

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

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

of and in the course of employment, or for death resulting from those injuries. These exemptions also apply to occupational diseases sustained by an employee or for death resulting from those diseases. These exemptions do not apply to an illegally employed minor as described in section 408, subsection 2.

Sec. 2. 39-A MRSA §104-A is enacted to read:
§104-A. Liability for sexual harassment, sexual assault or certain intentional torts

1. Liability for sexual harassment, sexual assault or certain intentional torts. An employee, supervisor, officer or director of an employer is liable for sexual harassment, sexual assault or an intentional tort related to sexual harassment or sexual assault.

2. Employer not liable. This section may not be construed to impose liability on an employer for sexual harassment, sexual assault or an intentional tort related to sexual harassment or sexual assault committed by an employee, supervisor, officer or director of the employer.

3. Actions alleging employment discrimination not prohibited or limited. This section does not prohibit or limit an action alleging employment discrimination pursuant to the Maine Human Rights Act or Title VII of the federal Civil Rights Act of 1964, Public Law 88-352.

See title page for effective date.

CHAPTER 127
H.P. 298 - L.D. 481

An Act to Allow the Deferral of a Moose Hunting Permit If More than One Permit Is Awarded Within the Same Household

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

Sec. 1. 12 MRSA §11154, sub-§18 is enacted to read:

18. Moose permit deferment; multiple permits in single household. The commissioner may authorize a person who holds a valid moose permit to defer the permit until the next moose hunting season in circumstances in which a member of that permit holder's household also holds a valid moose permit for the same hunting season. For the purposes of this subsection, members of a household are limited to a grandparent, parent, stepparent, child, stepchild, grandchild and stepgrandchild sharing the same legal address. Under this subsection, the person is ineligible to be selected for another moose permit in accordance with subsection 5

beginning in the calendar year that the person uses a permit deferred.

For the purposes of this subsection, "next moose hunting season" means the moose hunting season in the calendar year immediately following a person's selection under subsection 9.

See title page for effective date.

CHAPTER 128
H.P. 552 - L.D. 886

An Act to Allow Clerks to Issue Absentee Ballots After the 3rd Business Day Before Election Day to Voters with a Physical or Mental Disability and Certain Voters' Caregivers

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

Sec. 1. 21-A MRSA §753-B, sub-§2, ¶D, as amended by PL 2021, c. 273, §18, is further amended to read:

D. To any voter, immediate family member or 3rd person whose request was received in the municipal office after the 3rd business day before election day, unless the voter signs an application, designed by the Secretary of State, stating one of the following reasons for requesting an absentee ballot after the deadline:

- (1) Unexpected absence of the voter from the municipality during the entire time the polls are open on election day;
- (2) Physical Self-certification as a voter with a physical or mental disability;
- (3) Inability to travel to the polls if the voter is a resident of ~~a coastal~~ an island ward or precinct; or
- (4) An incapacity or illness that has resulted in the voter's being unable to leave home or a treatment facility or has resulted in the voter's caregiver's being unable to attend the polls during the entire time the polls are open on election day; or

See title page for effective date.