

# 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**

**CHAPTER 280**  
**S.P. 662 - L.D. 1657**

**An Act to Define "Consent"**  
**and Amend the Law Governing**  
**Certain Sexual Offenses**

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

**Sec. 1. 17-A MRSA §251, sub-§1, ¶E-1** is enacted to read:

E-1. "Consent" means a word or action by a person that indicates a freely given agreement.

**Sec. 2. 17-A MRSA §253, sub-§2, ¶M**, as amended by PL 2021, c. 608, Pt. E, §1, is further amended to read:

M. The other person has not ~~expressly or impliedly acquiesced~~ consented to the sexual act and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented. Violation of this paragraph is a Class C crime; or

**Sec. 3. 17-A MRSA §255-A, sub-§1, ¶A**, as amended by PL 2021, c. 608, Pt. E, §2, is further amended to read:

A. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual contact and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented. Violation of this paragraph is a Class D crime;

**Sec. 4. 17-A MRSA §255-A, sub-§1, ¶B**, as amended by PL 2021, c. 608, Pt. E, §3, is further amended to read:

B. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual contact, the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented and the sexual contact includes penetration. Violation of this paragraph is a Class C crime;

**Sec. 5. 17-A MRSA §260, sub-§1, ¶A**, as amended by PL 2021, c. 608, Pt. E, §4, is further amended to read:

A. The other person has not ~~expressly or impliedly acquiesced in~~ consented to the sexual touching and the actor is criminally negligent with regard to whether the other person has ~~acquiesced~~ consented. Violation of this paragraph is a Class D crime;

See title page for effective date.

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**CHAPTER 281**  
**H.P. 1115 - L.D. 1736**

**An Act to Advance the**  
**National HIV/AIDS Strategy in**  
**Maine by Broadening HIV**  
**Testing**

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

**Sec. 1. 5 MRSA §19203-G** is enacted to read:

**§19203-G. HIV testing in conjunction with testing for possible sexually transmitted diseases and infections**

Subject to the consent and procedure requirements of section 19203-A, subsection 1, a health care provider shall include an HIV test in the standard set of medical tests performed on an individual with a possible sexually transmitted disease or infection.

See title page for effective date.

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**CHAPTER 282**  
**S.P. 326 - L.D. 767**

**An Act to Provide Uniform**  
**Protections from Retaliation**  
**for Maine Workers in**  
**Connection with the Exercise**  
**of Rights Protected Under the**  
**Laws Governing Employment**  
**Practices**

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

**Sec. 1. 26 MRSA c. 7, sub-c. 1-D** is enacted to read:

**SUBCHAPTER 1-D**  
**GENERAL PROVISIONS**

**§620. Actions intended to prevent exercise of protected rights**

An employer that takes action intended to prevent or penalize a person from exercising rights protected under this chapter commits a civil violation for which a fine of not less than \$500 nor more than \$1,000 for each violation may be adjudged, in addition to any other remedy available under this chapter. The Department of Labor and the Attorney General may file a civil action to enforce this section.

This section may not be construed to limit or restrict the rights of an individual to seek other available remedies in a separate legal action.

See title page for effective date.

**CHAPTER 283  
S.P. 276 - L.D. 718**

**An Act to Facilitate the  
Management of Wastewater  
Treatment Plant Sludge at the  
State-owned Juniper Ridge  
Landfill**

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

**Whereas,** following the enactment of changes to the waste management laws under Public Law 2021, chapter 626, the operator of the state-owned Juniper Ridge Landfill implemented limitations on the amount of sludge accepted for landfilling and imposed additional and significant transportation and other sludge-management related costs on municipal and quasi-municipal customers; and

**Whereas,** implementation of the provisions in this legislation facilitates the landfilling of additional sludge amounts at the state-owned landfill by providing additional sludge bulking and stabilization material; and

**Whereas,** as memorialized in a written pledge dated May 16, 2023 from the operator of the state-owned landfill and provided to the Joint Standing Committee on Environment and Natural Resources, the landfilling of those additional sludge amounts, as facilitated in this legislation, will eliminate the additional transportation and sludge-management related costs the operator has imposed on municipal and quasi-municipal customers as a result of the enactment of Public Law 2021, chapter 626; 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. 38 MRSA §1310-N, sub-§5-A, ¶B,** as amended by PL 2021, c. 626, §2, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent

practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

- (a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2022~~ July 1, 2024;
- (b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2023~~ July 1, 2025;
- (c) Reuse or recycle at least 30% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2024~~ July 1, 2026;
- (d) Reuse or recycle at least 40% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2025~~ July 1, 2027; and
- (e) Reuse or recycle at least 50% of such debris through methods other than placement in a solid waste landfill by ~~January 1, 2026~~ July 1, 2028.

**Sec. 2. Temporary allowance for disposal or placement of oversized bulky waste in landfill.** Notwithstanding any provision of the Maine Revised Statutes, Title 38, section 1303-C, subsection 40-A to the contrary, for the period beginning on the effective date of this Act and ending July 1, 2025:

1. If in any 12-month period the total weight of the residue generated by a solid waste processing facility and disposed of or otherwise placed in a solid waste landfill exceeds the total weight of the solid waste initially generated within the State that was processed by the facility in that 12-month period, such excess residue, not to exceed 25,000 tons in that 12-month period, is deemed to be waste generated within the State within the meaning of Title 38, section 1303-C, subsection