

# 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. 1. 12 MRSA §10902, sub-§1**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**1. Conviction or adjudication of violation.** Any conviction ~~or~~ adjudication, deferred disposition pursuant to Title 17-A, section 1902, subsection 1 or written filing agreement with the State pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11B for a violation of this Part is grounds for suspension of any license or permit issued under this Part. Except ~~where~~ when provided by law, the commissioner shall determine the suspension period. To suspend a license or permit based upon a conviction or adjudication, the commissioner shall follow the procedures under section 10903. A suspension or revocation of a license by the District Court is subject to the provisions of subsection 5.

**Sec. 2. 12 MRSA §10902, sub-§2**, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §97 and affected by §422, is further amended to read:

**2. Refusal to issue license or permit.** If a person is convicted ~~or is~~ adjudicated ~~of a~~, enters into a deferred disposition pursuant to Title 17-A, section 1902, subsection 1 or enters into a written filing agreement with the State pursuant to the Maine Rules of Unified Criminal Procedure, Rule 11B in violation of any provision of this Part and is not the holder of a valid license or permit issued under this Part, the commissioner may refuse to issue a related license or permit to that person for up to 5 years following the date of conviction or adjudication, except when the killing or wounding of a human being has occurred, in which case the commissioner may refuse to issue the license or permit for a period of not less than 5 years.

See title page for effective date.

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**CHAPTER 266  
H.P. 1092 - L.D. 1703**

**An Act to Amend the Maine  
Equal Pay Law by Prohibiting  
Pay Discrimination Based on  
Race**

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

**Sec. 1. 26 MRSA §628**, as amended by PL 2019, c. 35, §3, is further amended to read:

**§628. Equal pay**

This section may be known and cited as "the Maine Equal Pay Law."

An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this

State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. An employer may not discriminate between employees in the same establishment on the basis of race by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of another race for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex ~~or race~~ are not within ~~this prohibition~~ the prohibitions in this section. An employer may not discharge or discriminate against any employee by reason of any action taken by such employee to invoke or assist in any manner the enforcement of this section. An employer may not prohibit an employee from disclosing the employee's own wages or from inquiring about or disclosing another employee's wages if the purpose of the disclosure or inquiry is to enforce the rights granted by this section. Nothing in this section creates an obligation to disclose wages.

The Department of Labor shall annually report to the joint standing committee of the Legislature having jurisdiction over labor matters on progress made in the State to comply with this section. The report must be issued annually on Equal Pay Day as designated pursuant to Title 1, section 145.

See title page for effective date.

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**CHAPTER 267  
H.P. 1244 - L.D. 1936**

**An Act to Allow Certified  
Nurse Practitioners to Provide  
In-home Care Without a Home  
Health Care Provider License**

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

**Sec. 1. 22 MRSA §2142, sub-§1-A** is enacted to read:

**1-A. Certified nurse practitioner.** "Certified nurse practitioner" has the same meaning as in section 2422, subsection 1-B.

**Sec. 2. 22 MRSA §2147, sub-§12**, as amended by PL 1989, c. 119, §3, is further amended to read:

**12. Municipal entities.** Municipal departments or agencies or other municipal entities in their provision of nontherapeutic preventive and promotional health educational services when persons providing those services are employed by the municipality; ~~and~~

**Sec. 3. 22 MRSA §2147, sub-§14**, as enacted by PL 2013, c. 336, §3, is amended to read:

**14. Registered nurse educators.** Registered nurse educators; and

**Sec. 4. 22 MRSA §2147, sub-§15** is enacted to read:

**15. Certified nurse practitioners.** Services provided directly by certified nurse practitioners.

See title page for effective date.

**CHAPTER 268**

**S.P. 794 - L.D. 1951**

**An Act Regarding Marine Finfish Aquaculture**

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

**Sec. 1. 12 MRSA §6072, sub-§2, ¶E**, as amended by PL 2005, c. 535, §1, is further amended to read:

E. Except as provided in subsection 13-A, the lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than 500 acres; ~~and~~

**Sec. 2. 12 MRSA §6072, sub-§2, ¶F**, as enacted by PL 1987, c. 453, §1, is amended to read:

F. No single lease may exceed 100 acres in size; and

**Sec. 3. 12 MRSA §6072, sub-§2, ¶G** is enacted to read:

G. A lease may not be issued for aquaculture of salmonid species if the proposed stocking density of pens in the lease area exceeds 30 kilograms per cubic meter.

See title page for effective date.

**CHAPTER 269**

**S.P. 543 - L.D. 1378**

**An Act Regarding Liquor Service by Catering Services for Special Events at Licensed Wineries, Small Wineries, Breweries, Small Breweries, Distilleries and Small Distilleries**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, the summer season is approaching, which is the busiest time for weddings and other special events to be held at wineries, small wineries, breweries, small breweries, distilleries and small distilleries; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 28-A MRSA §1076, sub-§11** is enacted to read:

**11. Provision of liquor at wineries, small wineries, breweries, small breweries, distilleries or small distilleries.** A qualified catering service may provide the service of liquor at a function or event on the premises of a winery, small winery, brewery, small brewery, distillery or small distillery licensed under section 1355-A as long as the qualified catering service complies with the provisions in subsection 7. A winery, small winery, brewery, small brewery, distillery or small distillery licensed under section 1355-A may host on the premises a function or event under this section up to 4 times in a 7-day period.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 23, 2023.

**CHAPTER 270**

**S.P. 602 - L.D. 1481**

**An Act Regarding Clearance for Occupancy Under the Lead Poisoning Control Act**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, this Act needs to take effect prior to the expiration of the 90-day period because there is a shortage of housing available in the State, which makes it difficult to find alternative housing for occupants of residential dwelling units that are undergoing lead abatement activities that require the occupants to be displaced from their units; and

**Whereas**, this Act authorizes the Department of Health and Human Services to waive a prohibition on renting an owner-occupied residential building of 3 dwelling units or less that has been ordered to be cleared of harmful lead-based substances and is vacant; and