

# 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.**

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**Augusta, Maine**  
**2023**

**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-

ployees as described in section 663, subsection 3, paragraph K. Records required to be kept by this section must be accessible to any representative of the department at any reasonable hour. Sections 621-A to 623 and 622 do not excuse any employer subject to section 774 from keeping the records required by that section.

**Sec. 4. 26 MRSA §623**, as amended by PL 2005, c. 18, §2, is further amended to read:

**§623. Exemptions**

~~This section and sections Sections 621-A and 622 do not apply to family members and salaried employees as defined in section 663, subsection 3, paragraphs J and K. Sections 621-A and 622 do not apply to an employee of a limited liability partnership and do not apply to an employee of an S corporation or a cooperative corporation or association if the employee is a stockholder of the corporation or association, unless the employee requests the association or corporation to pay that employee in accordance with section 621-A. Except as provided in section 621-A, subsections 3, 4 and 5, a corporation, contractor, person or partnership may not by a special contract with an employee or by any other means exempt itself from this section and sections 621-A and 622.~~

See title page for effective date.

**CHAPTER 125**

**S.P. 709 - L.D. 1762**

**An Act to Require the Bureau of Labor Standards to Create and Distribute in Workplaces a Veterans' Benefits and Services Poster**

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

**Sec. 1. 26 MRSA §42-D** is enacted to read:

**§42-D. Poster of veterans' benefits and services**

**1. Poster.** The bureau shall consult with the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services to create and distribute a veterans' benefits and services poster.

**2. Details.** The poster under this section must include, at a minimum, information regarding the following:

- A. Contact and website information for the Department of Defense, Veterans and Emergency Management, Maine Bureau of Veterans' Services and services for veterans provided by that bureau;
- B. Substance use and mental health treatment services;
- C. Educational, workforce and training resources;

D. Tax benefits;

E. Obtaining driver's licenses and nondriver identification cards;

F. Eligibility for unemployment insurance benefits under state and federal law;

G. Legal services; and

H. Contact information for the United States Department of Veterans Affairs Veterans Crisis Line.

**3. Employer shall post.** An employer with more than 50 full-time equivalent employees shall display the poster under this section in a conspicuous place accessible to employees in the workplace.

See title page for effective date.

**CHAPTER 126**

**H.P. 28 - L.D. 53**

**An Act to Ensure Accountability for Workplace Sexual Harassment and Sexual Assault by Removing Certain Intentional Torts from Workers' Compensation Exemptions**

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

**Sec. 1. 39-A MRSA §104, first ¶**, as amended by PL 2017, c. 402, Pt. C, §109 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

An employer ~~who~~ that has secured the payment of compensation in conformity with sections 401 to 407 is exempt from civil actions, either at common law or under sections 901 to 908; Title 14, sections 8101 to 8118; and Title 18-C, section 2-807, involving personal injuries sustained by an employee arising out of and in the course of employment, or for death resulting from those injuries. An employer that uses a private employment agency for temporary help services is entitled to the same immunity from civil actions by employees of the temporary help service as is granted with respect to the employer's own employees as long as the temporary help service has secured the payment of compensation in conformity with sections 401 to 407. "Temporary help services" means a service where an agency assigns its own employees to a 3rd party to work under the direction and control of the 3rd party to support or supplement the 3rd party's ~~work force~~ workforce in work situations such as employee absences, temporary skill shortages, seasonal ~~work load~~ workload conditions and special assignments and projects. ~~These~~ Except as provided in section 104-A, these exemptions from liability apply to all employees, supervisors, officers and directors of the employer for any personal injuries arising out