

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

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.

3. Certain settlement, separation and severance agreements prohibited. An employer may not require an employee, intern or applicant for employment to enter into a settlement, separation or severance agreement that includes a provision that:

- A. Limits an individual's right to report, testify or provide evidence to a federal or state agency that enforces employment or discrimination laws;
- B. Prevents an individual from testifying or providing evidence in federal and state court proceedings in response to legal process; or
- C. Prohibits an individual from reporting conduct to a law enforcement agency.

4. Settlement, separation or severance agreement requirements. A settlement, separation or severance agreement may include a provision that prevents the subsequent disclosure of factual information relating to a claim of unlawful employment discrimination, as defined and limited by Title 5, chapter 337, subchapter 3, only if:

- A. The agreement expressly provides for separate monetary consideration for the provision in addition to anything of value to which the employee, intern or applicant for employment is already entitled;
- B. The provision applies to all parties to the agreement to the extent otherwise permitted by law;
- C. The agreement clearly states that the individual retains the right to report, testify or provide evidence to federal and state agencies that enforce employment or discrimination laws and to testify and provide evidence in federal and state court proceedings; and
- D. The employer retains a copy of the agreement for 6 years following the execution of the agreement or the end of employment, whichever is later. Records required to be kept by this paragraph must be accessible to any representative of the Department of Labor at any reasonable hour.

Nothing in this section may be construed as limiting the use of nondisclosure agreements to protect the confidentiality of proprietary information, trade secrets or information that is otherwise confidential by law, rule or regulation.

5. Enforcement. The Department of Labor shall enforce this section. In addition, the Attorney General may bring an action under this section to impose a fine or to enjoin further violation. An employer that intentionally violates this section commits a civil violation for which a fine of up to \$1,000 may be adjudged.

See title page for effective date.

CHAPTER 761

S.P. 683 - L.D. 1942

An Act To Improve the Laws Governing Hemp by Bringing Them into Compliance with Federal Law

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

Sec. 1. 5 MRSA §5303, sub-§2, as amended by PL 2017, c. 288, Pt. A, §12, is further amended to read:

2. Ten-year limits. For applicants to and licensees and registrants of the Board of Licensure in Medicine, the Board of Osteopathic Licensure, the Board of Dental Practice, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Licensure, the Board of Trustees of the Maine Criminal Justice Academy, the State Board of Examiners in Physical Therapy, the State Board of Alcohol and Drug Counselors, the Board of Respiratory Care Practitioners, the Board of Counseling Professionals Licensure, the Board of Occupational Therapy Practice, the Board of Speech, Audiology and Hearing, the Radiologic Technology Board of Examiners, the Nursing Home Administrators Licensing Board, the Board of Licensure of Podiatric Medicine, the Board of Complementary Health Care Providers, the Maine Board of Pharmacy, and the Emergency Medical Services' Board, for applicants to and licensees of the Department of Agriculture, Conservation and Forestry for growing, processing and transporting hemp and for applicants for massage therapy licensure or licensed massage therapists, the following apply.

- A. The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.
- B. Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions must be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions.
- C. There is no time limitation for consideration of a registrant's, an applicant's or licensee's conduct that gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action.

Sec. 2. 7 MRSA §2231, sub-§2, as amended by PL 2019, c. 12, Pt. B, §1, is further amended to read:

2. Growing permitted. Notwithstanding any other provision of law to the contrary, a person may plant, grow, harvest, possess, process, sell and buy