

# 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**

the employee would otherwise have been eligible if the violation had not occurred and any other appropriate relief as considered necessary by the court.

4. Notice. Within 30 days after the effective date of this section, an employer subject to this section shall post and keep posted a notice of employee rights under this section where employee notices are customarily placed.

5. Communications and rights not affected. This section does not:

A. Prohibit communications of information that the employer is required by law to communicate, but only to the extent of the lawful requirement;

B. Limit the rights of an employer or its agent, representative or designee to conduct meetings involving religious matters or political matters as long as attendance is wholly voluntary or to engage in communications as long as receipt or listening is wholly voluntary; or

C. Limit the rights of an employer or its agent, representative or designee from communicating to its employees any information that is necessary for such employees to perform their lawfully required job duties.

6. Exemption. This section does not apply to a religious employer.

See title page for effective date.

**CHAPTER 415**

**S.P. 788 - L.D. 1939**

**An Act to Amend the Membership of the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission**

**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 Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission have not met recently and have a backlog of business to address; and

**Whereas,** making new appointments to the Maine-Canadian Legislative Advisory Commission and the New England and Eastern Canada Legislative Commission will cause the commissions to meet and act on unfinished business; 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. 3 MRSA §227,** as corrected by RR 1991, c. 1, §1, is amended to read:

**§227. Maine-Canadian Legislative Advisory Commission**

The Maine-Canadian Legislative Advisory Commission, as authorized by Title 5, section 12004-K, subsection 10, ~~shall consist~~ consists of ~~8~~ 12 members, all of whom ~~shall~~ must be citizens of this State. The Speaker of the House shall appoint ~~4~~ 6 members, 2 for a term of one year and ~~2~~ 4 who must be members of the House of Representatives and who ~~shall~~ each hold office from the date of appointment until the term of election to the Legislature expires. The President of the Senate shall appoint ~~4~~ 6 members, 2 for a term of one year and ~~2~~ 4 who must be Senators and who ~~shall~~ each hold office from the date of appointment until the term of election to the Legislature expires. At least one member appointed by the President of the Senate and one member appointed by the Speaker of the House ~~shall~~ must be fluent in the French language. The legislative members appointed by the President of the Senate and the Speaker of the House must equally represent the 2 parties holding the largest number of seats in the Legislature. In the event of the death or resignation of any member, the vacancy ~~shall~~ must be filled for the remainder of the term in the same manner as the original appointment.

Members ~~shall~~ must be compensated as provided in Title 5, chapter 379. ~~Four~~ Six members ~~shall~~ constitute a quorum. The commission shall designate one of its members as ~~chairman~~ chair.

**Sec. 2. 3 MRSA §231, sub-§1,** as amended by PL 2019, c. 475, §24, is further amended to read:

**1. Commission.** The New England and Eastern Canada Legislative Commission, as established by Title 5, section 12004-K, subsection 11, and in this chapter called "the "commission," consists of ~~4~~ 8 members from Maine, together with the same number of members appointed according to the laws of each of the other member jurisdictions.

**Sec. 3. 3 MRSA §231, sub-§2,** as amended by PL 2019, c. 475, §24, is further amended to read:

**2. Membership.** The members of the commission from Maine are the ~~2~~ 4 Senators and the ~~2~~ 4 members of the House of Representatives who are appointed to the Maine-Canadian Legislative Advisory Commission pursuant to section 227.

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

Effective July 19, 2023.

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**CHAPTER 416**

**H.P. 1044 - L.D. 1619**

**An Act to Improve Maine's Reproductive Privacy Laws**

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

**Sec. 1. 22 MRSA §1596, sub-§2**, as amended by PL 2019, c. 262, §1, is repealed and the following enacted in its place:

**2. Abortion reports.** A report of each abortion performed must be made to the Department of Health and Human Services in a manner prescribed by the department. These reports may not identify the patient by name or include other identifying information.

The report must include, without limitation, the following information:

- A. The date and place the abortion was performed;
- B. The age of the person on whom the abortion was performed;
- C. The method used to perform the abortion; and
- D. The gestational age of the fetus when the abortion was performed.

The report containing the information and data required by this subsection must be transmitted by the health care provider to the department not later than 10 days following the end of the month in which the abortion is performed.

**Sec. 2. 22 MRSA §1598, sub-§1**, as amended by PL 2019, c. 262, §4, is further amended to read:

**1. Policy.** It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in section 1597-A. ~~After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother.~~ It is also the public policy of the State that all abortions may be performed only by a health care professional, as defined in section 1596, subsection 1, paragraph C.

**Sec. 3. 22 MRSA §1598, sub-§1-A** is enacted to read:

**1-A. Abortion after viability.** After viability, an abortion may be performed only when it is necessary in the professional judgment of a physician licensed pursuant to Title 32, chapter 36 or 48. The physician shall

apply the applicable standard of care in making a professional judgment under this subsection.

**Sec. 4. 22 MRSA §1598, sub-§3**, as amended by PL 2019, c. 262, §5, is further amended to read:

**3. Persons who may perform abortions; penalties.**

A. Only a person licensed under Title 32, chapter 36 or 48 to practice in the State as an osteopathic or medical physician or physician assistant or a person licensed under Title 32, chapter 31 to practice in the State as an advanced practice registered nurse may perform an abortion on another person. Nothing in this paragraph limits the applicability of Title 32, section 3270 or any other civil or criminal law that may apply.

~~B. Any person not so licensed who knowingly performs an abortion on another person or any person who knowingly assists a nonlicensed person to perform an abortion on another person is guilty of a Class C crime.~~

**Sec. 5. 22 MRSA §1598, sub-§4**, as corrected by RR 2021, c. 2, Pt. B, §98, is repealed.

See title page for effective date.

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**CHAPTER 417**

**H.P. 538 - L.D. 849**

**An Act to Implement the Recommendations of the Working Group to Review the Process for Ongoing Review of Tax Expenditures by the Legislature**

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

**Sec. 1. 3 MRSA §993**, as enacted by PL 2001, c. 702, §2, is amended to read:

**§993. Committee membership; chairs**

The membership of the committee and the selection of chairs are established by joint rule of the Legislature. Beginning with the 132nd Legislature, at least one member of the committee must be a member of the joint standing committee of the Legislature having jurisdiction over taxation matters and at least one member must be a member of the joint standing committee of the Legislature having jurisdiction over economic development matters. No 2 members of the committee may be members of the same joint standing committee of the Legislature and also members of the same political party.

**Sec. 2. 3 MRSA §998, sub-§2**, as amended by PL 2017, c. 266, §1, is further amended to read: