

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

A. Contributions or gifts to political candidates, political parties, political or legislative committees or any committee or organization working to influence referendum petitions or elections;

B. Contributions to a trade association, chamber of commerce or public charity, including, but not limited to, a charity managed by the public utility or affiliated interest. This paragraph does not apply to a consumer-owned water utility;

C. Expenditures for lobbying or grassroots lobbying; and

D. Educational expenditures, as defined by the commission by rule under section 302-A, unless approved by the commission as serving a public interest. Educational expenditures include expenditures relating to information delivered to the public or to public utility customers by radio, television, the Internet, print and other media or through sponsorships, paid endorsements and public relations campaigns. This paragraph does not apply to a consumer-owned transmission and distribution utility or a consumer-owned water utility.

3. Political, charitable and educational expenses annual report. A public utility shall file a report annually with the commission containing a written, itemized description of any expenses that may not be included or incorporated in the public utility's operating expenses under subsection 2. The report must also include a written, itemized description of the expenses that may not be included or incorporated in the public utility's operating expenses under subsection 2 that are relevant to the business interests of the public utility paid by a membership organization, as defined by the commission by rule under section 302-A, of which the public utility is a member. For each expense, the report must include the date, the payee, the amount and a description of the purpose of the expense.

4. Major political activities quarterly report. In addition to the report required under subsection 3, if a public utility or an affiliated interest engages in major political activities, as defined by the commission by rule under section 302-A, the public utility shall file a quarterly report containing a written description of those major political activities and the expenditures associated with those activities. For each expenditure, the report must include the date, the payee, the amount and a description of the purpose of the expenditure.

5. Public inspection. The public utility shall make available for public inspection all materials filed with the commission in accordance with subsections 3 and 4. The commission shall make available the annual reports filed by public utilities in accordance with this section on its publicly accessible website with notice of the availability of the reports prominently displayed on the website.

Sec. 2. 35-A MRSA §302-A, as enacted by PL 2005, c. 204, §1, is amended to read:

§302-A. Rules governing political activities, promotional advertising, charitable contributions, educational expenditures and institutional advertising

~~Rules adopted by the~~ The commission shall adopt rules necessary to implement section 302, including, but not limited to, rules concerning promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; contributions to public charities as defined in Title 5, section 194, subsection 1; educational expenditures; or political activities, including major political activities, by a public utility or an affiliated interest as defined in section 707, subsection 1, paragraph A. Rules adopted under this section are major substantive routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. ~~Rules on these matters in effect on the effective date of this section remain in effect and do not require legislative approval but any changes to such rules are subject to review and approval in accordance with Title 5, chapter 375, subchapter 2 A.~~

Sec. 3. Rulemaking. By November 1, 2023, the Public Utilities Commission shall initiate rulemaking to amend its rules under the Maine Revised Statutes, Title 35-A, section 302-A to implement the requirements of this Act. The commission's rules may not require public utilities to file more than one annual report related to advertising and political activities except as required under Title 35-A, section 302, subsection 4.

See title page for effective date.

CHAPTER 287

S.P. 365 - L.D. 868

**An Act to Extend the
Protections of the Maine Civil
Rights Act to Actions That
Cause Emotional Distress or
Fear of Violence**

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

Sec. 1. 5 MRSA §4681, sub-§1, as enacted by PL 2001, c. 50, §1, is amended to read:

1. Interference with rights; action by Attorney General. ~~Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of~~

~~property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the~~ The Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured by the United States Constitution or the laws of the United States or of the rights secured by the Constitution of Maine or the laws of the State whenever any person, whether or not acting under color of law:

A. Violates section 4684-B; or

B. Intentionally interferes or attempts to intentionally interfere with the exercise or enjoyment by any other person of those secured rights by:

- (1) Physical force or violence against a person;
- (2) Damage or destruction of property or trespass on property;
- (3) Threatening physical force or violence against a person;
- (4) Threatening damage or destruction of property or trespass on property; or
- (5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

Sec. 2. 5 MRSA §4682, sub-§1-A, as reallocated by RR 2001, c. 1, §11, is amended to read:

1-A. Interference with rights; private actions.

~~Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State or violates section 4684-B, the~~ A person whose exercise or enjoyment of these the rights secured by the United States Constitution or the laws of the United States or of the rights secured by the Constitution of Maine or the laws of the State has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief whenever any person, whether or not acting under color of law:

A. Violates section 4684-B; or

B. Intentionally interferes or attempts to intentionally interfere with the exercise or enjoyment by any other person of those secured rights by:

- (1) Physical force or violence against a person;
- (2) Damage or destruction of property or trespass on property;
- (3) Threatening physical force or violence against a person;
- (4) Threatening damage or destruction of property or trespass on property; or
- (5) Engaging in any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or to a close relation. For purposes of this subparagraph, "close relation" and "emotional distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

Sec. 3. 5 MRSA §4684-A, as amended by PL 2021, c. 366, §23, is further amended to read:

§4684-A. Civil rights

For purposes of this chapter and Title 17, section 2931, a person has the right to engage in lawful activities without being subject to physical force or violence, damage or destruction of property, trespass on property or the threat of physical force or violence, damage or destruction of property or trespass on property or any conduct that would cause a reasonable person to suffer emotional distress or to fear death or bodily injury to that person or a close relation motivated by reason of race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or gender identity. For purposes of this section, "close relation" and "emotional distress" have the same meanings as in Title 17-A, section 210-A, subsection 2, paragraph B and paragraph D, respectively.

See title page for effective date.

CHAPTER 288

H.P. 676 - L.D. 1040

An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members

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

Sec. 1. 22 MRSA §3174-KKK is enacted to read: