

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

Sec. 1. 26 MRSA §1192, sub-§13, as amended by PL 2017, c. 453, §3, is further amended to read:

13. Reemployment services and eligibility assessment; participation. In the case that the individual has been referred to reemployment services and eligibility assessment by the Department of Labor, the individual participates in those services, unless the department determines there is good cause for the individual's failure to participate. Failure to participate in reemployment services and eligibility assessment without good cause results in a denial of benefits until the individual participates; ~~and~~

Sec. 2. 26 MRSA §1192, sub-§14, as enacted by PL 2017, c. 453, §4, is amended by amending the first blocked paragraph to read:

An individual may not receive more than 6 weeks of benefits in a benefit year pursuant to this subsection unless approved by the Department of Labor; ~~and~~

Sec. 3. 26 MRSA §1192, sub-§15 is enacted to read:

15. Actively seeking work; union hiring hall. An individual is considered to be actively seeking work in accordance with this section if the individual is a member of a bona fide labor union, maintains contact with that union and uses and complies with the placement services of the union hiring hall in seeking work. As used in this subsection, unless the context otherwise indicates, "union hiring hall" means a service provided by a labor union or an entity associated with a labor union that places employees with an employer under a collective bargaining agreement or otherwise places employees with employers.

Sec. 4. 26 MRSA §1193, sub-§3, ¶B, as amended by PL 2021, c. 348, §40, is further amended by amending subparagraph (2) to read:

(2) If the wages, hours or other conditions of work, such as fringe benefits, are substantially less favorable to the individual than those prevailing for similar work in the locality;

Sec. 5. 26 MRSA §1193, sub-§3, ¶B, as amended by PL 2021, c. 348, §40, is further amended by amending subparagraph (3) to read:

(3) If, as a condition of being employed, the individual would be required to join a company union or to resign from or refrain from joining or maintaining membership in any bona fide labor organization;

See title page for effective date.

**CHAPTER 234
H.P. 907 - L.D. 1411**

**An Act to Enhance Reporting
by Certain Agencies Regarding
Greenhouse Gas Emissions**

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

Sec. 1. 38 MRSA §576-A, sub-§5 is enacted to read:

5. Annual report. On or before February 15, 2024, and annually thereafter, the Department of Transportation shall submit a report to the joint standing committees of the Legislature having jurisdiction over environment and natural resources matters and transportation matters regarding capital work plan investments designed to reduce greenhouse gas emissions associated with the Department of Transportation during the prior calendar year, including a summary of Department of Transportation-related greenhouse gas emissions associated with different sources and Department of Transportation-related greenhouse gas emissions associated with new road alignment construction activities during the prior calendar year.

Sec. 2. 38 MRSA §577, sub-§5-A is enacted to read:

5-A. Greenhouse gas emissions reductions projections. Beginning with the updated climate action plan under subsection 1 due by December 1, 2024, and for each subsequent update to the plan thereafter, the plan must include greenhouse gas emissions reductions projections, including sector-specific greenhouse gas emissions reductions projections, based on the strategies and actions in the plan and information regarding how those projections and the updated plan are designed to achieve the greenhouse gas emissions reductions specified in section 576-A.

Sec. 3. 38 MRSA §578, as amended by PL 2019, c. 476, §10, is further amended to read:

§578. Progress evaluation

The department, in consultation with the Maine Climate Council, established under section 577-A, shall evaluate the State's progress toward meeting the ~~reduction goals~~ reductions specified in section 576-A and progress toward implementing the climate action plan in section 577. The department, after consultation with the council, shall submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters by December 1, 2022 and by that date every 2 years thereafter. The report must include, but is not limited to, an evaluation of gross annual greenhouse gas emissions, including an identification of greenhouse gas emissions by source

category, energy emissions and consumption and an economic analysis of greenhouse gas emissions per unit of economic activity; an evaluation of net annual greenhouse gas emissions, including the State's carbon budget, forest carbon markets and a time series analysis of net greenhouse gas emissions; and an evaluation of sector-specific progress made toward meeting the reductions specified in section 576-A. The department, in consultation with the council, may recommend other metrics to share the progress on climate mitigation and adaptation strategies with the Legislature and the public. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the report required under this section, and the joint standing committee of the Legislature having jurisdiction over utilities and energy matters may make recommendations to the joint standing committee of the Legislature having jurisdiction over natural resources matters regarding that legislation.

See title page for effective date.

CHAPTER 235

H.P. 934 - L.D. 1438

An Act to Require Standard Procedures to Protect Stalking Victims and Access to Certain Criminal Complaints

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

Sec. 1. 16 MRSA §804, first ¶, as amended by PL 2013, c. 507, §4, is further amended to read:

Except as provided in sections ~~805~~ 805-A and 806, a record that is or contains intelligence and investigative record information is confidential and may not be disseminated by a Maine criminal justice agency to any person or public or private entity if there is a reasonable possibility that public release or inspection of the record would:

Sec. 2. 16 MRSA §805, as amended by PL 2013, c. 507, §5, is repealed.

Sec. 3. 16 MRSA §805-A is enacted to read:

§805-A. Exceptions

1. Dissemination of certain information. This chapter does not preclude dissemination of intelligence and investigative record information that is confidential under section 804 by a Maine criminal justice agency to:

- A. Another criminal justice agency;
- B. A person or public or private entity as part of the criminal justice agency's administration of

criminal justice or the administration of civil justice by the Department of the Attorney General or a district attorney's office;

C. A person accused of a crime or that person's agent or attorney for trial and sentencing purposes if authorized by:

- (1) The responsible prosecutorial office or prosecutor; or
- (2) A court rule, court order or court decision of this State or of the United States.

As used in this subsection, "agent" means a licensed professional investigator, an expert witness or a parent, foster parent or guardian if the accused person has not attained 18 years of age;

D. A federal court, the District Court, Superior Court or Supreme Judicial Court or an equivalent court in another state;

E. A person or public or private entity expressly authorized to receive the intelligence and investigative record information by statute, executive order, court rule, court decision or court order. "Express authorization" means language in the statute, executive order, court rule, court decision or court order that specifically speaks of intelligence and investigative record information or specifically refers to a type of intelligence or investigative record; or

F. The Secretary of State for use in the determination and issuance of a driver's license suspension.

2. Record of complaint. On request to a Maine criminal justice agency under the Freedom of Access Act, a person is entitled to receive one copy of a complaint made by that person. The criminal justice agency may not charge a fee for a copy of a complaint provided under this subsection.

Sec. 4. 16 MRSA §806, sub-§2, as amended by PL 2013, c. 507, §7, is further amended to read:

2. A crime victim or that victim's agent or attorney. A crime victim or that victim's agent or attorney. A Maine criminal justice agency that provides a copy of intelligence and investigative record information under this subsection to the crime victim or that victim's agent or attorney may not charge a fee for providing that information. As used in this subsection, "agent" means a licensed professional investigator, an insurer or an immediate family member, foster parent or guardian if due to death, age or physical or mental disease, disorder or defect the victim cannot realistically act on the victim's own behalf; or

Sec. 5. 19-A MRSA §4116, sub-§2, ¶A, as enacted by PL 2021, c. 647, Pt. A, §3 and affected by Pt. B, §65, is amended to read:

A. The incident report from a law enforcement agency submitted to the attorney for the State that