

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

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

hemp if that person holds a license issued pursuant to subsection 4, ~~except that a person may plant and grow up to 3 hemp plants on no more than one acre of land area or within an indoor facility and harvest, possess and process that hemp for personal use without a license.~~ A grower licensee may plant, grow and harvest only hemp that is grown from seeds saved by the grower licensee as provided in paragraph A, acquired from a certified seed source, grown from a clone that is produced from seeds acquired from a certified seed source or propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source. A grower licensee may acquire hemp seeds directly from a certified seed source or from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to subsection 2-A.

A. A grower licensee may save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent 3rd-party tester that the plants that will grow from the seeds will meet the definition of hemp, may use those seeds for breeding and planting hemp.

B. A grower licensee, within 14 days after planting hemp seeds or clones, shall provide to the commissioner a listing of the varieties of seeds or clones planted and a statement that the seeds or clones meet the definition of hemp. ~~This paragraph may not be interpreted to require providing the information required by this paragraph to the commissioner in advance of an application to grow hemp.~~

Sec. 3. 7 MRSA §2231, sub-§6, as amended by PL 2019, c. 528, §1, is repealed and the following enacted in its place:

6. Rules. The commissioner shall adopt rules to align the laws governing hemp in this State with 7 United States Code, Section 1639p(a)(2)(A) (2020), 7 Code of Federal Regulations, Part 990 (2020) and any additional federal statutes or regulations.

The rules must establish an application fee, a license fee, per acre or per square foot fees for monitoring, sampling and testing and guidelines for monitoring the growth and harvest of hemp.

The rules must establish a mechanism for conducting criminal background checks on grower licensees and all key participants and require fees to be paid by the grower licensee or key participant.

For purposes of this subsection, "key participant" means a person who, as determined by the commissioner by rule, has a direct or indirect financial interest in an entity producing hemp, such as an owner or partner in a partnership. "Key participant" also includes a person in a corporate entity at an executive level including a chief executive officer, chief operating officer and

chief financial officer. "Key participant" does not include other management positions such as farm, field or shift managers.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 4. 7 MRSA §2231, sub-§6-A, as enacted by PL 2019, c. 528, §1, is repealed.

Sec. 5. 7 MRSA §2231, sub-§9, as enacted by PL 2019, c. 528, §1, is repealed.

See title page for effective date.
