

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

SECOND REGULAR SESSION
January 3, 2024 to May 10, 2024

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 9, 2024

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2024

the base area eligible for reimbursement to qualified Maine Employment Tax Increment Financing Program businesses pursuant to Title 36, chapter 917. Between July 1st and July 15th of each year, the assessor shall certify to the State Controller the total remaining job tax increment as a result of the limitation in subsection 3, paragraph D and the remaining benefit base after reimbursements have been made to qualified Maine Employment Tax Increment Financing Program businesses pursuant to Title 36, chapter 917. On or before July 31st of each year, the State Controller shall transfer 50% of the remaining job tax increment and 50% of the remaining benefit base to the state job tax increment contingent account established, maintained and administered by the State Controller from General Fund undedicated revenue within the withholding tax category. On or before July 31st of each year, the State Controller shall deposit this revenue into the fund and distribute the payments pursuant to subsection 3.

PART D

Sec. D-1. 36 MRSA §194-D, sub-§2, as amended by PL 2019, c. 607, Pt. D, §4, is further amended to read:

2. Background investigation requirements. The assessor shall perform background investigations for affected persons in accordance with this subsection.

A. As part of the process of evaluating an affected person, except for a current employee of the bureau, for employment with the bureau, a background investigation must be conducted before an offer of employment is extended.

B. A background investigation for an affected person assigned to provide services to the bureau under an identified contract must be conducted before that affected person begins providing services to the bureau, and at least once every ~~40~~ 5 years, as long as the affected person continues providing services to the bureau.

C. As part of the process of evaluating an affected person for continued employment with the bureau, a background investigation must be conducted at least once every ~~40~~ 5 years. ~~If an affected person has not been subject to a background investigation within 10 years prior to the effective date of this section, a background investigation must be conducted within one year of the effective date of this section.~~

D. A background investigation for an employee or contractor of another state agency must be conducted before that affected person is provided access, or the substantial possibility of access, to federal tax information obtained from the bureau, and at least once every ~~40~~ 5 years, as long as the affected person continues to have such access. However, if the assessor determines that the affected person has been subject to a background

investigation that satisfies the background investigation standards established by the United States Internal Revenue Service regarding access to federal tax information within the past ~~40~~ 5 years, no further investigation is required under this subsection for the ~~40-year~~ 5-year period commencing at the time of the background investigation.

The background investigation must include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation and must satisfy the background investigation standards established by the United States Internal Revenue Service regarding access to federal tax information.

Sec. D-2. Application of 5-year background investigation period. A person who is subject to the Maine Revised Statutes, Title 36, section 194-D, subsection 2, paragraph C as an employee of the Department of Administrative and Financial Services, Bureau of Revenue Services for whom a background investigation has not been conducted within the 5 years prior to the effective date of this Part shall submit to a background investigation as required by Title 36, section 194-D, subsection 2 by September 1, 2025.

See title page for effective date.

CHAPTER 614

S.P. 938 - L.D. 2201

An Act Regarding the Placement of Portable Toilets

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

Sec. 1. 22 MRSA §42, sub-§3-B, as amended by PL 1991, c. 824, Pt. A, §39, is further amended to read:

3-B. Inspection of plumbing and subsurface ~~waste water~~ wastewater disposal systems and temporary portable toilets. The department shall adopt rules providing for the inspection of plumbing and subsurface ~~waste water~~ wastewater disposal systems. The department may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A providing for the inspection of temporary portable toilets, except for temporary portable toilets allowed pursuant to Title 30-A, section 4211, subsection 3-A. In municipalities, the municipal officers shall provide for the appointment of one or more plumbing inspectors. In plantations, the assessors shall appoint plumbing inspectors in accordance with Title 30-A, section 4221. In the unorganized areas of the State, the department shall appoint plumbing inspectors or act in the capacity of a plumbing inspector until a person is appointed. For

purposes of this subsection, "temporary portable toilet" means a prefabricated toilet designed for temporary use.

Sec. 2. 30-A MRSA §4211, sub-§3-A is enacted to read:

3-A. Temporary portable toilets. Except for persons required to be licensed under Title 22, chapter 562, a person may place and use a temporary portable toilet on property as long as the temporary portable toilet is maintained and serviced in a reasonable manner to protect the public's health and safety and the environment. For purposes of this subsection, "temporary portable toilet" means a prefabricated toilet designed for temporary use.

See title page for effective date.

CHAPTER 615

S.P. 970 - L.D. 2250

**An Act to Allow the
Department of Corrections and
County Jails to Comply with
the Federal Prison Rape
Elimination Act of 2003**

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 federal Prison Rape Elimination Act of 2003 requires the State's Department of Corrections and county jails to comply with relevant standards established by the United States Department of Justice to receive grant funding; and

Whereas, the State's Department of Corrections and county jails would not be able to comply with the relevant standards under current state law for the United States Department of Justice's upcoming audit; and

Whereas, noncompliance would result in a loss of over \$80,000 in grant funding to the State's Department of Corrections and would prohibit the State's Department of Corrections and county jails from accepting resident transfers from facilities that meet relevant federal standards, including, but not limited to, county jails and facilities in other states; and

Whereas, legislative action is immediately necessary to ensure the State's Department of Corrections is in compliance with relevant standards for the United States Department of Justice's upcoming audit, ensuring the continuation of grant funding; 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. 5 MRSA §7070, sub-§2, ¶D-1, as repealed and replaced by PL 2019, c. 451, §1 and amended by PL 2023, c. 412, Pt. D, §3, is further amended by amending the last blocked paragraph to read:

When there is a work requirement for public access to personal information under this paragraph that is not otherwise protected by law, that information may be made public. The State Human Resources Officer, upon the request of the employing agency, shall make the determination that the release of certain personal information not otherwise protected by law is allowed; ~~and~~

Sec. 2. 5 MRSA §7070, sub-§2, ¶E, as amended by PL 2023, c. 159, §1, is further amended to read:

E. Except as provided in paragraph F and section 7070-A, complaints, charges or accusations of misconduct, replies to those complaints, charges or accusations and any other information or materials that may result in disciplinary action. If disciplinary action is taken, the final written decision relating to that action is no longer confidential after the decision is completed if it imposes or upholds discipline. The decision must state the conduct or other facts on the basis of which disciplinary action is being imposed and the conclusions of the acting authority as to the reasons for that action. If an arbitrator completely overturns or removes disciplinary action from an employee personnel file, the final written decision is public except that the employee's name must be deleted from the final written decision and kept confidential. If the employee whose name was deleted from the final written decision discloses that the employee is the person who is the subject of the final written decision, the entire final written report, with regard to that employee, is public.

For purposes of this paragraph, "final written decision" means:

- (1) The final written administrative decision that is not appealed pursuant to a grievance arbitration procedure; or
- (2) If the final written administrative decision is appealed to arbitration, the final written decision of a neutral arbitrator.

A final written administrative decision that is appealed to arbitration is no longer confidential 120 days after a written request for the decision is made to the employer if the final written decision