

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

website residential transmission and distribution utility rates and standard-offer supply rates applicable for the period of January 1st to December 31st of that year. The commission shall update the published rates within 30 days of any change in those rates.

Sec. 2. Deferred costs. The Public Utilities Commission shall determine the method necessary to convey to residential ratepayers of a transmission and distribution utility the anticipated effects of all deferred costs approved by the commission on residential transmission and distribution utility rates. The commission shall publish this information on its publicly accessible website by November 1, 2023. By January 1, 2024, the commission shall provide this information along with any recommended legislation to the Joint Standing Committee on Energy, Utilities and Technology, which may report out legislation to the Second Regular Session of the 131st Legislature.

See title page for effective date.

**CHAPTER 122
S.P. 399 - L.D. 980**

**An Act Regarding Passing
Stationary Motor Vehicles on
Public Ways**

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

Sec. 1. 29-A MRSA §2070, sub-§8 is enacted to read:

8. Passing stationary vehicles. The operator of a vehicle passing a stationary vehicle that a reasonable person would conclude is disabled or that is using flashing lights to warn other operators of the vehicle's presence, with due regard to safety and traffic conditions, shall:

A. Pass in a lane not adjacent to that of the stationary vehicle, if possible; or

B. If passing in a nonadjacent lane is impossible or unsafe, pass the stationary vehicle at a careful and prudent speed reasonable for passing the vehicle safely.

Violation of this subsection is a traffic infraction for which a fine of not less than \$275 must be adjudged.

See title page for effective date.

**CHAPTER 123
H.P. 767 - L.D. 1207**

**An Act to Implement the
Recommendations of the Right
To Know Advisory Committee
Concerning Public Records
Exceptions**

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

Sec. 1. 24 MRSA §2302-A, sub-§3, as enacted by PL 1987, c. 168, §1, is amended to read:

3. Confidentiality. Any information provided pursuant to this section ~~shall~~ may not identify the names of patients. If patient names are identified in information provided pursuant to this section, the patient names are confidential.

Sec. 2. 24 MRSA §2510, sub-§1, as amended by PL 2011, c. 524, §§9 and 10, is further amended to read:

1. Confidentiality; exceptions. Any reports, information or records received and maintained by the board pursuant to this chapter, including any material received or developed by the board during an investigation ~~shall be~~ is confidential, except for information and data that is developed or maintained by the board from reports or records received and maintained pursuant to this chapter or by the board during an investigation and that does not identify or permit identification of any patient or physician; provided that the board may disclose any confidential information only:

A. In a disciplinary hearing before the board or in any subsequent trial or appeal of a board action or order relating to such disciplinary hearing;

B. To governmental licensing or disciplinary authorities of any jurisdiction or to any health care providers or health care entities located within or outside this State that are concerned with granting, limiting or denying a physician's privileges, but only if the board includes along with the transfer an indication as to whether or not the information has been substantiated by the board;

C. As required by section 2509, subsection 5;

D. Pursuant to an order of a court of competent jurisdiction;

E. To qualified personnel for bona fide research or educational purposes, if personally identifiable information relating to any patient or physician is first deleted; or

F. To other state or federal agencies when the information contains evidence of possible violations of laws enforced by those agencies.

Sec. 3. 24 MRSA §2510, sub-§2, as enacted by PL 1977, c. 492, §3, is amended to read:

2. Confidentiality of orders in disciplinary proceedings. Orders of the board relating to disciplinary action against a physician, including orders or other actions of the board referring or scheduling matters for hearing, ~~shall not be~~ are not confidential.

Sec. 4. 24 MRSA §2604, as corrected by RR 2015, c. 1, §25, is amended to read:

§2604. Records of superintendent

For the purpose of evaluation of policy provisions, rate structures and the arbitration process and for recommendations of further legislation, the Superintendent of Insurance shall retain the information and maintain the files in the form and for such period as the superintendent determines necessary. The superintendent shall maintain the reports filed in accordance with this section, and all data or information derived therefrom that identifies or permits identification of the insured or insureds or the incident or occurrences for which a claim was made, as ~~strictly~~ confidential records. Data and information derived from reports filed in accordance with this section that do not identify or permit identification of the insured or insureds or the incident or occurrence for which a claim was made may be released by the superintendent or otherwise made available to the public. Reports made to the superintendent and records thereof kept by the superintendent are not subject to discovery and are not admissible in any trial, civil or criminal, other than proceedings brought before or by the board.

Sec. 5. 24-A MRSA §6907, sub-§1, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

1. Financial information. Any personally identifiable financial information, supporting data or tax return of any person obtained by Dirigo Health under this chapter is confidential ~~and not open to public inspection.~~

Sec. 6. 24-A MRSA §6907, sub-§2, as enacted by PL 2003, c. 469, Pt. A, §8, is amended to read:

2. Health information. Health information obtained by Dirigo Health under this chapter that is covered by the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, 110 Stat. 1936 or information covered by chapter 24 or Title 22, section 1711-C is confidential ~~and not open to public inspection.~~

See title page for effective date.

CHAPTER 124

S.P. 515 - L.D. 1278

An Act to Require Timely Payment for Salaried Employees

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

Sec. 1. 26 MRSA §621-A, sub-§1, as amended by PL 2017, c. 219, §8, is further amended to read:

1. Minimum frequency and full payment. At regular intervals not to exceed 16 days, every employer must pay in full all wages earned by each employee, except members of the family of the employer and salaried employees. Each payment must include all wages earned to within 8 days of the payment date. Payments that fall on a day when the business is regularly closed must be paid no later than the following business day. An employee who is absent from work at a time fixed for payment must be paid as if the employee was not absent. For purposes of this subsection, "members of the family of the employer" and "salaried employees" have the same meanings as described in section 663, subsection 3, paragraphs J and K, respectively.

Sec. 2. 26 MRSA §621-A, sub-§5, as amended by PL 2005, c. 103, §1, is further amended to read:

5. Change in rate of pay. ~~Notwithstanding the provision of section 623 exempting salaried employees as defined in section 663, subsection 3, paragraph K, payment~~ Payment of wages or salary must be made at the rate previously established by the employer, except that the employer may decrease the rate of pay, effective the next working day, if the employer gives notice to all affected employees prior to the change. When an employer has temporarily increased an employee's wage rate to comply with the prevailing wage requirements of chapter 15; the federal Davis-Bacon Act, 40 United States Code, Section 276a et seq.; or other applicable federal or state law, an employer need not provide advance notice prior to returning the employee to the employee's regular wage rate, as long as the employer is in compliance with all posting and notice provisions of the applicable law. Changes of rates of pay made under a collective bargaining agreement are exempt from this requirement.

Sec. 3. 26 MRSA §622, as amended by PL 2017, c. 219, §10, is further amended to read:

§622. Records

Every employer shall keep a true record showing the date and amount paid to each employee pursuant to section 621-A. Every employer shall keep a daily record of the time worked by each such employee ~~unless the employee is paid a salary that is fixed without regard for the number of hours worked,~~ except salaried em-