

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

of the neutral arbitrator is not issued and released before the expiration of the 120 days; and

Sec. 3. 5 MRSA §7070, sub-§2, ¶F is enacted to read:

F. In the case of an allegation of sexual misconduct or sexual harassment within a correctional facility, a determination that the allegation was substantiated, unsubstantiated or unfounded, except that the determination may be disclosed to the alleged victim. Unless the allegation is determined to be unfounded, the following information may also be shared with the alleged victim:

(1) Whether the individual alleged to have engaged in the sexual misconduct or sexual harassment is still assigned to the same work location where the sexual misconduct or sexual harassment allegedly occurred;

(2) Whether the individual under subparagraph (1) is still employed at the correctional facility;

(3) Whether the individual under subparagraph (1) has been criminally charged or convicted of a crime arising out of the allegation of sexual misconduct or sexual harassment; and

(4) Whether the prosecuting agency declined to indict the individual under subparagraph (1) based on the allegation of sexual misconduct or sexual harassment.

Sec. 4. 30-A MRSA §503, sub-§1-B is enacted to read:

1-B. Investigation of allegation of sexual misconduct or sexual harassment by county jail employee. Notwithstanding subsection 1, paragraph B, subparagraph (5), in the case of an allegation of sexual misconduct or sexual harassment within a county jail or detention facility, a determination that the allegation was substantiated, unsubstantiated or unfounded may be disclosed to the alleged victim. Unless the allegation is determined to be unfounded, the following information may also be shared with the alleged victim:

A. Whether the individual alleged to have engaged in the sexual misconduct or sexual harassment is still assigned to the same work location where the sexual misconduct or sexual harassment allegedly occurred;

B. Whether the individual under paragraph A is still employed at the county jail or detention facility;

C. Whether the individual under paragraph A has been criminally charged or convicted of a crime arising out of the allegation of sexual misconduct or sexual harassment; and

D. Whether the prosecuting agency declined to indict the individual under paragraph A based on the allegation of sexual misconduct or sexual harassment.

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

Effective April 11, 2024.

CHAPTER 616

S.P. 919 - L.D. 2164

An Act to Establish the Maine-Island of Ireland Trade Commission and Improve Collaboration with the Island of Ireland

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

Sec. 1. 5 MRSA §12004-K, first ¶, as enacted by PL 1987, c. 786, §5, is amended to read:

The primary responsibility of intergovernmental organizations is to establish cooperation between this State and other states or Canadian provinces or other countries.

Sec. 2. 5 MRSA §12004-K, sub-§10-A is enacted to read:

10-A.

State Government	Maine-Island of Ireland Trade Commission	Not Authorized	10 MRSA §21
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Sec. 3. 10 MRSA c. 1-B is enacted to read:

CHAPTER 1-B

MAINE-ISLAND OF IRELAND TRADE COMMISSION

§21. Maine-Island of Ireland Trade Commission

The Maine-Island of Ireland Trade Commission, referred to in this section as "the commission," is established by Title 5, section 12004-K, subsection 10-A to promote cooperation between this State and the island of Ireland.

1. Membership. The commission consists of 9 members appointed as follows:

A. Two members of the Senate, appointed by the President of the Senate, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature;

B. Two members of the House of Representatives, appointed by the Speaker of the House of Representatives, including one member of the party holding the largest number of seats in the Legislature and one member of the party holding the 2nd largest number of seats in the Legislature; and

C. The following 5 members, appointed by the Governor:

- (1) A representative of a public institution of higher education;
- (2) A representative of a statewide chamber of commerce;
- (3) Two members representing Irish-American communities, organizations or interests; and
- (4) One member of the public.

In making the appointments under this subsection, the appointing authorities shall, to the greatest extent possible, consider and appoint individuals with knowledge of or current or past involvement in organizations that promote Irish or Irish-American affairs.

2. Terms. Legislative members of the commission serve during the term of office for which they were elected. The members of the commission appointed pursuant to subsection 1, paragraph C serve 4-year terms.

3. Compensation. Notwithstanding Title 3, section 2 or any other provision of law to the contrary, members of the commission serve without compensation.

4. Vacancies. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed serves only for the remainder of that term. The vacancy must be filled in the same manner as the original appointment was made.

5. Chair, vice-chair and subcommittees. The commission shall elect a chair and a vice-chair from among its members. The chair may appoint from among the commission members subcommittees and subcommittee chairs at the chair's discretion.

6. Meetings. The first-named Senate member shall call the initial meeting of the commission within 30 days after the 6th member is appointed. The commission shall meet at such times and places as are agreed to by the commission but shall meet at least once annually.

7. Quorum. A majority of the members of the commission constitutes a quorum, and a quorum is required for the transaction of the business of the commission.

8. Duties. The commission shall work to advance bilateral trade and investment between Maine and the island of Ireland; initiate joint action of policy issues of

mutual interest to Maine and the island of Ireland; promote business and academic exchanges between Maine and the island of Ireland; encourage mutual economic support between Maine and the island of Ireland; encourage mutual investment in the infrastructure of Maine and island of Ireland; and address other issues as determined by the commission.

9. Report. The commission shall submit a report to the Governor and the joint standing committee of the Legislature having jurisdiction over innovation, development, economic advancement and business matters by February 1, 2025 and annually thereafter regarding the activities of the commission during the preceding calendar year. The report must include recommendations as determined appropriate by the commission to effectuate its purpose under this section. After reviewing the report under this subsection, the joint standing committee may report out legislation relating to the report.

10. Funding. To support its activities under this section, the commission shall seek outside funds, through direct solicitation or other fundraising methods, alone or with other groups, and may accept gifts, grants and bequests from individuals, corporations, foundations, governmental agencies and public and private organizations and may expend those funds for purposes consistent with this section.

11. Staffing. Subject to the availability of funding under subsection 10, the commission shall contract for or employ administrative, professional, clerical and other necessary staff to support its activities under this section.

Sec. 4. Staggered terms; Maine-Island of Ireland Trade Commission. Notwithstanding the Maine Revised Statutes, Title 10, section 21, subsection 2, of the members initially appointed to the Maine-Island of Ireland Trade Commission by the Governor pursuant to Title 10, section 21, subsection 1, paragraph C, the Governor shall designate the first 3 appointments for 3-year terms and the remaining appointments for 4-year terms.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

MAINE-ISLAND OF IRELAND TRADE COMMISSION

Maine-Island of Ireland Trade Commission N492

Initiative: Provides a baseline allocation for authorized expenditures of the commission in the event that outside funds are received.

OTHER SPECIAL REVENUE FUNDS	2023-24	2024-25
All Other	\$0	\$500

OTHER SPECIAL REVENUE	\$0	\$500
FUNDS TOTAL		

See title page for effective date.

CHAPTER 617
S.P. 976 - L.D. 2259

**An Act to Prohibit Receiving
Compensation for Assisting a
Person to Obtain Veterans'
Benefits Except as Permitted
Under Federal Law**

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

Sec. 1. 37-B MRSA §12 is enacted to read:

§12. Compensation for services related to veterans' benefits matters

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Compensation" means payment of money, a thing of value or a financial benefit.

B. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

C. "Veterans' benefits matter" means the preparation, presentation or prosecution of a claim affecting an individual who has filed or expressed an intent to file a claim for a benefit, program, service, commodity, function or status, entitlement to which is determined under the laws and regulations administered by the United States Department of Veterans Affairs or the United States Department of Defense pertaining to veterans, their dependents, their survivors and any other individual eligible for such benefits.

2. Prohibitions. A person may not:

A. Receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter, except as permitted under federal law;

B. Receive compensation for referring an individual to another person to prepare, present or prosecute, or advise, consult or assist the individual with, a veterans' benefits matter;

C. Receive, with respect to an individual's veterans' benefits matter, compensation for services ren-

dered before the date on which a notice of disagreement, decision review or appeal is filed, whichever occurs first;

D. Guarantee, either directly or by implication, that any individual is certain to receive specific veterans' benefits or that any individual is certain to receive a specific level, percentage or amount of veterans' benefits; and

E. Receive excessive or unreasonable fees as compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter. The factors articulated in 38 Code of Federal Regulations, Section 14.636 (2024) govern determinations of whether a fee is excessive or unreasonable.

3. Memorialization of terms. A person seeking to receive compensation for preparation, presentation or prosecution of, or advising, consulting or assisting an individual with, a veterans' benefits matter shall, before rendering any services, memorialize in a written agreement signed by both parties that adheres to all criteria specified in 38 Code of Federal Regulations, Section 14.636 (2024) all terms regarding the individual's payment of fees for services rendered.

4. Penalty. A violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

5. Exceptions. This section does not apply to:

A. An accredited representative of a recognized organization or an accredited agent or attorney under 38 Code of Federal Regulations, Section 14.629 (2024); or

B. An employee of the Maine Veterans' Homes established under chapter 11 who is operating within that employee's capacity as an employee of the Maine Veterans' Homes.

See title page for effective date.

CHAPTER 618
H.P. 1245 - L.D. 1937

**An Act Regarding the
Transportation of Hazardous
Materials by Railroad
Companies**

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

Whereas, records provided by railroad companies describing hazardous materials transported in the State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those