

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
DECEMBER 29, 2021

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 8, 2022

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

Augusta, Maine
2022

the Federal Government and in other states and must include input from interested stakeholders. The report must also be provided to the joint standing committee of the Legislature having jurisdiction over taxation matters if recommendations regarding taxation policy are included. The joint standing committee of the Legislature having jurisdiction over energy, utilities and technology matters is authorized to report out legislation related to the report to the First Regular Session of the 131st Legislature. Upon written request, the Public Utilities Commission and the Department of Administrative and Financial Services, Maine Revenue Services shall provide to the office information and assistance requested related to the report.

See title page for effective date.

**CHAPTER 759
H.P. 1544 - L.D. 2041**

An Act To Correct Errors in Recently Enacted Legislation

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, breakfast is the most important meal of the day and an adequate and healthy lunch is necessary to ensure that students can learn to the best of their abilities; and

Whereas, students in certain private schools that have chosen to participate in the National School Lunch Program may not have access to adequate and healthy breakfasts and lunches; and

Whereas, in order to provide money to pay for an expansion of the State's obligation to reimburse schools for the provision of adequate and healthy breakfasts and lunches, the fund from which the money is to come must not be allowed to lapse; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 36 MRSA §5219-S, sub-§4, as amended by PL 2021, c. 635, Pt. E, §7, is further amended to read:

4. Limitation. The credit allowed by this section may not reduce the Maine income tax to less than zero, except that for tax years beginning on or after January

1, 2016, the credit allowed under subsections 1, 1-A, 3 and 3-A is refundable.

Sec. A-2. PL 2021, c. 635, Pt. OO, §1, sub-§1 is amended to read:

1. Eligibility. For purposes of this Part, an eligible student is:

A. A high school graduate in the class of 2020, 2021 or 2022 who enrolls in a Maine community college ~~in the fall of 2022~~ no later than during the 2023-2024 academic year;

B. A high school graduate in the class of 2023 who enrolls in a Maine community college ~~in the fall of 2023~~ no later than during the 2023-2024 academic year;

C. A person who obtains the equivalent of a high school diploma in 2020, 2021 or 2022 who enrolls in a Maine community college ~~in the fall of 2022~~ no later than during the 2023-2024 academic year; or

D. A person who obtains the equivalent of a high school diploma in 2023 who enrolls in a Maine community college ~~in the fall of 2023~~ no later than during the 2023-2024 academic year.

PART B

Sec. B-1. PL 2021, c. 679, §1-A is enacted to read:

Sec. 1-A. Transfer from Liquor Operation Revenue Fund. Notwithstanding the Maine Revised Statutes, Title 30-A, section 6054, subsection 4 or any other provision of law to the contrary and in addition to any amount authorized by law to be transferred in fiscal year 2022-23, the Maine Municipal Bond Bank shall transfer \$1,457,740 by June 30, 2023 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund.

Sec. B-2. PL 2021, c. 731, §7 is enacted to read:

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE

Regional Fire Service Training Fund N349

Initiative: Provides ongoing funding for the Maine Fire Service Institute to provide funds for regional fire service training in the State awarded by the Maine Fire Protection Services Commission.

<u>GENERAL FUND</u>	<u>2021-22</u>	<u>2022-23</u>
All Other	\$0	\$200,000
<u>GENERAL FUND TOTAL</u>	<u>\$0</u>	<u>\$200,000</u>

Sec. B-3. PL 2021, c. 734, §1 is repealed and the following enacted in its place:

Sec. 1. Transfer from Liquor Operation Revenue Fund. Notwithstanding the Maine Revised Statutes, Title 30-A, section 6054, subsection 4 or any other provision of law to the contrary and in addition to any amount authorized by law to be transferred in fiscal year 2021-22, the Maine Municipal Bond Bank shall transfer \$10,000,000 by June 30, 2022 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund.

PART C

Sec. C-1. 17-A MRSA §1111-B, sub-§1, ¶B, as enacted by PL 2021, c. 724, §1, is amended to read:

B. "Protected person" means a person who in good faith calls for assistance for another person experiencing a suspected drug-related overdose ~~and~~ any person rendering aid at the location of the suspected drug-related overdose and any person who is experiencing a suspected drug-related overdose.

Sec. C-2. 28-B MRSA §504-A, sub-§7 is enacted to read:

7. Effective date. This section takes effect January 1, 2023.

Sec. C-3. 28-B MRSA §505, last ¶, as enacted by PL 2021, c. 735, §2, is amended to read:

A Beginning January 1, 2023, a marijuana store and its employees may transport adult use marijuana products between the licensed premises of the marijuana store and the location at which the marijuana store is authorized to sell adult use marijuana products under a permit issued under section 504-A.

Sec. C-4. PL 2021, c. 635, Pt. L, §6 is enacted to read:

Sec. L-6. Application to municipal general assistance program. For purposes of the municipal general assistance program established pursuant to the Maine Revised Statutes, Title 22, chapter 1161, relief payments are not income as defined in Title 22, section 4301, subsection 7, may not be considered to reduce need, as defined in Title 22, section 4301, subsection 10, and may not be considered a potential resource as defined in Title 22, section 4317.

Sec. C-5. PL 2021, c. 736, §3 is repealed.

PART D

Sec. D-1. 20-A MRSA §6602, sub-§1, ¶B, as amended by PL 2021, c. 398, Pt. OOOO, §1, is further amended to read:

B. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates

in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast shall provide a student who is eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220 (2007) at no cost to the student. The State shall provide to the public school or private school funding equal to the difference between the federal reimbursement for a free breakfast and the federal reimbursement for a reduced-price breakfast for each student eligible for a reduced-price breakfast and receiving breakfast.

Sec. D-2. 20-A MRSA §6602, sub-§1, ¶D, as amended by PL 2021, c. 398, Pt. OOOO, §2, is further amended to read:

D. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves lunch shall provide a student who is eligible for free and reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide to the public school or private school funding equal to the difference between the federal reimbursement for a free lunch and the federal reimbursement for a reduced-price lunch for each student eligible for a reduced-price lunch and receiving lunch.

Sec. D-3. 20-A MRSA §6602, sub-§1, ¶H, as enacted by PL 2021, c. 398, Pt. OOOO, §3, is amended to read:

H. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves breakfast shall provide a student who is ineligible for free or reduced-price meals under paragraph A a meal that meets the requirements of the federal School Breakfast Program set forth in 7 Code of Federal Regulations, Part 220 (2007) at no cost to the student. The State shall provide to the public school or private school funding equal to the difference between the federal reimbursement for a free breakfast and the full price of the breakfast for each student ineligible for a free or reduced-price breakfast and receiving breakfast.

Sec. D-4. 20-A MRSA §6602, sub-§1, ¶1, as enacted by PL 2021, c. 398, Pt. OOOO, §4, is amended to read:

I. A public school or a private school approved for tuition purposes, as defined in section 1, subsection 23, that enrolls at least 60% publicly funded students as determined by the previous year's October and April average enrollment and participates in the National School Lunch Program in accordance with 7 Code of Federal Regulations, Part 210 (2007) that serves lunch shall provide a student who is ineligible for free or reduced-price meals under paragraph A a meal that meets the requirements of the federal National School Lunch Program set forth in 7 Code of Federal Regulations, Part 210 (2019) at no cost to the student. The State shall provide to the public school or private school funding equal to the difference between the federal reimbursement for a free lunch and the full price of the lunch for each student ineligible for a free or reduced-price lunch and receiving lunch.

Sec. D-5. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Meals for Publicly Funded Students at Private Academies N419**

Initiative: Allocates one-time funds to pay the difference between the federal reimbursement for a free breakfast or lunch and the full price of a breakfast or lunch for publicly funded students that attend a private school approved for tuition purposes that enrolls 60% or more publicly funded students that are ineligible for a free breakfast or lunch.

OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
All Other	\$0	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500,000

PART E

Sec. E-1. 5 MRSA §157, sub-§2, as enacted by PL 2019, c. 617, Pt. I, §1, is amended to read:

2. Termination; repeal. The fund is terminated on June 30, 2022. Upon the termination of the Loan Guarantee Program, the State Controller shall transfer any funds remaining in the fund to the unappropriated surplus of the General Fund Meals for Publicly Funded Students at Private Academies program, Other Special Revenue Funds account within the Department of Education.

Sec. E-2. Effective date. This Part takes effect when approved.

PART F

Sec. F-1. 26 MRSA §1312, sub-§4, as enacted by PL 2021, c. 705, §8, is amended to read:

4. Sanctions for violations by assisted project. If the Department of Labor notifies an entity that receives state assistance for an assisted project that the entity has violated a provision of this chapter, the provisions of this chapter regarding enforcement and penalties apply to that entity. Failure of an entity that receives state assistance for an assisted project to comply with this chapter constitutes a material breach of the agreement, grant, loan, commitment of funds or other instrument pursuant to which state assistance is provided. Upon finding a violation of this section, the relevant agency of the State may impose any available and appropriate penalties for that breach, including, but not limited to, fines, administrative penalties authorized under Title 35-A, section 1508-A, ending the assistance and recouping all or part of any assistance already provided for the assisted project or directing that, in order for the entity to receive continued assistance, the entity must meet the requirements of this section and pay remedial compensation to any employees who were not paid at least the prevailing rate for wages and benefits.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect 90 days after the adjournment of the Second Regular Session of the 130th Legislature, except as otherwise indicated.

See title page for effective date, except for Part E, which takes effect May 12, 2022.

CHAPTER 760

H.P. 711 - L.D. 965

**An Act Concerning
Nondisclosure Agreements in
Employment**

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

Sec. 1. 26 MRSA §599-C is enacted to read:

§599-C. Nondisclosure agreements

1. Employer defined. As used in this section, unless the context otherwise indicates, "employer" has the same meaning as in section 615, subsection 3.

2. Certain preemployment and employment agreements prohibited. An employer may not require an employee, intern or applicant for employment to enter into a contract or agreement that waives or limits any right to report or discuss unlawful employment discrimination, as defined and limited by Title 5, chapter 337, subchapter 3, occurring in the workplace or at work-related events.