. The bureau, in cooperation with a labor management committee established to look at this issue, shall develop a plan by which priorities are established for improving indoor air quality and ventilation standards in buildings occupied by state employees. This plan must include data gathering and analysis of air quality in a sample number of buildings by which reasonable projections and estimates concerning air quality can be established. The bureau shall report its findings to the joint standing committee of the Legislature having jurisdiction over state and local government no later than January 16, 1989. This report, at a minimum, must contain the following:~~

- ~~(1) A description of the extent of the problem, if any, with respect to air quality and ventilation in buildings occupied by state employees;~~
- ~~(2) Priorities of locations for which the improvement of air quality is necessary. These locations must be areas occupied by state employees during normal working hours;~~
- ~~(3) A timetable by which these priorities could be addressed;~~
- ~~(4) A description of what may be necessary to address these priorities, including feasible alternatives;~~
- ~~(5) The costs of addressing these priorities; and~~
- ~~(6) If possible, locations leased by the State that may not meet the air quality standards defined in this subsection.~~

~~Nothing in this paragraph may be construed to require the bureau to conduct an in depth analysis for each building or to present technical data for each building occupied by state employees.~~

~~B. The indoor air quality and ventilation standards applied by the bureau remain in effect until the Board of Occupational Safety and Health adopts air quality and ventilation standards;~~

Sec. 3. 5 MRSA §1762, as amended by PL 1989, c. 501, Pt. DD, §1, is further amended to read:

§1762. No facility constructed without life-cycle costs

~~No A public improvement, as defined in this chapter, public school facility or other building or addition constructed or substantially renovated in whole or in part with public funds or using public loan guarantees, with an area in excess of 5,000 square feet, may not be constructed without having secured from the designer a proper an evaluation of life-cycle costs, as computed by a qualified architect or engineer. The requirements of this section with respect to substantial renovation shall pertain only to that portion of the building being renovated. Construction shall may proceed only upon disclosing, for the design chosen, the life-cycle costs as determined in section 1764 and the capitalization of the initial construction costs of the facility or building. The life-cycle costs shall must be a primary consideration in the selection of the design. As a minimum, the design shall must meet the energy efficiency building performance standards promulgated adopted by the Department of Economic and Community Development Public Safety in the Maine Uniform Building and Energy Code as defined in Title 10, section 9721, subsection 2.~~

Sec. 4. 5 MRSA §1764, sub-§1, as amended by PL 1997, c. 541, §2, is further amended to read:

1. Bureau of General Services to adopt rules and procedures. The Bureau of General Services shall adopt rules, including energy conservation guidelines that conform as a minimum to the energy efficiency building performance standards adopted by the Department of Economic and Community Development Public Safety for conducting an energy-related life-cycle costs analysis of alternative architectural or engineering designs, or both, and shall evaluate the efficiency of energy utilization for designs in the construction and lease of public improvements and public school facilities. ~~Any rules adopted take effect 90 days after the enactment of this subchapter.~~

Sec. 5. 26 MRSA §565-A, as amended by PL 2011, c. 691, Pt. B, §25, is further amended to read:

§565-A. Air quality and ventilation; evaluation of buildings; standards

1. Advise and propose standards Evaluation of indoor air quality. The board shall work with the Bureau of General Services with respect to evaluation of indoor air quality and ventilation in public school buildings and buildings occupied by state employees and the preparation of the report pursuant to Title 5, section 1742, subsection 24, paragraph A.

~~A. The board may advise the Bureau of General Services and propose for consideration by the bureau air quality and ventilation standards that are~~

~~more stringent than the minimum standards as defined in Title 5, section 1742, subsection 24.~~

See title page for effective date.

CHAPTER 555

H.P. 1337 - L.D. 1796

An Act To Coordinate Marine Port Development

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

Sec. 1. 23 MRSA §4420, first ¶, as amended by PL 1999, c. 753, §4, is further amended to read:

The Maine Port Authority, as established by Title 5, section 12004-F, subsection 8, is a body both corporate and politic in the State established for the general purpose of acquiring, financing, constructing and operating any kind of marine port terminal facility and railroad facility associated multimodal infrastructure facilities that directly support marine port operations within the State in coordination with the Department of Transportation with all the rights, privileges and power powers necessary. Oil pipelines and other oil off-loading facilities are limited to sites in Portland and Searsport harbors.

Sec. 2. 23 MRSA §4423, sub-§1, as amended by PL 1993, c. 649, Pt. J, §3, is further amended to read:

1. Authorization. The Maine Port Authority may provide by resolution from time to time for the issuance of bonds for the purpose of funding the establishment, acquisition or effectuation of marine port terminal facilities, railroad and associated multimodal infrastructure facilities and things incidental thereto, for construction of proposed facilities and improvement of existing or acquired facilities and for the fulfillment of other undertakings that it may assume. The bonds of the Maine Port Authority do not constitute a debt of the State, or of any agency or political subdivision thereof, but are payable solely from the revenue of the authority, and neither the faith nor credit nor taxing power of the State, or any political subdivision thereof, is pledged to payment of the bonds. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this subchapter are fully negotiable. In case any director whose signature appears on the bond or coupons ceases to be a director before the delivery of those bonds, that signature is valid and sufficient for all purposes as if that director had remained a director until delivery.

Sec. 3. 23 MRSA §4423, sub-§3, as amended by PL 1993, c. 649, Pt. J, §3, is further amended to read:

3. Money received. All money received from any bonds issued must be applied solely for the establishment, acquisition or effectuation of marine port terminal

facilities, railroad facilities and associated multimodal infrastructure facilities that directly support marine port operations and things incidental ~~thereto~~ to those facilities, for the construction of proposed facilities, improvement of existing or acquired facilities and the fulfillment of other undertakings that are within the power of the authority. There is created a lien upon the money until so applied in favor of the bondholders or any trustee as may be provided in respect of the bonds.

Sec. 4. 23 MRSA §4428, as enacted by PL 1997, c. 643, Pt. AA, §2, is amended to read:

§4428. Statewide transportation infrastructure strategy Funds received to support marine port linkages

Notwithstanding any other provision of this subchapter, funds ~~repaid~~ paid to the Maine Port Authority as a result of state investments or loans for the ~~redevelopment~~ development of Mack Point must marine port terminal facilities and associated multimodal infrastructure facilities that directly support marine port operations may be used by the Maine Port Authority, in cooperation with the Department of Transportation, to undertake projects that link the State's marine ports and rail systems with the transportation infrastructure throughout the State to freight networks within the State.

Sec. 5. 23 MRSA §4429, as enacted by PL 2001, c. 439, Pt. LLLL, §1, is amended to read:

§4429. Marketing program

The Maine Port Terminal Facilities Marketing Program is established to encourage and promote business opportunities for Eastport's marine port terminal facility facilities and associated multimodal infrastructure facilities that directly support marine port operations developed by the Maine Port Authority or the Department of Transportation including facilities in Portland, Searsport and Eastport. The Maine Port Authority shall develop and implement the marketing program. The authority may enter into agreements or cooperative arrangements with any person or entity for the purpose of increasing the use of Eastport's marine port terminal facility facilities and associated multimodal infrastructure facilities that directly support marine port operations developed by the Maine Port Authority or the Department of Transportation. The authority may receive, administer and disburse funds, either independently or in conjunction with state funds allocated for the purpose, ~~provided that as long as~~ funds so contributed ~~must be~~ are used only for the purpose of marketing and economic development programs.

Sec. 6. 23 MRSA §4430, sub-§1, as enacted by PL 2007, c. 134, §5, is amended to read:

1. Employees; executive director. The board of directors of the Maine Port Authority ~~may~~ shall hire an