

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

§390-D. Paid leave pending completion of sexual harassment investigation or sexual assault investigation

A full-time or part-time member of the Maine National Guard who is in active state service pursuant to section 181-A and who reports that the member is a victim of a sexual assault or sexual harassment by another member of the Maine National Guard may request paid leave during any pending investigation, and paid leave must be granted if the reporting party requests it. A full-time or part-time member of the Maine National Guard who is in active state service pursuant to section 181-A and who is the responding party in an investigation of sexual assault or sexual harassment must be placed on paid leave pending completion of the investigation, unless the reporting party consents to an alternative arrangement after consultation with counsel for the Maine National Guard. If a reporting party takes paid leave but wishes to return to work prior to completion of the investigation, an evaluation of supervisory or reporting structures must be completed and modified as necessary to avoid further alleged conduct by the responding party.

Sec. 5. Report by Adjutant General. By December 6, 2023, the Adjutant General shall submit a report to the Joint Standing Committee on Veterans and Legal Affairs. The report must contain any report made to the Governor or any summary of activities of the Governor's Advisory Council on Military Sexual Trauma that was established by Executive Order 1 FY 21/22 and must include any additional information examining or making recommendations for the prevention of or the response to sexual assault and sexual harassment in the Maine National Guard. After reviewing the report and any summary of activities, the committee may report out legislation to the Second Regular Session of the 131st Legislature to implement the report's recommendations. In its deliberations, the committee may consider whether to establish an advisory council on sexual trauma in the Maine National Guard.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Military Training and Operations 0108

Initiative: Provides one-time funding to pay for paid leave costs that are not otherwise reimbursed by another entity.

GENERAL FUND	2023-24	2024-25
Personal Services	\$0	\$126,000
All Other	\$0	\$54,000
GENERAL FUND TOTAL	\$0	\$180,000

See title page for effective date.

**CHAPTER 475
S.P. 715 - L.D. 1790**

An Act Removing the Statute of Limitations on Civil Actions and Criminal Prosecutions for Certain Sexual Offenses Against Minors

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

Sec. 1. 14 MRSA §752-C, sub-§2, as enacted by PL 1999, c. 639, §1, is amended to read:

2. Sexual acts toward minors defined. As used in this section, "sexual acts toward minors" means the following acts that are committed against or engaged in with a person under the age of majority:

A. Sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C; or

B. Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D.

C. Gross sexual assault, as described in Title 17-A, section 253;

D. Sexual abuse of a minor, as described in Title 17-A, section 254;

E. Unlawful sexual contact, as described in Title 17-A, section 255-A;

F. Unlawful sexual touching, as described in Title 17-A, section 260;

G. Sexual exploitation of a minor, as described in Title 17-A, section 282; or

H. Incest, as described in Title 17-A, section 556.

Sec. 2. 17-A MRSA §8, sub-§1, ¶B, as enacted by PL 2019, c. 483, §1, is amended to read:

B. If the victim had not attained the age of ~~16~~ 18 years at the time of the crime, a prosecution for incest; unlawful sexual contact; sexual abuse of a minor; ~~or~~ rape or gross sexual assault, formerly denominated as gross sexual misconduct; unlawful sexual touching; or sexual exploitation of a minor.

Sec. 3. Application. That section of this Act that amends the Maine Revised Statutes, Title 17-A, section 8, subsection 1, paragraph B applies to the following crimes in which a victim has not attained 18 years of age at the time of the crime:

1. Incest, unlawful sexual contact, sexual abuse of a minor, gross sexual assault, unlawful sexual touching or sexual exploitation of a minor committed on or after the effective date of this Act; and

2. Incest, unlawful sexual contact, sexual abuse of a minor, rape or gross sexual assault, formerly denominated as gross sexual misconduct, unlawful sexual touching or sexual exploitation of a minor for which the prosecution was not barred by the statute of limitations in force immediately prior to the effective date of this Act.

See title page for effective date.

**CHAPTER 476
S.P. 721 - L.D. 1796**

**An Act to Protect Maine's
Transit Employees**

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

Sec. 1. 30-A MRSA §3520 is enacted to read:

§3520. Protection of transit employees

1. Posting of signs. A transit district shall post signs in conspicuous places in all transit district facilities accessible to the public, including a building, terminal, kiosk, shelter or passenger rail, ferry, bus, bicycle or pedestrian facility, informing the public of the penalties for assaulting a transit employee.

2. De-escalation training. All employees of a transit district must receive de-escalation training upon commencement of employment with the transit district and at least once annually thereafter. The transit district shall jointly approve the de-escalation training curriculum with the labor organization representing a plurality of the employees of the transit district, except that if the transit district is party to a joint labor-management safety committee, the committee shall approve the curriculum. For purposes of this subsection, "de-escalation" means the reduction of violent or disruptive behavior and resolution and minimization of conflict through verbal engagement and calming techniques.

See title page for effective date.

**CHAPTER 477
S.P. 724 - L.D. 1799**

**An Act to Expand Maine's
High-quality Early Learning
and Care for Children by
Increasing Public Preschool
Opportunities in Communities**

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

Sec. 1. 20-A MRSA §4272 is enacted to read:

§4272. Expansion of public preschool programs report

The commissioner shall report annually by February 15th to the joint standing committee of the Legislature having jurisdiction over education matters on the department's initiatives, incentives and progress to expand public preschool programs.

Sec. 2. 20-A MRSA §4501, first ¶, as amended by PL 2019, c. 343, Pt. UUUU, §1, is further amended to read:

In accordance with the policy expressed in section 2, every school administrative unit shall raise annually sufficient funds to maintain or support elementary and secondary schools to provide free education for its resident students at all grade levels. These schools shall meet the requirements of basic school approval. To the extent the State provides adequate start-up funding, a school administrative unit may offer an opportunity for every child 4 years of age residing in the school administrative unit to attend a public preschool program, or a program affiliated with the school administrative unit, meeting the requirements of basic school approval. It is the goal of the State to ~~provide adequate start-up funding to ensure that public preschool programs for children 4 years of age are offered by all school administrative units by the 2023-2024 school year~~ establish an equitable, mixed-delivery public preschool system that provides universal access for preschool-aged children and their families in accordance with the following timeline: 60% by the 2024-2025 school year; 80% by the 2025-2026 school year; and 100% by the 2026-2027 school year.

Sec. 3. Commission established. The Commission to Study Expansion of Public Preschool and Early Care and Education, referred to in this section as "the commission," is established.

1. Notwithstanding Joint Rule 353, the commission consists of 15 members appointed as follows:

- A. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
- B. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;
- C. One representative from the Department of Health and Human Services involved in the provision of services for children and families of children under 5 years of age selected by the Commissioner of Health and Human Services;
- D. One representative from the Department of Education involved in the provision of services for children and families of children under 5 years of age selected by the Commissioner of Education;