

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**August 26, 2019**

**SECOND REGULAR SESSION**

**January 8, 2020 to March 17, 2020**

**THE GENERAL EFFECTIVE DATE FOR  
FIRST SPECIAL SESSION  
NON-EMERGENCY LAWS IS  
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 16, 2020**

**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  
2020**



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## PREFACE

The 2019 edition of Laws of the State of Maine is the official publication of the session laws of the State of Maine enacted by the 129th Legislature and is compiled and published under the authority of the Maine Revised Statutes, Title 3, section 163-A. Laws of the State of Maine has been in continuous publication since 1820, when the acts and resolves adopted by the First Legislature were published by the Secretary of State under the authority of Resolve 1820, chapter 25.

Volume 2 contains the public laws, private and special laws and resolves enacted at the First Special Session and the Second Regular Session of the 129th Legislature, followed by the 2019 Revisor's Report, chapter 1 and a selection of significant addresses, joint resolutions and memorials.

Volume 1 was published at the conclusion of the First Regular Session of the 129th Legislature and contains legislation enacted during that session.

The following conventions are used throughout the series.

1. At the top of each page is a heading that classifies each law by session of passage, year, type and chapter number.
2. A table of contents that locates major divisions and contents by page number is located at the beginning of each volume.
3. An individual subject index of the documents contained in these volumes, arranged alphabetically by subject heading with corresponding chapter numbers, is located at the end of this volume.
4. Session cross-reference tables are also provided at the end of this volume showing how unallocated public laws and titles and sections of the Maine Revised Statutes of 1964 have been affected by the laws included in this publication.
5. Words and phrases deleted from the statutes are shown struck through. When an entire unit is repealed, the text that is repealed is not shown struck through, but its repeal is indicated by express language.
6. When new words or sections are added to the statutes, they are underlined.
7. A chaptered law's Legislative Document number is printed beneath its chapter number heading, indicating the source of the chapter.
8. The effective date for Maine laws is provided for in the Constitution of Maine, Article IV, Part Third, Section 16, which specifies that, except for certain emergency legislation, an act or resolve enacted into law takes effect 90 days after the adjournment of the session in which it passed. The general effective date of the nonemergency law passed at the First Special Session of the 129th Legislature is November 25, 2019 and of nonemergency laws passed at the Second Regular Session of the 129th Legislature is June 16, 2020. The effective dates of emergency legislation vary and are provided at the ends of the chapters that were enacted as emergencies.

Copies of a specific chaptered law may be obtained by contacting the Engrossing Division of this office. Laws of the State of Maine is also available online through the website of the Office of the Revisor of Statutes at <http://legislature.maine.gov/ros/LOM/LOMpdfDirectory.htm>.

This edition of Laws of the State of Maine and its predecessors have been prepared for the convenience of the people of the State of Maine, and any comments or suggestions for improvements in subsequent editions would be appreciated.

Suzanne M. Gresser  
Revisor of Statutes  
August 2020

# LEGISLATIVE STATISTICS

## FIRST SPECIAL SESSION 129th Legislature

Convened .....	August 26, 2019
Adjourned .....	August 26, 2019
Days in Session	
Senate .....	1
House of Representatives.....	1
Legislative Documents.....	6
Public Laws.....	2
Private and Special Laws .....	0
Resolves .....	0
Constitutional Resolutions .....	0
Competing Measure Resolutions .....	0
Initiated Bills.....	0
Vetoes .....	0
Overridden .....	0
Sustained.....	0
Emergency Enactments.....	1
Effective Date for Non-Emergency Laws.....	November 25, 2019

# LEGISLATIVE STATISTICS

## SECOND REGULAR SESSION 129th Legislature

Convened .....	January 8, 2020
Adjourned .....	March 17, 2020
Days in Session	
Senate .....	20
House of Representatives.....	20
Legislative Documents.....	578
Carryover Bills.....	*
Public Laws.....	146
Private and Special Laws .....	4
Resolves .....	31
Constitutional Resolutions .....	0
Competing Measure Resolutions .....	0
Initiated Bills.....	0
Vetoed .....	3
Overridden .....	0
Sustained.....	3
Emergency Enactments.....	49
Effective Date .....	June 16, 2020 (unless otherwise indicated)

(Note: 242 bills were carried over to the Second Regular Session of the 129th Legislature.)

\*Pursuant to Joint Order 2019, S.P. 788 all matters before the Second Regular Session of the 129th Legislature were held over to the next special session.





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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019

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**CHAPTER 531**  
**S.P. 633 - L.D. 1849**

**An Act Regarding the Laws  
Governing the Maine School  
for Marine Science,  
Technology, Transportation  
and Engineering**

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

**Whereas,** this legislation changes the termination date of the Maine School for Marine Science, Technology, Transportation and Engineering; and

**Whereas,** this legislation is necessary for the continuation of the Maine School for Marine Science, Technology, Transportation and Engineering; 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. 20-A MRSA §8238,** as enacted by PL 2015, c. 363, §4, is amended to read:

**§8238. Implementation; limited authorization**

The school may implement the plan established for the statewide education programs pursuant to section 8236, subsection 2 during the 2017-2018 school year.

Notwithstanding any other provision of law, all powers, duties and authority of the school under this chapter and under any other law terminate 90 days after the adjournment of the ~~First~~ Second Regular Session of the 129th Legislature.

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

Effective August 30, 2019.

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**CHAPTER 532**  
**S.P. 634 - L.D. 1850**

**An Act To Authorize a General  
Fund Bond Issue To Improve  
Highways, Bridges and  
Multimodal Facilities**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

**Sec. 1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$105,000,000 for the purposes described in section 5 of this Act. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. 2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. 3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in this Act lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

**Sec. 5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**TRANSPORTATION, DEPARTMENT OF**

Provides funds to construct, reconstruct, rehabilitate and preserve Priority 1, Priority 2 and Priority 3 state highways under the Maine Revised Statutes, Title 23, section 73, subsection 7 and associated improvements, to replace and rehabilitate bridges and to fund the municipal partnership initiative.

Total \$85,000,000

Provides funds for facilities or equipment related to freight and passenger railroads, transit, ports, marine transportation, aviation and bicycle and pedestrian improvements that preserve public safety or otherwise have demonstrated high transportation value including property acquisition.

Total \$15,000,000

**ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

Provides funds for a competitive grant program that matches local funding for the upgrade of municipal culverts at stream crossings in order to improve fish and wildlife habitats and increase community safety. Eligible project sponsors include local governments, municipal conservation commissions, soil and water conservation districts and private nonprofit organizations. A proposal for funding from an eligible project sponsor must include a map and summary of the proposed project, describing how it meets the following criteria:

1. Contribution to competitive grant program goals. The extent to which the proposed project allows communities to more effectively prepare for storm and flood events and advances the goals of restoring habitat for fish, including sea-run fish and native brook trout; and
2. Cost-effectiveness. The extent to which the proposed project represents an efficient and cost-effective investment, including the proportion of total project funding that will be provided from other sources and the potential avoided costs associated with the proposed project. Funds may not be used to cover all of the costs associated with a proposed project.

Total \$4,000,000

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

Provides funds for the renovation of a wharf and bulkhead at the Gulf of Maine Research Institute in Portland to bring the wharf back into operation as secured access and berthing for commercial fishing vessels and to support vessels for marine research at sea that supports continued long-term marine job development.

Total \$1,000,000

**Sec. 6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

**Sec. 7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. 8. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. 9. Referendum for ratification; submission at election; form of question; effective date.** This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$105,000,000 bond issue to build or improve roads, bridges, railroads, airports, transit and ports and make other transportation investments, to be used to match an estimated \$137,000,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

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**PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019**

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(There were none.)



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**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019**

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(There were none.)





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**CONSTITUTIONAL RESOLUTIONS OF THE STATE OF MAINE  
AS PASSED AT  
THE FIRST SPECIAL SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019**

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(There were none.)



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PUBLIC LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019

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CHAPTER 533  
S.P. 588 - L.D. 1758

**An Act To Clarify and Amend  
MaineCare Reimbursement  
Provisions for Nursing and  
Residential Care Facilities**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain expenditures and modifications of policy set forth in this legislation affect obligations and expenses incident to the operation of state departments and institutions during the course of the current fiscal year and require immediate attention; 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. PL 2017, c. 460, Pt. B, §3, sub-§1** is amended to read:

**1. Special wage allowance for fiscal year 2018-19 and subsequent fiscal years.** For the state fiscal year ending June 30, 2019, a special supplemental allowance must be made to provide for increases in wages and wage-related benefits in both the direct care cost component and routine care cost component as follows. An amount equal to 10% of allowable wages and associated benefits and taxes as reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2016 must be added to the cost per resident day in calculating each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental allowance must also be allowed and paid at final audit to the full extent that it does not cause reimbursement to exceed the facility's allowable costs in that fiscal year. The supplemental allowance for the state fiscal year ending June 30, 2019 provided pursuant to this subsection must continue in each successive fiscal year until the fiscal year in which the rebasing under the Maine Revised Statutes, Title 22, section 1708, subsection 3, paragraph F is based on

2019 as-filed cost report data and has incorporated the costs of wages and allowable benefits and taxes of a facility.

**Sec. 2. PL 2017, c. 460, Pt. B, §3, sub-§§1-A and 1-B** are enacted to read:

**1-A. Additional special wage allowance for fiscal year 2019-20 and subsequent fiscal years.** For the state fiscal year ending June 30, 2020, an additional special supplemental allowance must be made to provide for increases in contract labor, wages and allowable benefits and taxes in both the direct care component and routine care component as follows. An amount equal to 10% of allowable contract labor, wages and allowable benefits and taxes as reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2017 must be added to the cost per resident day in calculating each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement to the contrary. This additional supplemental allowance must be allowed and paid at final audit to the full extent that it does not cause reimbursement to exceed the facility's allowable costs in that fiscal year. The additional supplemental allowance for fiscal years ending in calendar year 2020 must be paid in each successive state fiscal year until the fiscal year in which a rebasing under the Maine Revised Statutes, Title 22, section 1708, subsection 3, paragraph F is based on 2020 as-filed cost report data and has incorporated the costs of contract labor, wages and allowable benefits and taxes of a facility. For the purposes of this subsection, "contract labor" includes nursing, house-keeping, dietary, laundry and related services.

**1-B. No limitation.** The increases in reimbursement rates that result from implementation of this Act are not limited to only wage and wage-related costs.

**Sec. 3. PL 2017, c. 460, Pt. B, §4, sub-§1** is amended to read:

**1. Special wage allowance for fiscal year 2018-19 and subsequent fiscal years.** For the state fiscal year ending June 30, 2019, a special supplemental allowance must be made to provide for increases in wages and wage-related benefits in the direct care, personal care services and routine cost components as follows. An amount equal to 10% of wages and associated benefits and taxes as reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2016 must be added to the cost per resident day in calculating each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement. This supplemental allowance must also be allowed and

paid at final audit to the full extent that it does not cause reimbursement to exceed the facility's allowable costs in each component that is cost settled in that fiscal year. The supplemental allowance for the state fiscal year ending in June 30, 2019 provided pursuant to this subsection must continue in each successive fiscal year until the fiscal year in which the rebased rates have incorporated the costs of wages and allowable benefits and taxes that were reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2019.

**Sec. 4. PL 2017, c. 460, Pt. B, §4, sub-§§1-A and 1-B** are enacted to read:

**1-A. Additional special wage allowance for fiscal year 2019-20 and subsequent fiscal years.** For the state fiscal year ending June 30, 2020, an additional special supplemental allowance must be made to provide for increases in contract labor, wages and allowable benefits and taxes in the direct care, personal care services and routine care cost components as follows. An amount equal to 10% of allowable contract labor, wages and allowable benefits and taxes as reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2017 must be added to the cost per resident day in calculating each facility's prospective rate, notwithstanding any otherwise applicable caps or limits on reimbursement to the contrary. The additional supplemental allowance must be allowed and paid at final audit to the full extent that it does not cause reimbursement to exceed the facility's allowable costs in that fiscal year. The supplemental allowance must be paid in each fiscal year after state fiscal year 2019-20 until the fiscal year in which rates have been rebased using 2020 or a later calendar year as a base year and the rebased rates have incorporated the costs of contract labor, wages and allowable benefits and taxes that were reported on each facility's as-filed cost report for its fiscal year ending in calendar year 2020. For purposes of this subsection, "contract labor" includes nursing, house-keeping, dietary, laundry and related services.

**1-B. No limitation.** The increases in reimbursement rates that result from implementation of this Act are not limited to only wage and wage-related costs.

**Sec. 5. Rulemaking.** The Department of Health and Human Services shall amend its rule in 10-144 C.M.R. Chapter 101: MaineCare Benefits Manual, Chapter III, Section 67, Principles of Reimbursement for Nursing Facilities and Section 97, Appendix C, Principles of Reimbursement for Medical and Remedial Service Facilities to determine, of the funds provided in section 6, the proportional amount to be distributed to each provider based on sections 1 to 4 of this Act.

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

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Medical Care - Payments to Providers 0147**

Initiative: Provides one-time appropriations and allocations for residential care facility wage allowances.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$142,896	\$187,720
<b>GENERAL FUND TOTAL</b>	<u>\$142,896</u>	<u>\$187,720</u>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$251,844	\$330,844
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$251,844</u>	<u>\$330,844</u>

**Medical Care - Payments to Providers 0147**

Initiative: Provides one-time appropriations and allocations for residential care facility supplemental wage allowance.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,361,537	\$1,361,537
<b>GENERAL FUND TOTAL</b>	<u>\$1,361,537</u>	<u>\$1,361,537</u>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,399,616	\$2,399,616
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$2,399,616</u>	<u>\$2,399,616</u>

**Nursing Facilities 0148**

Initiative: Provides one-time appropriations and allocations for nursing facility wage allowances.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$377,104	\$332,280
<b>GENERAL FUND TOTAL</b>	<u>\$377,104</u>	<u>\$332,280</u>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$664,620	\$585,621
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$664,620</u>	<u>\$585,621</u>

**Nursing Facilities 0148**

Initiative: Provides one-time appropriations and allocations for nursing facility supplemental wage allowance.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$3,637,102	\$3,637,102
<b>GENERAL FUND TOTAL</b>	<u>\$3,637,102</u>	<u>\$3,637,102</u>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$6,410,140	\$6,410,140
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$6,410,140</u>	<u>\$6,410,140</u>

**Nursing Facilities 0148**

Initiative: Provides one-time deappropriations and deallocations for funding carried forward in the baseline for the nursing facility supplemental wage allowance.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$5,400,000)	(\$5,400,000)
<b>GENERAL FUND TOTAL</b>	<u>(\$5,400,000)</u>	<u>(\$5,400,000)</u>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$9,517,127)	(\$9,517,127)
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>(\$9,517,127)</u>	<u>(\$9,517,127)</u>

**PNMI Room and Board Z009**

Initiative: Provides one-time appropriations and allocations for residential care facility supplemental wage allowance.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$401,361	\$401,361
<b>GENERAL FUND TOTAL</b>	<u>\$401,361</u>	<u>\$401,361</u>

<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$520,000</b>	<b>\$520,000</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$209,093</b>	<b>\$209,094</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u>\$729,093</u>	<u>\$729,094</u>

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

Effective January 12, 2020.

**CHAPTER 534  
S.P. 18 - L.D. 54**

**An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions**

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

**Sec. 1.** 1 MRSA §1012, sub-§10, as enacted by PL 2007, c. 642, §5, is amended to read:

**10. Violation of legislative ethics.** "Violation of legislative ethics" means a violation of the prohibitions in section 1014 or ~~1015~~ 1015-A.

**Sec. 2.** 1 MRSA §1013, sub-§2, ¶B-1, as amended by PL 2011, c. 471, §2, is further amended to read:

B-1. Any person may file a complaint against a Legislator alleging a violation of legislative ethics only as described in sections 1014 and ~~1015~~ 1015-A. The complaint must be filed in writing and signed under oath and must specify the facts of the alleged violation citing the specific provisions of sections 1014 and ~~1015~~ 1015-A that are alleged to have been violated, the approximate date of the alleged violation and such other information as the commission requires. A complainant shall agree in writing not to disclose any information about the complaint during the time the commission is determining whether or not to pursue the complaint or during the investigation of a complaint. A complaint that does not meet the criteria of this paragraph is considered incomplete and will not be forwarded to the commission.

(1) The Legislator against whom a complaint is filed must immediately be given a copy of the complaint and the name of the complainant. Before deciding whether to conduct an investigation or to hold any hearings, the commission shall afford the Legislator an opportunity to answer the complaint in writing and in person to the commission. The commission staff may gather preliminary factual information that will assist the commission in deciding whether to conduct a full investigation or to hold hearings.

(2) The commission shall consider only complaints against Legislators in office at the time of the filing of the complaint and only complaints relating to activity that occurred or was ongoing within 2 years of the complaint. Upon a majority vote of the commission, the commission shall conduct an investigation and hold hearings as it determines necessary.

(3) The commission shall issue its findings of fact together with its opinion regarding the alleged violation of legislative ethics to the legislative body of which the Legislator concerned is a member. That legislative body may take whatever action it determines appropriate, in accordance with the Constitution of Maine.

(4) If the commission determines that a Legislator has potentially violated professional standards set by a licensing board, its opinion and such other information as may be appropriate must be referred to the licensing board that oversees the Legislator's professional conduct.

**Sec. 3.** 1 MRSA §1015, as amended by PL 2009, c. 286, §1, is repealed.

**Sec. 4.** 1 MRSA §1015-A is enacted to read:  
**§1015-A. Campaign contributions and solicitations prohibited**

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

A. "Contribution" has the same meaning as in Title 21-A, section 1012, subsection 2 and includes seed money contributions as defined in Title 21-A, section 1122, subsection 9, and, with respect to political action committees and ballot question committees, includes contributions as defined in Title 21-A, section 1052, subsection 3. "Contribution" does not include qualifying contributions as defined in Title 21-A, section 1122, subsection 7.

B. "Employer" has the same meaning as in Title 3, section 312-A, subsection 5. "Employer" does not include a lobbying firm.

C. "Legislative session" means the period of time after the convening of the Legislature and before final adjournment.

D. "Lobbying firm" means a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive monetary or in-kind compensation for engaging in lobbying, as defined in Title 3, section 312-A, subsection 9, either directly or through its employees or agents.

E. "Lobbyist" has the same meaning as in Title 3, section 312-A, subsection 10.

F. "Lobbyist associate" has the same meaning as in Title 3, section 312-A, subsection 10-A.

**2. Campaign contributions and solicitations prohibited during legislative session.** The following provisions prohibit certain contributions and solicitations and offers of contributions during a legislative session.

A. The Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials may not intentionally solicit or accept a contribution from a lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm during a legislative session.

B. A lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature, a constitutional officer or the staff or agent of these officials during a legislative session.

C. The prohibitions in paragraphs A and B apply to contributions directly and indirectly solicited or accepted by or given, offered and promised to a political action committee, ballot question committee or party committee of which the Governor, a member of the Legislature, a constitutional officer or the

staff or agent of these officials is a treasurer, officer or primary fund-raiser or decision maker.

D. The prohibitions in paragraphs A and B do not apply to the following:

(1) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm that is not the property of that lobbyist, lobbyist associate, employer of a lobbyist or lobbying firm;

(2) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm related to a special election to fill a vacancy from the time of announcement of the election until the election; or

(3) The solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate related to a special election to fill a vacancy from the time of announcement of the election until the election if the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in the district where the special election will appear on the ballot.

**3. Campaign contributions and solicitations prohibited when Legislature not in legislative session.** The following provisions prohibit certain contributions and solicitations and offers of contributions when the Legislature is not in legislative session.

A. When the Legislature is not in legislative session, the Governor, a member of the Legislature or the staff or agent of these officials may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

B. When the Legislature is not in legislative session, a lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to the Governor, a member of the Legislature or the staff or agent of these officials unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the Governor or member of the Legislature will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or a lobbying firm.

**4. Campaign contributions and solicitations prohibited at all times.** The following provisions prohibit certain contributions and solicitations and offers of contributions at all times, regardless of whether the Legislature is in legislative session.

A. A gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, may not intentionally solicit or accept a contribution from a lobbyist or lobbyist associate unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

B. A lobbyist or lobbyist associate may not intentionally give, offer or promise a contribution to a gubernatorial or legislative candidate who is not the Governor or a member of the Legislature, or the staff or agent of a gubernatorial or legislative candidate, unless the lobbyist or lobbyist associate is eligible to vote or will be eligible to vote on the day of the election in a district where the gubernatorial or legislative candidate will appear on the ballot.

C. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by a lobbyist or lobbyist associate that is not the property of that lobbyist or lobbyist associate.

D. The prohibitions in paragraphs A and B do not apply to the solicitation or acceptance of a contribution from or the offer or promise of a contribution by an employer of a lobbyist or lobbying firm.

**5. Exceptions.** This section does not prohibit any of the following.

A. The solicitation, acceptance, offer or gift of money or anything of value for bona fide social events hosted for nonpartisan, charitable purposes.

B. The solicitation, acceptance, offer or promise of contributions to a member of the Legislature supporting that member's campaign for federal office.

C. The attendance of the Governor, a member of the Legislature, a constitutional officer, a gubernatorial or legislative candidate or the staff or agent of these persons at fund-raising events held by a municipal, county, state or national political party organized pursuant to Title 21-A, chapter 5, nor the advertisement of the expected presence of any such person at any such event, as long as any such person has no involvement in soliciting attendance at the event and all proceeds are paid directly to the

political party organization hosting the event or a nonprofit charitable organization.

**6. Violations.** The commission may undertake investigations to determine whether any person has violated this section. A person who violates this section is subject to a civil penalty not to exceed \$1,000 for each violation, payable to the State and recoverable in a civil action. A contribution accepted in violation of this section must be returned to the contributor.

**Sec. 5. 1 MRSA §1016-G, sub-§3, ¶B,** as enacted by PL 2011, c. 634, §11, is amended to read:

B. The intentional filing of a false statement is a Class E crime. If the commission concludes that it appears that a Legislator has willfully filed a false statement, it shall refer its findings of fact to the Attorney General. If the commission determines that a Legislator has willfully failed to file a statement required by this subchapter or has willfully filed a false statement, the Legislator is presumed to have a conflict of interest on every question and ~~must be precluded or subject to penalty as provided in section 1015.~~

See title page for effective date.

**CHAPTER 535**

**S.P. 167 - L.D. 545**

**An Act To Ban Child Marriage**

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

**Sec. 1. 19-A MRSA §652, sub-§8,** as amended by PL 1997, c. 683, Pt. E, §5 and affected by §6, is further amended to read:

**8. Parties under 16 years of age.** The clerk may not issue a marriage license to a person under 16 years of age ~~without:~~

~~A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;~~

~~B. Notifying the judge of probate in the county in which the minor resides of the filing of this intention; and~~

~~C. Receipt of that judge of probate's written consent to issue the license. The judge of probate shall base a decision on whether to issue consent on the best interest of the parties under 16 years of age and shall consider the age of both parties and any criminal record of a party who is 18 years of age or older. The judge of probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that a license not be issued. The judge~~

~~of probate shall issue a decision within 30 days of receiving the notification under paragraph B.~~

See title page for effective date.

**CHAPTER 536  
S.P. 237 - L.D. 793**

**An Act To Improve  
Accountability of Opioid  
Manufacturers**

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

**Sec. 1. 5 MRSA §20010** is enacted to read:

**§20010. Opioid Use Disorder Prevention and Treatment Fund**

**1. Fund established.** The Opioid Use Disorder Prevention and Treatment Fund, referred to in this section as "the fund," is established for the purpose of supporting opioid use disorder analysis, prevention and treatment and is administered by the department. The fund consists of:

A. Money received from proceeds from the registration fee under Title 32, section 13800-C;

B. Money received from proceeds from the fee under Title 32, section 13724, less \$325, which may be retained by the Department of Professional and Financial Regulation; and

C. Appropriations, allocations and contributions from private and public sources.

The fund must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

**2. Uses of fund proceeds.** The proceeds of the fund must be used for the following purposes:

A. Opioid use disorder prevention services;

B. Opioid use disorder treatment services, including:

(1) Inpatient and outpatient treatment programs and facilities, including short-term and long-term residential treatment programs and sober living facilities;

(2) Treating substance use disorder for the underinsured and uninsured; and

(3) Research regarding opioid use disorder prevention and treatment;

C. The department's reasonable expenses in administering the fund; and

D. The Maine Board of Pharmacy's reasonable expenses in administering Title 32, section 13800-C and in providing the report required under Title 32, section 13800-C.

The department shall award grants and contracts from proceeds of the fund to persons and organizations to carry out the purposes of the fund.

**Sec. 2. 22 MRSA §7249-B** is enacted to read:

**§7249-B. Opioid medication distribution monitoring information**

A manufacturer of an opioid medication that is available in this State and a wholesaler that sells or distributes an opioid medication in this State shall submit to the department, by electronic means or other format specified in a waiver granted by the department, information for this State submitted to the United States Drug Enforcement Administration's Automation of Reports and Consolidated Orders System pursuant to 21 United States Code, Subchapter I and 21 Code of Federal Regulations, Section 1304.33 at the time that information is submitted to the United States Drug Enforcement Administration. As used in this section, the terms "manufacturer" and "opioid medication" have the same meanings as in Title 32, section 13702-A.

**Sec. 3. 32 MRSA §13724**, as amended by PL 2007, c. 402, Pt. DD, §11 and PL 2011, c. 286, Pt. B, §5, is repealed and the following enacted in its place:

**§13724. Fees**

The Director of the Office of Professional and Occupational Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes in accordance with this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**1. General fees.** Except as provided in subsection 2, the fee for any one purpose may not exceed \$325.

**2. Manufacturer of an opioid medication fee.** The fee for a manufacturer of an opioid medication is \$55,000. This subsection does not apply to a manufacturer of an opioid medication if all of that manufacturer's opioid medications are approved by the United States Food and Drug Administration for use only in veterinary medicine.

**Sec. 4. 32 MRSA §13800-C** is enacted to read:

**§13800-C. Opioid medication product registration fee**

This section governs opioid medication product registration fees. As used in this section, "unit of an opioid medication" means the lowest identifiable quantity of the opioid medication that is dispensed.

**1. Registration fee.** Except as provided in subsection 2, a manufacturer that sells, delivers or distributes



an opioid medication in this State shall pay an annual registration fee of \$250,000 to the board on December 31st of each year.

**2. Exception.** A manufacturer that does not sell, deliver or distribute 2,000,000 or more units of an opioid medication within this State in the year in which a registration fee is due is not required to pay the registration fee. To qualify for the exception under this subsection, a manufacturer must demonstrate to the board, by January 31st of the year following the year in which the registration fee is due, in a manner determined by the board, that the manufacturer did not sell, deliver or distribute 2,000,000 or more units of an opioid medication within this State in the year in which the manufacturer seeks to claim the exception. The board may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Calculation of units of an opioid medication sold, delivered or distributed.** When calculating the number of units of an opioid medication sold, delivered or distributed by a manufacturer under subsection 2, units of an opioid medication may be excluded when prescribed for the purpose of medication-assisted treatment of substance use disorder. The board periodically shall provide to the Department of Health and Human Services a list of medications exempted under this subsection.

**4. Registration fee review and report.** By March 1st of each year following calendar years 2020, 2021 and 2022, the board shall evaluate and report whether the registration fee due under this section and the fee due under section 13724 have affected the prescribing practices of opioid medications by reducing the number of opioid medication prescriptions issued during calendar years 2020, 2021 and 2022 or whether the fees have created any unintended consequences in the availability of opioid medications for the treatment of chronic or intractable pain, to the extent the board has the ability to identify a correlation. The board shall provide the report to the joint standing committee of the Legislature having jurisdiction over health and human services matters, which may report out legislation based upon the report.

This subsection is repealed September 1, 2023.

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

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Opioid Use Disorder Prevention and Treatment  
Fund N307**

Initiative: Provides base allocation for the Opioid Use Disorder Prevention and Treatment Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500	\$500

OTHER SPECIAL REVENUE	\$500	\$500
<b>FUNDS TOTAL</b>		

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF  
DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
	\$500	\$500

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$500</b>	<b>\$500</b>
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**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Licensing and Enforcement 0352**

Initiative: Allocates funds for the contracting and general operating costs associated with the development of the registration fee review report, determination and report of exempted medications, rulemaking and additional board meetings.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$53,000	\$53,000

OTHER SPECIAL REVENUE	\$53,000	\$53,000
<b>FUNDS TOTAL</b>		

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF  
DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
	\$53,000	\$53,000

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$53,000</b>	<b>\$53,000</b>
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**SECTION TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
	\$53,500	\$53,500

<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$53,500</b>	<b>\$53,500</b>
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See title page for effective date.



to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

- (1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.
- (2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2017, c. 439, §3, is further amended to read:

B. Except as provided in paragraphs D, E and F, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1,

paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

- (1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N in a capacity or capacities specified in subsection 1 or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as

provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each

year that the member's age precedes 55 years of age.

**Sec. 8. 5 MRSA §17851-A, sub-§5**, as amended by PL 2007, c. 491, §157, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter 3, after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, a member in the capacities specified in subsection 1 must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 9. Transition.** If an emergency communications specialist in the employment of the Department of Public Safety on July 1, 2020 elects to participate in the 1998 Special Plan of the Maine Public Employees Retirement System, as provided in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, paragraph N, that employee must make that election no later than September 30, 2020 and that employee's participation in the 1998 Special Plan becomes effective October 1, 2020.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF  
Consolidated Emergency Communications Z021**

Initiative: Allocates funds for the cost of adding Emergency Communications Specialist, Emergency Communications Specialist - Lead and Emergency Communications Specialist - Supervisor positions into the 1998 Special Plan.

CONSOLIDATED EMERGENCY COMMUNICATIONS FUND	2019-20	2020-21
Personal Services	\$0	\$91,838
CONSOLIDATED EMERGENCY COMMUNICATIONS FUND	\$0	\$91,838
TOTAL		

See title page for effective date.

**CHAPTER 538**  
**H.P. 640 - L.D. 866**

**An Act To Support College  
Completion by Homeless  
Youth in Maine**

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

**Sec. 1. 20-A MRS §10014** is enacted to read:

**§10014. Homeless students**

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

A. "Homeless student" means a student under 25 years of age who has been verified, at any time during the 24 months immediately preceding the student's admission to or while enrolled in a state postsecondary educational institution, as a homeless child or youth as defined in the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 United States Code, Section 11431 et seq. by:

(1) The director of a governmental or non-profit agency that receives public or private funding to provide services to persons experiencing homelessness, or the director's designee;

(2) A local education agency liaison for children and youth experiencing homelessness pursuant to the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, 42 United States Code, Section 11431 et seq. or a school counselor or school social worker as defined in section 4008, subsection 1;

(3) An attorney representing the student in any legal matter, if the student is under 18 years of age;

(4) The director of a federal outreach and student services program designed to identify and provide services for economically disadvantaged individuals or a federal program about gaining early awareness and readiness for undergraduate programs, or the director's designee; or

(5) A financial aid administrator at a state postsecondary educational institution.

B. "State postsecondary educational institution" means the University of Maine System and any college within the system, the Maine Community College System and any college within the system and Maine Maritime Academy.

2. Homeless student liaison. Each state postsecondary educational institution may designate a staff member who is employed within the institution's financial aid office or another appropriate office or department to serve as the homeless student liaison. The homeless student liaison must have expertise in the financial aid eligibility of homeless students and in identifying services for homeless students. The liaison shall assist homeless students in applying for federal and state financial aid and applying for and receiving available services.

3. Housing resources. When housing resources are offered by and available for occupancy at a state postsecondary educational institution, the state postsecondary educational institution shall:

A. Give homeless students who are enrolled full-time in that state postsecondary educational institution priority for available housing resources, including but not limited to priority for housing facilities that remain open for occupation during academic and campus breaks; and

B. Develop individual housing plans for homeless students who are enrolled full-time.

4. Homeless student financial assistance grant. Beginning in fiscal year 2020-21, each state postsecondary educational institution may award a homeless student a grant under this subsection. The grant award is limited to the amount of the cost of tuition, less all other financial aid received from a Federal Pell Grant or any other merit-based or needs-based grant or scholarship, not including a grant awarded under this subsection, that the homeless student is not required to repay. To be eligible for a grant under this subsection, a homeless student must have completed an application for federal student financial aid programs for which the student may be eligible for the academic year for which the student applies. The availability of the grant and the amount of the grant under this subsection are subject to the amounts appropriated by the Legislature.

5. Fund. Each state postsecondary educational institution shall establish a nonlapsing fund to distribute grant awards pursuant to subsection 4. The University of Maine System, Maine Community College System and Maine Maritime Academy shall include the estimated full funding necessary to provide the grants under subsection 4 in the preparation of the biennial budget for presentation to the Governor and the Legislature.

See title page for effective date.

**CHAPTER 539**  
**S.P. 315 - L.D. 1083**

**An Act To Implement  
Ranked-choice Voting for  
Presidential Primary and  
General Elections in Maine**

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

**Sec. 1. 21-A MRSA §1, sub-§27-C**, as repealed and replaced by PL 2017, c. 316, §1, is amended to read:

**27-C. Elections determined by ranked-choice voting.** "Elections determined by ranked-choice voting" means any of the following elections in which 3 or more candidates have qualified to be listed on the ballot for a particular office or at least 2 such candidates plus one or more declared write-in candidates have qualified for that particular office:

A. Primary elections for the offices of United States Senator, United States Representative to Congress, Governor, State Senator and State Representative;

B. General and special elections for the offices of United States Senator and United States Representative to Congress; ~~and~~

D. General elections for presidential electors; and

**Sec. 2. 21-A MRSA §1, sub-§27-C, ¶E** is enacted to read:

E. Primary elections for the office of President of the United States.

**Sec. 3. 21-A MRSA §723-A, sub-§5-B** is enacted to read:

**5-B. Presidential primary elections; selection of delegates.** Notwithstanding any provision of this section to the contrary, selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention.

**Sec. 4. 21-A MRSA §801, sub-§2** is enacted to read:

**2. Counting of ballots.** Counting of ballots for candidates for President must proceed according to the ranked-choice method of counting votes described in section 723-A.

**Sec. 5. 21-A MRSA §805, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Presidential electors.** The presidential electors at large shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in the State according to the ranked-choice method of counting votes described in

section 723-A. The presidential electors of each congressional district shall cast their ballots for the presidential and vice-presidential candidates who received the largest number of votes in each respective congressional district according to the ranked-choice method of counting votes described in section 723-A.

**Sec. 6. Contingent effective date.** Those sections of this Act that enact the Maine Revised Statutes, Title 21-A, section 1, subsection 27-C, paragraph E and Title 21-A, section 723-A, subsection 5-B take effect upon the enactment of laws adopting a presidential primary election in this State.

See title page for effective date, unless otherwise indicated.

**CHAPTER 540**  
**H.P. 808 - L.D. 1104**

**An Act To Clarify the State's  
Commitments Concerning  
Certain Public Service  
Retirement Benefits**

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

**Sec. 1. 5 MRSA §17801, sub-§1, ¶B**, as enacted by PL 1999, c. 489, §3, is amended to read:

B. The protections established under the provisions listed in subparagraph (1) constitute solemn contractual commitments of the State protected under the contract clauses of the Constitution of Maine, Article I, Section 11 and the United States Constitution, Article I, Section 10, under the terms and conditions set out in subparagraph (2).

(1) The commitment provided by this section applies to the protections established under the specific following provisions:

(a) Section 17001, subsection 4; and subsection 13, paragraph B, subparagraph (1) and paragraph C, subparagraph (2);

(b) Section 17806, ~~subsection~~ subsections 1 to 4;

(c) The subsection of section 17851, that is applicable to each member;

(d) The paragraph of subsection 2 of section 17851-A, that is applicable to each member;

(e) The paragraph of subsection 4 of section 17851-A, that is applicable to each member; and

(f) The subsection of section 17852, that is applicable to each member.

(2) The commitment established in this paragraph attaches to a given provision of those specified in subparagraph (1) when the member in question has met the creditable service requirement set out in the given provision, on the basis of which the protection established by the provision becomes effective.

See title page for effective date.

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## CHAPTER 541

### H.P. 871 - L.D. 1207

#### An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles

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

**Sec. 1. 5 MRSA §17851, sub-§14**, as amended by PL 2017, c. 229, §2, is further amended to read:

**14. Motor vehicle detectives; option.** ~~A~~ Except as provided in section 17851-A, a motor vehicle detective, senior motor vehicle detective, principal motor vehicle detective or chief motor vehicle detective qualifies for a service retirement benefit upon reaching 55 years of age after completing at least 25 years of creditable service in that capacity if notice of election of the option and payment of employee contributions and actuarial costs are made as provided in section 17852, subsection 15.

**Sec. 2. 5 MRSA §17851-A, sub-§1, ¶L**, as amended by PL 2001, c. 646, §1, is further amended to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or ~~are~~ hired thereafter; ~~and~~

**Sec. 3. 5 MRSA §17851-A, sub-§1, ¶M**, as enacted by PL 2001, c. 646, §2 and amended by PL 2009, c. 317, Pt. E, §§15 and 16, is further amended to read:

M. Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police on July 1, 2002 or hired thereafter; ~~and~~

**Sec. 4. 5 MRSA §17851-A, sub-§1, ¶N** is enacted to read:

N. Detectives in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

**Sec. 5. 5 MRSA §17851-A, sub-§2**, as amended by PL 2017, c. 439, §1, is further amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; any employee identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraph N; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. 6. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2017, c. 439, §2, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; ~~and~~ after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after June 30, 2020 for employees identified in subsection 1, paragraph N in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraphs L and M regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 7. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c. 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit

under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 8. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2017, c. 439, §3, is further amended to read:

B. Except as provided in paragraphs D, E and F, if some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M;



and before July 1, 2020 for employees identified in subsection 1, paragraph N in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and

eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 9. 5 MRSA §17851-A, sub-§5**, as amended by PL 2007, c. 491, §157, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter 3, after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, a member in the capacities specified in subsection 1 must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 10. 5 MRSA §17851-A, sub-§6-B** is enacted to read:

**6-B. Consequences of participation in retirement plan under section 17851, subsection 14.** A member in the capacity specified in subsection 1, para-

graph N who, prior to July 1, 2020, elected the retirement option provided in section 17851, subsection 14 is treated as follows under the 1998 Special Plan.

A. A member who made the election at the time of first employment in a position covered under section 17851, subsection 14 is considered to be a member under the 1998 Special Plan as of the date of hire. Beginning July 1, 2020, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

B. A member who was serving in a position covered under section 17851, subsection 14 at the time of the election and who elected to participate in the retirement option prospectively from the time of election is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 2020, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

C. A member who was serving in a position covered under section 17851, subsection 14 at the time of the election and who elected to participate in the retirement option prospectively from the time of election and also elected to purchase credit for service earned while serving in the same capacity before exercising the election is considered to be a member under the 1998 Special Plan as of the beginning date of the service for which credit is purchased, as long as all of the payments required under section 17852, subsection 15 are made before retirement. If all the required payments are not made before retirement, that member is considered to be a member under the 1998 Special Plan as of the effective date of the election. Beginning July 1, 2020, for employees identified in subsection 1, paragraph N, a member covered by this paragraph shall contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable compensation until completion of 25 years of creditable service and shall contribute at a rate of 7.65% thereafter.

Employee contributions and actuarial and administrative costs paid to the State Employee and Teacher Retirement Program by a member covered by this subsection may not be returned to that member, except that these employee contributions may be refunded to a member who terminates service and requests a refund under section 17705-A.

**Sec. 11. 5 MRSA §17852, sub-§15,** as amended by PL 2017, c. 229, §3, is further amended to read:

**15. Motor vehicle detectives; option.** ~~The~~ Except as provided in section 17851-A, the retirement benefit of a person who qualifies under section 17851, subsection 14 and who retires upon or after reaching 55 years of age is computed in accordance with subsection 1 if:

A. The person was first employed as a motor vehicle ~~investigator or a motor vehicle~~ detective on or after October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program an increased employee payroll contribution in an amount that equals the full actuarial cost of electing that option; or

B. The person was first employed as a motor vehicle ~~investigator~~ detective before October 1, 1997, elects the option provided in section 17851, subsection 14 and pays to the State Employee and Teacher Retirement Program a single payment or periodic payments of a lump sum or a combination of single and periodic payments of that amount that equals the full actuarial cost of electing that option for service before that date.

A person who requests calculation of the full actuarial cost, regardless of whether the person elects the option, must pay to the retirement system by a single lump sum payment the reasonable administrative costs of determining the full actuarial costs. Payment of the full actuarial cost related to service on or after October 1, 1997 is made as part of the employee payroll contribution.

For the purposes of this subsection, "full actuarial cost" means that the person's payment or payments must fully offset any unfunded liability that would or does result from retirement under the option provided in section 17851, subsection 14 and must fully fund the cost of the person's retirement prior to normal retirement age so that an additional employer contribution is not required.

A person who makes the election provided in section 17851, subsection 14 at any time after the date on which the person is first employed as a motor vehicle ~~investigator or a motor vehicle~~ detective must include interest, at a rate to be set by the board not to exceed regular interest by 5 or more percentage points, applied as of the date on which the person was first employed in that capacity to the contributions the person would have paid or had picked up by the employer had the person elected that option at the date of first employment.

This subsection takes effect October 1, 1997. Election to retire under this subsection is a one-time irrevocable election. A person who was first employed as a motor vehicle ~~investigator or a motor vehicle~~ detective on or after October 1, 1997 must make the election no later than 90 days after the date of first employment. A per-

son who was first employed in that capacity before October 1, 1997 must make the election no later than January 1, 1998.

**Sec. 12. 5 MRSA §17852, sub-§16**, as amended by PL 2017, c. 229, §4, is further amended to read:

**16. Motor vehicle detectives exercising option; retirement before 55 years of age.** ~~For~~ Except as provided in section 17851-A, for a person exercising the option provided in section 17851, subsection 14 who makes the payments required in subsection 15 and who retires before reaching 55 years of age, the retirement benefit is determined as follows.

A. For members with 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that:

- (1) The amount arrived at under subsection 1 is reduced by applying to that amount the percentage that a life annuity due at 55 years of age bears to the life annuity due at the age of retirement; and
- (2) For the purpose of making the computation under subparagraph (1), the board-approved tables of annuities in effect at the date of the member's retirement are used.

For the purpose of calculating creditable service under this subsection only, "creditable service" includes time during which a member participated in the voluntary cost-savings plan or the voluntary employee incentive program authorized by Public Law 1989, chapter 702, Part F, section 6 and Public Law 1991, chapter 591, Part BB and chapter 780, Part VV; 10 years of combined creditable service under this Part and Title 3, chapter 29; or creditable service available to a member that the member was eligible to purchase on June 30, 1993 and that the member does purchase in accordance with rules adopted by the board.

B. For members who do not have 10 years of creditable service on July 1, 1993, the retirement benefit is determined in accordance with subsection 1, except that the benefit is reduced by 6% for each year that the person's age precedes 55 years of age.

**Sec. 13. Transition.** If a detective in the employment of the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles on July 1, 2020 elects to participate in the 1998 Special Plan of the Maine Public Employees Retirement System, as provided in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, that employee must make that election no later than September 30, 2020 and that employee's participation in the 1998 Special Plan becomes effective October 1, 2020.

**Sec. 14. Appropriations and allocations.** The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077**

Initiative: Allocates funds for the additional cost for detectives employed in the office of investigations within the Department of the Secretary of State, Bureau of Motor Vehicles, on July 1, 2020 to participate in the 1998 Special Plan on a prospective basis. Also allocates funds for the additional STA-CAP.

HIGHWAY FUND	2019-20	2020-21
Personal Services	\$0	\$20,936
All Other	\$0	\$974
HIGHWAY FUND TOTAL	\$0	\$21,910

See title page for effective date.

**CHAPTER 542**

**H.P. 872 - L.D. 1208**

**An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General**

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

**Sec. 1. 5 MRSA §17851-A, sub-§1, ¶L**, as amended by PL 2001, c. 646, §1, is further amended to read:

L. Oil and hazardous materials emergency response workers in the employment of the Department of Environmental Protection, Division of Response Services who participate in a standby rotation on January 1, 2002 or ~~are~~ hired thereafter; ~~and~~

**Sec. 2. 5 MRSA §17851-A, sub-§1, ¶M**, as enacted by PL 2001, c. 646, §2 and amended by PL 2009, c. 317, Pt. E, §§15 and 16, is further amended to read:

M. Capitol Police officers in the employment of the Department of Public Safety, Bureau of Capitol Police on July 1, 2002 or hired thereafter; ~~and~~

**Sec. 3. 5 MRSA §17851-A, sub-§1, ¶N** is enacted to read:

N. Detectives in the employment of the Office of the Attorney General on July 1, 2020 who elect to participate in the 1998 Special Plan or hired thereafter.

**Sec. 4. 5 MRSA §17851-A, sub-§2**, as amended by PL 2017, c. 439, §1, is further amended to read:

**2. Qualification for benefits.** A member employed in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; any employee identified in subsection 1, paragraph M; after June 30, 2020 for employees identified in subsection 1, paragraph N; and any employee identified in subsection 1, paragraph L, qualifies for a service retirement benefit if that member either:

A. Is at least 55 years of age and has completed at least 10 years of creditable service under the 1998 Special Plan in any one or a combination of the capacities; or

B. Has completed at least 25 years of creditable service in any one or a combination of the capacities specified in subsection 1, whether or not the creditable service included in determining that the 25-year requirement has been met was earned under the 1998 Special Plan or prior to its establishment.

**Sec. 5. 5 MRSA §17851-A, sub-§3, ¶A**, as amended by PL 2017, c. 439, §2, is further amended to read:

A. For the purpose of meeting the qualification requirement of subsection 2, paragraph A:

(1) Service credit purchased by repayment of an earlier refund of accumulated contributions following termination of service is included only to the extent that time to which the refund relates was served after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; ~~and~~ after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; and after June 30, 2020 for employees identified in subsection 1, paragraph N in any one or a combination of the capacities specified in subsection 1. Service credit may be purchased for service by an employee identified in subsection 1, paragraphs L and M regardless of when performed; and

(2) Service credit purchased other than as provided under subparagraph (1), including but not limited to service credit for military service, is not included.

**Sec. 6. 5 MRSA §17851-A, sub-§4, ¶A**, as repealed and replaced by PL 2003, c. 510, Pt. D, §3 and affected by §§6 and 7, is amended to read:

A. If all of the member's creditable service in any one or a combination of the capacities specified in

subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N; if service credit was purchased by repayment of an earlier refund of accumulated contributions for service in any one or a combination of the capacities specified in subsection 1 after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N; or if service credit was purchased by other than the repayment of an earlier refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, the benefit must be computed as provided in section 17852, subsection 1, paragraph A.

(1) If the member had 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced as provided in section 17852, subsection 3, paragraphs A and B.

(2) If the member had fewer than 10 years of creditable service on July 1, 1993, the benefit under subsection 2, paragraph B must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 7. 5 MRSA §17851-A, sub-§4, ¶B**, as amended by PL 2017, c. 439, §3, is further amended to read:

B. Except as provided in paragraphs D, E and F, if some part of the member's creditable service in any one or a combination of the capacities specified in

subsection 1 was earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N and some part of the member's creditable service in any one or a combination of the capacities specified in subsection 1 was earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, then the member's service retirement benefit must be computed in segments and the amount of the member's service retirement benefit is the sum of the segments. The segments must be computed as follows:

(1) The segment or, if the member served in more than one of the capacities specified in subsection 1 and the benefits related to the capacities are not interchangeable under section 17856, segments that reflect creditable service earned before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N or purchased by repayment of an earlier refund of accumulated contributions for service before July 1, 1998, for employees identified in subsection 1, paragraphs A to H; before January 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N in a capacity or capacities specified in subsection 1 or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved before July 1, 1998 for employees identified in subsection 1, paragraphs A to H; before Janu-

ary 1, 2000 for employees identified in subsection 1, paragraphs I to K; before January 1, 2002 for employees identified in subsection 1, paragraph L; ~~and~~ before July 1, 2002 for employees identified in subsection 1, paragraph M; and before July 1, 2020 for employees identified in subsection 1, paragraph N, must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

(a) Had 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3, paragraphs A and B; or

(b) Had fewer than 10 years of creditable service on July 1, 1993, the amount of the segment or segments must be reduced as provided in section 17852, subsection 3-A; and

(2) The segment that reflects creditable service earned after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N or purchased by repayment of an earlier refund of accumulated contributions for service after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N in any one or a combination of the capacities specified in subsection 1, or purchased by other than the repayment of a refund and eligibility to make the purchase of the service credit, including, but not limited to, service credit for military service, was achieved after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to

K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N must be computed under section 17852, subsection 1, paragraph A. If the member is qualified under subsection 2, paragraph B and:

- (a) Had 10 years of creditable service on July 1, 1993, the segment amount must be reduced in the manner provided in section 17852, subsection 3, paragraphs A and B for each year that the member's age precedes 55 years of age; or
- (b) Had fewer than 10 years of creditable service on July 1, 1993, the segment amount must be reduced by 6% for each year that the member's age precedes 55 years of age.

**Sec. 8. 5 MRSA §17851-A, sub-§5,** as amended by PL 2007, c. 491, §157, is further amended to read:

**5. Contributions.** Notwithstanding any other provision of subchapter 3, after June 30, 1998 and before September 1, 2002 for employees identified in subsection 1, paragraphs A and B; after June 30, 1998 for employees identified in subsection 1, paragraphs C to H; after December 31, 1999 for employees identified in subsection 1, paragraphs I to K; after December 31, 2001 for employees identified in subsection 1, paragraph L; ~~and~~ after June 30, 2002 for employees identified in subsection 1, paragraph M; and after June 30, 2020 for employees identified in subsection 1, paragraph N, a member in the capacities specified in subsection 1 must contribute to the State Employee and Teacher Retirement Program or have pick-up contributions made at the rate of 8.65% of earnable compensation until the member has completed 25 years of creditable service as provided in this section and at the rate of 7.65% thereafter.

**Sec. 9. Transition.** If a detective in the employment of the Office of the Attorney General on July 1, 2020 elects to participate in the 1998 Special Plan of the Maine Public Employees Retirement System, as provided in the Maine Revised Statutes, Title 5, section 17851-A, subsection 1, that employee must make that election no later than September 30, 2020 and that employee's participation in the 1998 Special Plan becomes effective October 1, 2020.

**Sec. 10. Appropriations and allocations.** The following appropriations and allocations are made.

**ATTORNEY GENERAL, DEPARTMENT OF THE**

**Administration - Attorney General 0310**

Initiative: Moves funds from All Other to Personal Services to fund the additional cost for detectives employed in the Office of the Attorney General on July 1, 2020 to participate in the 1998 Special Plan on a prospective basis.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
Personal Services	\$0	\$13,494
All Other	\$0	(\$13,494)
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
Personal Services	\$0	\$3,598
All Other	\$0	(\$3,598)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0

**Administration - Attorney General 0310**

Initiative: Moves funds from All Other to Personal Services to fund the additional cost for detectives employed in the Office of the Attorney General on July 1, 2020 to participate in the 1998 Special Plan on a prospective basis.

GENERAL FUND	2019-20	2020-21
Personal Services	\$0	\$6,687
All Other	\$0	(\$6,687)
GENERAL FUND TOTAL	\$0	\$0

ATTORNEY GENERAL, DEPARTMENT OF THE DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0

See title page for effective date.

**CHAPTER 543**

**H.P. 910 - L.D. 1249**

**An Act To Prohibit Infringing on the Rights of Association of Dependent Adults**

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

**Sec. 1. 17-A MRSA §555, sub-§1, ¶¶A and B**, as amended by PL 2015, c. 306, §1, are further amended to read:

A. The person recklessly endangers the health, safety or mental welfare of a dependent person. Violation of this paragraph is a Class D crime; ~~or~~

B. The person intentionally or knowingly endangers the health, safety or mental welfare of a dependent person. Violation of this paragraph is a Class C crime;

**Sec. 2. 17-A MRSA §555, sub-§1, ¶¶C and D** are enacted to read:

C. The person recklessly infringes on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person. Violation of this paragraph is a Class D crime; or

D. The person intentionally or knowingly infringes on a dependent person's rights of association, including but not limited to the right to receive visitors, mail or telephone or electronic communication, for the purpose of establishing or maintaining undue influence over that person. Violation of this paragraph is a Class C crime.

**Sec. 3. 17-A MRSA §555, sub-§2, ¶C** is enacted to read:

C. "Undue influence" has the same meaning as in section 109, subsection 4.

See title page for effective date.

**CHAPTER 544**

**S.P. 407 - L.D. 1311**

**An Act Regarding the Sale of Dogs and Cats at Pet Shops**

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

**Sec. 1. 7 MRSA §3914, first ¶**, as amended by PL 2007, c. 439, §7, is further amended to read:

Animal shelters, kennels, breeding kennels, boarding kennels and pet shops engaged in buying or selling animals shall keep records of the buyer and seller in each transaction for a 2-year period commencing at the time of purchase or sale. The records must be open to inspection by the department or law enforcement officers. A person not in possession of a valid license for an animal shelter, kennel, breeding kennel, boarding kennel or grandfathered pet shop shall obtain a vendor's license under section 4163 prior to selling, offering for sale or exchanging for value a cat or dog. For purposes

of this section, "grandfathered pet shop" has the same meaning as in section 3933.

**Sec. 2. 7 MRSA §3933**, as amended by PL 2009, c. 343, §16, is further amended to read:

**§3933. Pet shops**

**1. License necessary.** A person maintaining a pet shop, as defined in section 3907, shall obtain a license from the department and is subject to rules adopted by the department. The license expires December 31st annually or in a manner consistent with the license provisions of the Maine Administrative Procedure Act, whichever is later. A license issued under this section does not authorize a person to keep for sale or offer for sale dogs or cats unless the pet shop meets the requirements of section 4153, subsection 3, paragraph B. For purposes of this section, a licensed pet shop that meets the requirements of section 4153, subsection 3, paragraph B is a grandfathered pet shop.

**2. License fees.** The fee for a pet shop license is \$150.

**3. Records.** A person maintaining a pet shop, as defined in section 3907, shall keep a record of each animal received by the pet shop, except for mice and fish. The record must include the name and address of the person or company from whom the animal was received and the name and address of the person buying or otherwise acquiring the animal from the pet shop. The record must be kept on file for a period of 2 years following the sale or other disposition of the animal by the pet shop and must be made available to the department within 24 hours of the request of the department.

**4. Surcharge on sale of dogs and cats by grandfathered pet shops.** A person maintaining a grandfathered pet shop shall collect a surcharge of \$25 on each cat or dog sold that has not been neutered and forward the entire surcharge to the department for deposit in the Companion Animal Sterilization Fund established under section 3910-B.

**5. Advertising.** A grandfathered pet shop license holder advertising to the public the availability of a dog or cat for sale or in any way exchanging a dog or cat for value shall prominently display the state-issued pet shop license number in any publication in which the pet shop license holder advertises. The pet shop license number must be provided to a person adopting or purchasing an animal from the pet shop.

**Sec. 3. 7 MRSA §3938-A**, as enacted by PL 2007, c. 439, §22, is amended to read:

**§3938-A. Minimum age of transfer for cats and dogs**

A person or an animal shelter, boarding kennel, breeding kennel or grandfathered pet shop that sells, gives away or otherwise transfers ownership of a dog or cat before it has reached its 56th day of life commits a civil violation for which a fine of not less than \$50 nor

more than \$200 may be adjudged. For purposes of this section, "grandfathered pet shop" has the same meaning as in section 3933.

**Sec. 4. 7 MRSA §4151, sub-§1-A** is enacted to read:

**1-A. Animal rescue entity.** "Animal rescue entity" means a nonprofit organization having tax-exempt status under the United States Internal Revenue Code, Section 501(c)(3) whose mission and practice is, in whole or in significant part, the rescue and placement into permanent homes of animals and that does not breed animals.

**Sec. 5. 7 MRSA §4151, sub-§3-A** is enacted to read:

**3-A. Offer for sale.** "Offer for sale" means to sell, offer to transfer, offer for adoption, advertise for sale, barter, auction, give away or otherwise dispose of an animal.

**Sec. 6. 7 MRSA §4151, sub-§4-A**, as enacted by PL 2007, c. 702, §22, is amended to read:

**4-A. Seller.** "Seller" means the owner or operator of a breeding kennel as defined in section 3907, subsection 8-A or the owner or operator of a grandfathered pet shop as defined in section 3907, subsection 23. "Seller" includes animal dealers required to be licensed by the United States Department of Agriculture. "Seller" does not include humane societies, nonprofit organizations performing the functions of humane societies or animal shelters licensed in accordance with section 3932-A. For purposes of this section, "grandfathered pet shop" has the same meaning as in section 3933.

**Sec. 7. 7 MRSA §4153**, as amended by PL 2011, c. 100, §15, is repealed and the following enacted in its place:

**§4153. Sale prohibited**

**1. Animal with disease, illness or condition.** Notwithstanding section 4152, a seller may not sell an animal that has any obvious clinical sign of infectious, contagious, parasitic or communicable disease or abnormality or has any disease, illness or condition that requires hospitalization or nonelective surgical procedures.

**2. Wolf hybrid.** A seller may not sell a wolf hybrid.

**3. Pet shop.** Except as provided in this subsection, a pet shop as defined in section 3907, subsection 23 may not offer an animal for sale.

A. A pet shop may provide space to an animal rescue entity to offer to the public animals for adoption for an adoption fee, as long as the pet shop does not have any ownership interest in the animals offered for adoption and does not receive any fee

for providing space or for the adoption of any of the animals.

**B. A pet shop that lawfully offered animals for sale on the effective date of this paragraph may continue to offer animals for sale as long as the pet shop:**

(1) Maintains a valid license under section 3933;

(2) Remains in the same ownership as existed on May 1, 2019; and

(3) Keeps for sale or offers for sale in any calendar year no greater a number of animals than were kept for sale or offered for sale by the pet shop in calendar year 2018.

In order to qualify for the exception allowed under this paragraph, a pet shop must provide to the department, in a form and manner prescribed by the department, documentation of the ownership of the pet shop on May 1, 2019 as well as the number of animals offered for sale in 2018 and annually thereafter. For purposes of this paragraph, "remains in the same ownership" means a static state of ownership in which no ownership interest changes after May 1, 2019, except, in the case of a pet shop that on May 1, 2019 was owned by a family, a transfer of an ownership interest to the spouse, domestic partner or one or more children of the oldest member of the family holding an ownership interest on May 1, 2019. For purposes of this paragraph, "family" means one person or a group of people whose relationship to the oldest person in the group is either spouse, domestic partner or child. In order to maintain a valid license, the pet shop must provide to the department, in a form and manner prescribed by the department, documentation of any transfer of ownership under this paragraph. If there is ambiguity as to whether a pet shop remains in the same ownership, the pet shop does not satisfy the requirements of subparagraph (2).

**4. Penalties.** A person who violates subsection 3 commits a civil violation for which a fine of \$500 may be adjudged and is subject to the suspension or revocation of the person's pet shop license pursuant to section 4162, subsection 2. Each offer for sale of an animal in violation of subsection 3 constitutes a separate violation.

**Sec. 8. 7 MRSA §4163, first ¶**, as amended by PL 2007, c. 702, §36, is further amended to read:

A person may not advertise for sale, sell or exchange for value more than one cat or dog under the age of 6 months in a 12-month period unless that person has a valid animal shelter, kennel, or breeding kennel or pet shop license or a valid vendor's license issued under this section.



**Sec. 9. Effective date.** This Act takes effect 180 days after adjournment of the First Regular Session of the 129th Legislature.

See title page for effective date.

**CHAPTER 545**

**S.P. 430 - L.D. 1386**

**An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects**

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

**Sec. 1. 26 MRSA §1308, sub-§1,** as amended by PL 1997, c. 757, §7, is repealed and the following enacted in its place:

**1. Determination of wage and benefits rates.** The Bureau of Labor Standards shall investigate and determine the prevailing hourly wage and benefits rate paid in the construction industry in this State. To determine the prevailing hourly wage and benefits rate, the bureau shall:

A. Collect a set of data by conducting a survey of wages and benefits during the 2nd and 3rd week of July of each year; and

B. Collect a 2nd set of data through certified payroll submissions on state construction of public works during the 2nd and 3rd week of July of each year from any state agency that contracts for the construction of public works.

Survey data collected pursuant to paragraph A and certified payroll data collected pursuant to paragraph B must be submitted to the bureau by the 2nd week of October.

The bureau shall use the higher wage and benefits information of the 2 data sets collected pursuant to paragraphs A and B to determine the prevailing hourly wage and benefits rate. The bureau may also use wage and benefits information received from construction trade associations in its determination of prevailing rates. In determining the prevailing rate, the bureau may ascertain and consider the applicable wage and benefits rates established by collective bargaining agreements, if any, and those rates that are paid generally in the locality where the construction of the public works is to be performed.

For purposes of this subsection, "benefits" means health and welfare contributions, pension or individual retirement account contributions and vacation and annuity contributions, per diem in lieu of wages and any other form of payment, except for wages, made to or on behalf of the employee. If a defined contribution amount

is not established, the most accurate estimated value of contributions must be included.

**Sec. 2. 26 MRSA §1308, sub-§1-A,** as enacted by PL 1999, c. 181, §2, is amended to read:

**1-A. Surveys.** The director may require any person to provide information on the wages and benefits provided to that person's employees and such other information as is needed to determine the prevailing wage and benefits. The director may assess a ~~forfeiture fine~~ fine of up to ~~\$50~~ \$250 for the first offense, \$500 for a 2nd offense and \$1,000 for any subsequent offense against any person who fails to provide the information as requested.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Safety Education and Training Programs 0161**

Initiative: Allocates funds for the cost of one Statistician II position and related All Other costs for data collection and analysis necessary to determine the prevailing hourly wage and benefits rate paid in the construction industry in the State.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$43,932	\$73,150
All Other	\$8,485	\$10,167
OTHER SPECIAL REVENUE FUNDS TOTAL	\$52,417	\$83,317

See title page for effective date.

**CHAPTER 546**

**H.P. 1014 - L.D. 1399**

**An Act To Improve Oral Health and Access to Dental Care for Maine Children**

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

**Sec. 1. Report on preventive oral health services.** The Department of Health and Human Services shall report on the status of the preventive oral health services provided in schools through the Department of Health and Human Services, Maine Center for Disease Control and Prevention, rural health and primary care division's oral health program, including the number of schools and children served and the results of those services, which populations and geographic areas are not being covered by the services provided by the program and whether additional funding is needed. The department shall submit a report, including recom-

mendations for funding or improvements to the program and methods for utilization and maximization of Medicaid funding as permitted by federal law for oral health staff positions and school-based services, no later than February 15, 2020 to the joint standing committee of the Legislature having jurisdiction over oral health matters, which may report out legislation to the Second Regular Session of the 129th Legislature based on the report.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Office of MaineCare Services 0129**

Initiative: Provides funding for one Comprehensive Health Planner I to be the Early Periodic Screening Diagnosis and Treatment Dental Coordinator in the Office of MaineCare Services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE	1.000	1.000
COUNT		
Personal Services	\$19,889	\$20,589
All Other	\$1,599	\$1,599
<b>GENERAL FUND TOTAL</b>	<b>\$21,488</b>	<b>\$22,188</b>
<b>FEDERAL EXPENDITURES</b>	<b>2019-20</b>	<b>2020-21</b>
<b>FUND</b>		
Personal Services	\$59,669	\$61,766
All Other	\$4,798	\$4,798
<b>FEDERAL EXPENDITURES</b>	<b>\$64,467</b>	<b>\$66,564</b>
<b>FUND TOTAL</b>		

See title page for effective date.

**CHAPTER 547**

**H.P. 1054 - L.D. 1442**

**An Act To Provide for  
Court-appointed Advocates for  
Justice in Animal Cruelty  
Cases**

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

**Sec. 1. 7 MRSA §4016, sub-§1-A** is enacted to read:

**1-A. Separate advocate.** In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be

appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

**A. The advocate may:**

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

**B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.**

**Sec. 2. 17 MRSA §1031, sub-§3-C** is enacted to read:

**3-C. Separate advocate.** In any proceeding brought under this section, the court may order, upon its own initiative or upon request of a party or counsel for a party, that a separate advocate be appointed to represent the interests of justice. A decision of the court denying a request to appoint a separate advocate to represent the interests of justice is not subject to appeal. An advocate appointed under this subsection must be appointed from a list provided to the court by the Maine State Bar Association pursuant to paragraph B.

**A. The advocate may:**

- (1) Monitor the proceeding;
- (2) Consult any individual with information that could aid the judge or fact finder and review records relating to the condition of the animal and the defendant's actions, including, but not limited to, records from animal control officers, veterinarians and law enforcement officers;
- (3) Attend hearings; and
- (4) Present information or recommendations to the court pertinent to determinations that relate to the interests of justice, as long as the information and recommendations are based solely on the duties undertaken pursuant to this subsection.

B. The Maine State Bar Association shall maintain a list of attorneys with knowledge of animal issues and the legal system and a list of law schools that have students with an interest in animal issues and the legal system. Attorneys and law students serve on a voluntary basis as advocates under this subsection.

See title page for effective date.

**CHAPTER 548**

**H.P. 1111 - L.D. 1518**

**An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory**

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

**Sec. 1. 7 MRSA c. 419 is enacted to read:**

**CHAPTER 419**

**TICK LABORATORY AND PEST MANAGEMENT FUND**

**§2471. Tick Laboratory and Pest Management Fund**

The Tick Laboratory and Pest Management Fund, referred to in this chapter as "the fund," is established. The fund is nonlapsing, is administered by the University of Maine at Orono and consists of funds derived from the pesticide container fee under Title 36, section 4911, appropriations and allocations to the fund and funds from other public and private sources. The fund, to be accounted within the University of Maine at Orono, must be held separate and apart from all other money, funds and accounts. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any balance remaining in the fund must be disbursed on a quarterly basis to the University of Maine at Orono.

**§2472. Expenditures from the fund**

Funds in the fund must be distributed by the University of Maine at Orono as provided in this section.

**1. Pesticide container fee reimbursement.** Funds must be provided for ongoing reimbursement to the State Tax Assessor on a monthly basis by the 15th of the month following collection, to pay for administrative costs not to exceed \$40,000 annually from collection of the pesticide container fee imposed under Title 36, section 4911.

**2. Registered pesticides.** Funds must be provided for ongoing reimbursement, not to exceed \$60,000 annually, to the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3 and referred to in this chapter as "the board," to generate and maintain a list of pesticides registered with the board pursuant to section 607 and answer inquiries relating to the list. The board shall post on its publicly accessible website, a list of currently registered pesticide products.

**3. Administrative costs.** Funds must be provided for ongoing reimbursement to the University of Maine at Orono for administrative costs not to exceed 10% of the balance remaining in the fund after the amounts under subsections 1 and 2 are subtracted.

**4. Pest management education.** Twenty-five percent of the balance remaining in the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of Maine Cooperative Extension pest management unit for outreach and education initiatives on pest management and pesticide safety and pesticide application and use, particularly for homeowners and other individuals using pesticides.

**5. Tick laboratory costs.** Fifty percent of the balance remaining in the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of Maine Cooperative Extension pest management unit for nonadministrative costs related to a tick laboratory, including, but not limited to:

- A. Testing ticks provided by residents of the State for pathogenic organisms;
- B. General tick laboratory operations;
- C. Salaries;
- D. Tick management research, demonstrations and educational outreach, including community integrated pest management and developing educational materials;
- E. Equipment, materials and supplies;
- F. Facility expansion; and
- G. Medical and veterinary pest management focusing on health-related issues caused by ticks and other arthropods as needed.

**6. Pest research.** Twenty-five percent of the balance remaining in the fund after the amounts under subsections 1, 2 and 3 are subtracted must be provided to the University of Maine at Orono or to an entity in collaboration with the University of Maine at Orono for a pest research project to be identified every 3 years by a pest research committee designated by the University of Maine at Orono, the University of Maine System and the department in the 2nd year of the project. The pest research committee under this subsection consists of 7 members, including:

A. One member who is an extension specialist with pest management expertise, appointed by the dean of the University of Maine Cooperative Extension;

B. Two members who are faculty of the University of Maine at Orono, College of Natural Sciences, Forestry, and Agriculture with pest management expertise, appointed by the dean of the University of Maine at Orono, College of Natural Sciences, Forestry, and Agriculture, Maine Agricultural and Forest Experiment Station;

C. Two members, one representing the agricultural sector and one who is a commercial pesticide applicator, appointed jointly by the dean of the University of Maine Cooperative Extension and the dean of the University of Maine at Orono, College of Natural Sciences, Forestry, and Agriculture, Maine Agricultural and Forest Experiment Station;

D. One member representing a campus of the University of Maine System other than the University of Maine campus in Orono and having pest management expertise, appointed by the Chancellor of the University of Maine System; and

E. One member from the department with pest management expertise, appointed by the commissioner.

Members serve one-year terms and may be reappointed to successive terms.

7. Report. No later than January 15th of each year, the University of Maine at Orono shall submit a report to the board and the joint standing committee of the Legislature having jurisdiction over agriculture matters on use of the funds under this chapter.

8. Rules. The board may adopt rules to carry out the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 36 MRSA c. 723** is enacted to read:

**CHAPTER 723**

**PESTICIDE CONTAINER FEE**

**§4911. Fee imposed**

1. Imposition. A fee is imposed on the retail sale in the State of containers of pesticide products registered with the Board of Pesticides Control, established in Title 5, section 12004-D, subsection 3 and referred to in this chapter as "the board," in the amount of 15¢ per container. Three cents of the container fee imposed under this subsection may be retained by the retailer to defray the costs associated with collecting the fee.

2. Exemptions. The following products are exempt from the fee under subsection 1:

A. A container of pesticides sold by a manufacturer or manufacturer's representative directly to a

pesticide applicator licensed under Title 22, section 1471-D;

B. A container of pesticides sold to a pesticide applicator licensed under Title 22, section 1471-D that is exempt from sales tax pursuant to section 1760, subsection 7-B or 7-C; and

C. A container of paint, stain, wood preservative or sealant registered as a pesticide with the board.

3. Administration of fee. The fee imposed by this chapter is administered as provided in chapter 7 and Part 3, with the fee imposed pursuant to this chapter to be considered as imposed under Part 3. The revenue collected during the preceding month pursuant to this subsection must be transferred to the Treasurer of State on a monthly basis on or before the last day of the month. The Treasurer of State shall credit all revenue derived from the fee imposed by this chapter to the Tick Laboratory and Pest Management Fund established under Title 7, chapter 419.

**Sec. 3. University of Maine at Orono to conduct study on browntail moths.** Upon the effective date of this Act, the University of Maine at Orono shall commence a study of browntail moths as the first research project to be conducted under the Maine Revised Statutes, Title 7, section 2472, subsection 6.

**Sec. 4. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides a one-time allocation for administrative costs associated with revision of the sales tax return to accommodate the pesticide container fee.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$16,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$16,000</b>	<b>\$0</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$16,000</b>	<b>\$0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$16,000</b>	<b>\$0</b>

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Pesticides Control - Board of 0287**

Initiative: Provides allocations for one half-time Office Associate II position to generate and maintain a list of registered pesticides.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	\$24,213	\$33,890
All Other	\$2,625	\$2,625

OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,838	\$36,515
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<b>AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$26,838</b>	<b>\$36,515</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$26,838</b>	<b>\$36,515</b>
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**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE**

**Tick Laboratory and Pest Management Fund N330**

Initiative: Allocates funds to allow expenditures from revenue received from the pesticide container fee.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$26,662	\$102,485

OTHER SPECIAL REVENUE FUNDS TOTAL	\$26,662	\$102,485
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**UM Cooperative Extension - Pesticide Education Z059**

Initiative: Allocates funds to allow expenditures from revenue received from the pesticide container fee to be used for tick laboratory costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$27,000	\$54,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$27,000	\$54,000
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**UM Cooperative Extension - Pesticide Education Z059**

Initiative: Allocates funds to allow expenditures from revenue received from the pesticide container fee to be used for pest management education.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$13,500	\$27,000

OTHER SPECIAL REVENUE FUNDS TOTAL	\$13,500	\$27,000
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**UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE DEPARTMENT TOTALS**

	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$67,162</b>	<b>\$183,485</b>

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$67,162</b>	<b>\$183,485</b>
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<b>SECTION TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
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<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$110,000</b>	<b>\$220,000</b>
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<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$110,000</b>	<b>\$220,000</b>
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**Sec. 5. Effective date.** This Act takes effect January 1, 2020.

See title page for effective date.

**CHAPTER 549**

**S.P. 487 - L.D. 1550**

**An Act To Create a Victims' Compensation Fund for Victims of Property Crimes**

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

**Sec. 1. 5 MRSA §3360-A, sub-§1,** as enacted by PL 1991, c. 806, §3, is amended to read:

**1. Establishment and membership.** There is established within the Department of the Attorney General the Victims' Compensation Board. The board consists of 3 ~~5~~ members appointed by the Attorney General. One member must be a physician licensed to practice medicine in the State; one member must be an attorney licensed to practice law in the State; ~~and one member must be experienced in working with victims of crime;~~ and, beginning July 1, 2022, one member must be knowledgeable about insurance claims regarding property damage or replacement and one member must represent the public.

**Sec. 2. 5 MRSA §3360-A, sub-§6,** as enacted by PL 1991, c. 806, §3, is amended to read:

**6. Quorum.** Two members of the board constitute a quorum and, beginning July 1, 2022, 3 members of the board constitute a quorum.

**Sec. 3. 5 MRSA §3360-A, sub-§7,** as enacted by PL 1991, c. 806, §3, is amended to read:

**7. Rules.** The board may adopt rules pursuant to the Maine Administrative Procedure Act to carry out the purposes of this chapter and, beginning July 1, 2022, the purposes of chapter 316-C. Rules adopted pursuant

to this subsection are routine technical rules as defined by chapter 375, subchapter 2-A.

**Sec. 4. 5 MRSA §3360-A, sub-§8** is enacted to read:

**8. Duties.** The board shall perform the duties assigned to it in this chapter and, effective July 1, 2022, the duties assigned in chapter 316-C.

**Sec. 5. 5 MRSA c. 316-C** is enacted to read:

#### **CHAPTER 316-C**

### **VICTIMS' PROPERTY COMPENSATION FUND**

#### **§3360-S. Victims' Property Compensation Fund**

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

A. "Board" means the Victims' Compensation Board established in section 12004-J, subsection 11.

B. "Crime" means a criminal offense committed under the laws of the State that resulted in verifiable property loss of a person other than a person who committed the crime.

C. "Fund" means the Victims' Property Compensation Fund established in subsection 2.

D. "Property loss" means the value of property taken from a victim or of property destroyed or otherwise broken or harmed as a direct result of a crime. "Property loss" includes a deductible paid by the victim pursuant to an insurance claim related to the property loss.

**2. Victims' Property Compensation Fund established.** The Victims' Property Compensation Fund is established to provide for the payment of claims arising under this chapter and for the payment of all necessary and proper expenses incurred by the board in carrying out this chapter. The Attorney General shall administer the fund, which must be held separate and apart from all other money, funds and accounts. The fund receives proceeds from money collected pursuant to subsection 3 and may receive private donations, federal funds and state funds designated by law that may be used for the payment of claims and for reasonable administrative costs. Eligible investment earnings credited to the assets of the fund become part of the assets of the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

**3. Funding source.** In addition to an assessment under section 3360-I, the court shall impose an assessment of \$10 on any person convicted of murder or a Class A crime, Class B crime or Class C crime and \$5 on any person convicted of a Class D crime or Class E crime. For purposes of collection and collection procedures, this assessment is considered part of the fine. At

the time of commitment, the court shall inform the Department of Corrections or the county sheriff of any unpaid balances on assessments owed by the offender to the fund. All funds collected as a result of these assessments accrue to the fund, except that in fiscal year 2019-20 only, up to \$10,000 of the revenues collected pursuant to this subsection may be retained by the judicial branch to be used for technology-related upgrades. When compensation is awarded from the fund, the amount of any restitution ordered and paid as part of a sentence imposed that, when added to the award from the fund, exceeds the victim's actual property loss must be paid to the fund, in an amount not to exceed the amount of the award. Similarly, the amount of any insurance, 3rd-party payment or recovery in a successful civil action against a person responsible for the property loss that, when added to the award from the fund, exceeds the victim's actual property loss must be paid to the fund, in an amount not to exceed the amount of the award.

**4. Eligibility.** The board may award compensation under this chapter to an individual who:

A. Suffers a property loss as a result of a crime; or

B. Would otherwise be eligible for compensation, even though:

(1) The criminal conduct occurred in this State but within the exclusive jurisdiction of the United States; or

(2) The property loss resulted from conduct that violates a criminal law of the United States.

**5. Claim requirements.** The board shall consider a claim under this chapter if:

A. The underlying crime was reported to a law enforcement officer within 5 days of the occurrence or discovery of the crime or of the resultant property loss; and

B. The claim is filed with the board within 3 years of the occurrence of the property loss or within 60 days of the discovery of the property loss, whichever is later.

The board may waive the time requirements of this subsection for good cause shown.

**6. Cooperation.** Compensation under this chapter may not be paid:

A. To any claimant who does not fully cooperate with the board or with the reasonable requests of law enforcement officers or prosecution authorities; or

B. To or on behalf of any person who violated a criminal law that caused or contributed to the property loss for which compensation is sought.

**7. Submission of claims.** The board may provide forms for the submission of claims and claims information under this chapter. A claim must be submitted to the board and must:

A. Be in writing;

B. Specify the date, the nature and circumstances of the crime and the law enforcement agency to which the crime was reported; and

C. Include documentation of an eligible property loss for which the claimant seeks compensation, including the payment of any deductible paid by the victim pursuant to an insurance claim related to the property loss.

**8. Compensation.** The board may award compensation under this chapter to a claimant of up to \$1,000 for actual and unreimbursed property losses or in whole or in part for an insurance deductible paid by the victim pursuant to an insurance claim related to the property loss. The board, in its sole discretion, may disburse funds awarded directly to the claimant or to the individuals or entities who provided the services to restore, repair or replace property for which compensation was awarded. In the case of joint claimants, the board may apportion the total compensation as the board determines.

**9. Hearing; determination of compensation.** The board may hold a hearing on any claim under this chapter, and the board shall hold a hearing if requested by the claimant. The claimant may address the board at a hearing on the claim, and the board may take testimony under oath. A determination under this subsection must be conducted as follows.

A. In addition to the material and information required by law and by the board, the claimant may provide the board with any other information pertinent to the nature or the amount of the claim. The board shall receive and consider information provided by law enforcement agencies and prosecution authorities and, at its sole discretion, may receive and consider relevant information from any other source.

B. The board shall determine by a preponderance of the evidence whether a specified crime occurred, whether the property loss was the result of that criminal conduct, the amount of property loss suffered by the claimant, whether to award compensation and the amount of the compensation, if awarded. In determining the amount of compensation to be paid, the board shall consider the amount available to pay victims' property compensation claims, the history of claims paid by the board, the number and amount of currently pending claims and the nature and cost of expenses submitted by the claimant.

C. The board shall determine action on a claim with a quorum participating on that claim, but any award of compensation requires the unanimous concurrence of all members present.

D. The board's final decision must contain reasons for the determination.

**10. Appeal.** Only a claimant under this chapter may appeal a decision of the board. An appeal of the board's final decisions must be to the Superior Court as provided for other administrative actions under chapter 375, subchapter 7. Board decisions and the amount of awards must be upheld unless the court finds no rational basis for the decision or that the board abused its discretion.

**11. Implementation.** Notwithstanding the effective date of this chapter:

A. The assessments required by subsection 3 apply to penalties imposed for criminal conduct alleged to have occurred on or after January 1, 2020;

B. The board may not award compensation under this chapter for any crime that occurred prior to January 1, 2022; and

C. The board is not authorized to process or pay claims under this chapter before July 1, 2022.

**12. Information.** The Attorney General shall develop a fact sheet for victims about the victims' property compensation program under this chapter and shall make copies available to all courts, prosecutors' offices and law enforcement agencies, which shall provide the fact sheet to all victims of crimes in which property losses were incurred. The Attorney General shall make the fact sheet available on the Attorney General's publicly available website.

**13. Confidentiality.** All records and information obtained by or in the possession of the Department of the Attorney General concerning an application for or an award of compensation under this chapter are confidential and may not be disclosed, except that the Attorney General may provide access to those records and information to the board for use in the board's official duties and those records and information remain confidential while in the possession of the board. The records or information may, at the sole discretion of the Attorney General or designee of the Attorney General, be disclosed to:

A. Law enforcement officers to assist them with the discharge of their official duties;

B. The courts and the Department of Corrections to provide them with information to assess, collect and disburse restitution;

C. A claimant who has requested a hearing before the board or who has appealed a final decision of the board; and

D. Other persons to carry out the purposes of this chapter.

Sec. 6. 17-A MRSA §2018, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

**§2018. Restitution for benefit of victim**

When compensation is awarded from the Victims' Compensation Fund pursuant to Title 5, chapter 316-A or the Victims' Property Compensation Fund pursuant to Title 5, chapter 316-C, the amount of any restitution ordered to be paid to or for the benefit of the victim and collected as part of a sentence imposed must be paid by the agency collecting the restitution in an amount not to exceed the amount of the payments from the fund, directly to the fund if, when added to the payments from the fund, the restitution exceeds the victim's actual loss.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides one-time funding for technology-related modifications to allow the courts to assess additional fees.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$10,000	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,000</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 550**

**H.P. 1156 - L.D. 1597**

**An Act To Provide a Sales Tax Exemption for Purchases Made by Nonprofit Youth Camps**

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

Sec. 1. 36 MRSA §1760, sub-§103 is enacted to read:

103. Nonprofit youth camps. Sales to nonprofit youth camps as defined in Title 22, section 2491, subsection 16 that are licensed by the Department of Health and Human Services and receive an exemption from property tax under section 652, subsection 1.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides one-time funding for computer programming costs to create an exemption certificate.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$5,000</b>	<b>\$0</b>

Sec. 3. Effective date. This Act takes effect October 1, 2019.

See title page for effective date.

**CHAPTER 551**

**S.P. 567 - L.D. 1718**

**An Act To Exempt Purchases by Pet Food Pantries from Sales Tax**

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

Sec. 1. 36 MRSA §1760, sub-§103 is enacted to read:

103. Pet food assistance organization. Sales to an incorporated nonprofit organization organized for the purpose of providing food or other supplies intended for pets at no charge to owners of those pets.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides one-time funding for computer programming costs to update the sales tax filing form.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$5,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$5,000</b>	<b>\$0</b>

Sec. 3. Effective date. This Act takes effect October 1, 2019.

See title page for effective date.

**CHAPTER 552**

**H.P. 1288 - L.D. 1808**

**An Act To Provide a Sales Tax Exemption for Certain Nonprofit Charitable Organizations**

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



Sec. 1. 36 MRSA §1760, sub-§103 is enacted to read:

**103. Nonprofit worldwide charitable organizations.** Sales to a nonprofit community-based worldwide charitable organization that, using private funding, provides financial support to other nonprofit charitable organizations at the community level, including, but not limited to, food banks and homeless or domestic violence shelters, to improve health and education and strengthen financial stability.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services, Bureau of 0002**

Initiative: Provides one-time funding for programming costs related to creating a sales tax exemption certificate.

GENERAL FUND	2019-20	2020-21
All Other	\$15,000	\$0
GENERAL FUND TOTAL	\$15,000	\$0

Sec. 3. Effective date. This Act takes effect October 1, 2019.

See title page for effective date.

**CHAPTER 553**

**H.P. 1164 - L.D. 1612**

**An Act Regarding the Presumption of Abandonment of Gift Obligations**

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

Sec. 1. 33 MRSA §2067, sub-§2, as enacted by PL 2019, c. 498, §22, is amended to read:

2. Amount unclaimed is ~~60%~~. The amount unclaimed of a gift obligation is ~~60% of the net obligation value at the time it is presumed abandoned.~~ as follows:

A. For a gift obligation whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2019 or earlier, 60% of the net obligation value at the time it is presumed abandoned;

B. For a gift obligation whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2020, 40% of the net obligation value at the time it is presumed abandoned;

C. For a gift obligation whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2021, 20% of the net obligation value at the time it is presumed abandoned; and

D. For a gift obligation whose issuance or whose most recent transaction, whichever is later, occurred during calendar year 2022 or after, 0% of the net obligation value at the time it is presumed abandoned.

See title page for effective date.

**CHAPTER 554**

**H.P. 1430 - L.D. 2009**

**An Act To Permit the Expansion of Municipal Membership of the Greater Portland Transit District**

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 Greater Portland Transit District initiated a pilot project to provide express bus service between the City of Portland and the Town of Brunswick, called "Metro Breez," in coordination with participating municipalities located along the Metro Breez route; and

Whereas, as a result of Metro Breez's strong ridership performance, support among riders and businesses, the long-term potential to help relieve Interstate 295 congestion and the opportunity to help drive sustainable community and economic development, the district desires to transition Metro Breez from its pilot phase to a permanent regional transit service; and

Whereas, the participating municipalities support the continuation of Metro Breez as a permanent service and desire to join the board of directors of the district in order to participate in the development of the district's annual budget and establish the local contributions of the district's member municipalities to fund Metro Breez as a permanent service; and

Whereas, in accordance with the district's budget process as set forth in the Maine Revised Statutes, Title 30-A, section 3516, the board of directors of the district must initiate the budget process by preparing and submitting to the municipal officers of its member municipalities an estimated budget by November 1st of each year and must finalize its budget by March 1st of the subsequent year; and

Whereas, Title 30-A, section 3504 provides that the district may expand its membership to include other municipalities located wholly or partially within the Portland Area Comprehensive Transportation System,

but not all of the participating municipalities are located wholly or partially within the system; and

**Whereas,** this legislation allows municipalities that are contiguous to the system to join the board of directors of the district; and

**Whereas,** this legislation must take effect as soon as possible to help ensure these municipalities may timely participate in the district's budget process; 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. 30-A MRSA §3504, sub-§3,** as amended by PL 2009, c. 18, §2, is further amended to read:

**3. Greater Portland Transit District.** The board of directors of the Greater Portland Transit District, composed of the City of Portland, the City of Westbrook and the Town of Falmouth, consists of 5 directors appointed from the City of Portland, 3 directors appointed from the City of Westbrook and 2 directors appointed from the Town of Falmouth. Notwithstanding the other provisions of this chapter, the board of directors of the Greater Portland Transit District may receive and accept applications for membership from other municipalities located wholly or partially within, or contiguous to, the Portland Area Comprehensive Transportation System whether or not they are contiguous to other members of the Greater Portland Transit District and may determine the number of directors to be appointed from those municipalities to the board of directors of the Greater Portland Transit District on any basis that is mutually agreed upon by the municipality applying for membership and the board of directors of the Greater Portland Transit District. The member municipalities may, by ordinance, provide that their appointees serve at the will of the appointing power or for terms that are shorter than those established in subsection 2.

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

Effective February 4, 2020.

**CHAPTER 555**

**H.P. 1180 - L.D. 1645**

**An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing**

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

**Sec. 1. 30-A MRSA §4722, sub-§1, ¶EE,** as enacted by PL 2017, c. 234, §18, is amended to read:

EE. Refinance a single-family mortgage loan held by the Maine State Housing Authority for a homeowner whose income at the time of refinancing is no greater than the income limits for qualified first-time homebuyers established under 26 United States Code, Section 143, or an existing loan on any owner-occupied single-family residence for purposes of lowering mortgage payments or making home improvements for persons of low income; ~~and~~

**Sec. 2. 30-A MRSA §4722, sub-§1, ¶FF,** as enacted by PL 2017, c. 234, §18, is amended to read:

FF. Provide grants to eligible homeowners who are served by private well water that shows evidence of high levels of arsenic contamination. For purposes of this paragraph, "homeowner" includes an individual who occupies a single-family dwelling that is located on land that is owned by a member of that individual's immediate family and "immediate family" means a spouse, parent, child, sibling, stepchild, stepparent and grandparent; ~~and~~

**Sec. 3. 30-A MRSA §4722, sub-§1, ¶GG** is enacted to read:

GG. In accordance with the credit for affordable housing established in Title 36, section 5219-WW and in accordance with rules adopted under the Maine Administrative Procedure Act:

- (1) Allocate the credit;
- (2) Administer and enforce the requirements of the credit; and
- (3) Perform other functions and duties necessary for the proper administration of the credit, including providing any necessary certifications and notices to taxpayers and to the Department of Administrative and Financial Services, Bureau of Revenue Services containing information required by the State Tax Assessor necessary for determining eligibility and the amount of the credit for each taxable year.

Rules adopted under this paragraph are routine technical rules.

**Sec. 4. 36 MRSA §191, sub-§2, ¶KKK** is enacted to read:

KKK. The disclosure of information to the Maine State Housing Authority necessary for the administration of the credit for affordable housing pursuant to section 5219-WW and for purposes of the report required by section 5219-WW, subsection 9.

**Sec. 5. 36 MRSA §2534**, as enacted by PL 2011, c. 548, §21 and affected by §36, is amended to read:

**§2534. Credits for rehabilitation of historic properties and affordable housing**

A taxpayer is allowed a ~~credit~~ credits against the tax otherwise due under this chapter as determined under ~~section~~ sections 5219-BB and 5219-WW.

**Sec. 6. 36 MRSA §5219-WW** is enacted to read:

**§5219-WW. Credit for affordable housing**

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

A. "Affordable housing project" means a qualified low-income housing project, as defined by Section 42(g) of the Code, located in the State.

B. "Area median gross income" has the same meaning as in Section 42 of the Code, as adjusted for family size.

C. "Authority" means the Maine State Housing Authority.

D. "Federal low-income housing tax credit" means the federal tax credit as provided in Section 42 of the Code.

E. "Qualified basis" has the same meaning as in Section 42(c) of the Code.

F. "Qualified Maine project" means an affordable housing project that is:

(1) Either the construction of one or more new buildings or the adaptive reuse of one or more previously constructed buildings that have not been previously used for residential purposes;

(2) Subject to a restrictive covenant requiring an income mix in which at least 60% of the units in the project to which credits are allocated are restricted to households with income at or below 50% of area median gross income; and

(3) Eligible for the 30% present value credit as described in Section 42 of the Code as a result of tax-exempt financing described in Section 42(h)(4)(B) of the Code.

G. "Qualified rural development preservation project" means an affordable housing project in which at least 75% of the residential units are assisted or financed under a United States Department of Agriculture, Office of Rural Development, Rural Housing Service rural development program.

H. "Senior housing" means multifamily affordable rental housing units serving seniors that receive funding and project-based rental assistance under a United States Department of Agriculture, Office of Rural Development, Rural Housing Service rural development program or United States Department of Housing and Urban Development multifamily elderly housing program or that meet the definition of "housing for older persons" under the federal Fair Housing Act, 42 United States Code, Section 3607(b)(2) and the Maine Human Rights Act.

I. "Supportive housing" means housing to assist persons with special needs in achieving housing stability. For purposes of this paragraph, "person with special needs" includes a person who has experienced chronic homelessness or is displaced, has a disability, is a victim of domestic violence or has other special housing needs.

**2. Credit allowed.** A taxpayer receiving a credit certificate from the authority for the taxable year pursuant to Title 30-A, section 4722, subsection 1, paragraph GG is allowed a credit against the tax imposed under this Part:

A. Equal to the total federal low-income housing tax credit computed using the entire federal credit period as described in Section 42(f) of the Code for all buildings in a qualified Maine project; or

B. Equal to 50% of the qualified basis of an affordable housing project that incurs not less than \$100,000 includible in eligible basis as defined in Section 42(d) of the Code in the construction or rehabilitation of an affordable housing project for which a credit is not claimed under Section 42 of the Code with regard to those expenditures, except that not more than \$500,000 in credit may be allocated to taxpayers for a single project under this paragraph.

A credit may be allowed for an affordable housing project under paragraph A or B but not both.

**3. Maximum credit; carry-forward.** The total credit amount available pursuant to this section and section 2534 to be allocated by the authority for each calendar year beginning on or after January 1, 2021 and ending on or before December 31, 2028 is subject to the following limitations.

A. The total allocation may not exceed \$10,000,000. Any portion of that amount not allocated in a calendar year may be carried forward and

available to be allocated in subsequent calendar years, except that:

(1) Any previously allocated credits returned to the authority, excluding any credits recaptured under subsection 7, must be added to that amount; and

(2) The authority may not allocate more than \$15,000,000 in any calendar year.

B. No more than 20% of credits allocated in any calendar year may be allocated under subsection 2, paragraph B.

C. Ten percent of credits first available to be allocated in any calendar year must be set aside to be allocated for the purpose of qualified rural development preservation projects pursuant to subsection 2, paragraph B. Any portion of the amount under this paragraph not allocated in a calendar year must be carried forward and be available to be allocated in subsequent calendar years for the purpose of qualified rural development preservation projects. To the extent that any amounts set aside under this paragraph are not allocated on or before December 31, 2028, those amounts may be allocated by the authority without regard to whether the project is a qualified rural development preservation project.

D. Only those credits that have been carried forward or returned, excluding any credits recaptured under subsection 7, as described in this subsection may be allocated by the authority after December 31, 2028.

#### **4. Timing of allocation by authority and credit.**

The authority may not make an allocation of credit to a taxpayer for a project before the date that any portion of the project is placed in service for federal tax purposes. Upon making an allocation of a credit to a taxpayer, the authority shall certify the allocation to the taxpayer and to the bureau. The certification must provide information required by the assessor for determining eligibility and the amount of the credit for each taxable year.

A. The entire credit allowed for a project pursuant to this section must be taken in the later of:

(1) The first taxable year in which the federal low-income housing tax credit for that project is claimed for projects allocated a credit pursuant to subsection 2, paragraph A; and

(2) The first taxable year for which the project has an allocation of credit from the authority.

B. Notwithstanding paragraph A, the authority may allocate a credit to a taxpayer for a project for the immediately preceding calendar year if:

(1) The project was placed in service for federal tax purposes in the immediately preceding calendar year; and

(2) The allocation is made no later than the 60th day of the calendar year following the year in which the project was placed in service.

**5. Credit refundable.** The credit allowed under this section is refundable.

**6. Allocation of credit among taxpayers.** Credits allowed to a partnership, a limited liability company taxed as a partnership or multiple owners of a credit-qualified affordable housing project must be passed through to the partners, members or owners respectively pro rata in the same manner as under section 5219-G, subsection 1 or pursuant to an executed written agreement among the partners, members or owners documenting an alternate allocation method. Credits may be allocated to partners, members or owners that are exempt from taxation under the Code, Section 501(c)(3), Section 501(c)(4) or Section 501(c)(6), and those partners, members or owners must be treated as taxpayers for the purposes of this section. Credits allowed under subsection 2, paragraph B may be claimed by an entity that is exempt from taxation under the Code, Section 501(c)(3), Section 501(c)(4) or Section 501(c)(6) and is the owner of the affordable housing. The tax-exempt entity must be treated as a taxpayer for purposes of this section.

**7. Recapture; restrictive covenant requirement; liens.** The following provisions apply to the recapture of credits in the event an affordable housing project does not remain qualified as specified in this section. The authority shall administer this subsection.

A. For purposes of this subsection, unless the context otherwise indicates, "credit-qualified affordable housing project" means an affordable housing project:

(1) In which at least 60% of the residential units for which credits are allocated are restricted to households with income at or below 50% of area median gross income; or

(2) That is a qualified rural development preservation project.

B. A credit-qualified affordable housing project must remain a credit-qualified affordable housing project for a total of 45 years from the date the credit-qualified affordable housing project is placed in service. If the property does not remain a credit-qualified affordable housing project for 15 years from the date the affordable housing project is placed in service, the owner of the project shall pay to the authority, for deposit in the Housing Opportunities for Maine Fund established under Title 30-A, section 4853, an amount equal to the total credit allocated to the project reduced by an amount equal to the product of that total credit allocated multiplied by a fraction, the numerator of which is the number of months the project has remained a credit-qualified affordable housing project since

the date it was placed in service and the denominator of which is 180, except that the amount payable by the owner of the project must be prorated in proportion to the number of residential units that do not remain in compliance with the income requirements and other restrictions imposed by this section.

The requirements and the repayment obligation in this paragraph must be set forth in a restrictive covenant executed by the owner of the credit-qualified affordable housing project for the benefit of and enforceable by the authority and recorded in the appropriate registry of deeds before the owner of the property claims the credit.

C. If the repayment obligation in paragraph B is not fully satisfied after written notice is sent by certified mail or registered mail to the owner of the property at the owner's last known address, the authority may file a notice of lien in the registry of deeds of the county in which the real property subject to the lien is located. The notice of lien must specify the amount and interest due, the name and last known address of the owner, a description of the property subject to the lien, the authority's address and the name and address of the authority's attorney, if any. The authority shall send a copy of the notice of lien filed in the registry of deeds by certified mail or registered mail to the owner of the property at the owner's last known address and to any person who has a security interest, mortgage, lien, encumbrance or other interest in the property that is properly recorded in the registry of deeds of the county in which the property is located. The lien arises and becomes perfected at the time the notice is filed in the appropriate registry of deeds in accordance with this paragraph. The lien constitutes a lien on all property with respect to which the owner receives the credit and the proceeds of any disposition of the property that occurs after notice to the owner of the repayment obligation. The lien is prior to any mortgage and security interest, lien, restrictive covenant or other encumbrance recorded, filed or otherwise perfected after the notice of lien is filed in the appropriate registry of deeds. The lien may be enforced by a turnover or sale order in accordance with Title 14, section 3131 or any other manner in which a judgment lien may be enforced under the law. The lien must be in the amount specified in the notice of lien. Upon receipt of payment of all amounts due under the lien, the authority shall execute a discharge of the lien for filing in the registry or offices in which the notice of lien was filed.

D. Notwithstanding paragraphs A, B and C, a credit-qualified affordable housing project that fails to meet the requirements of this section due to a casualty loss is not subject to recapture or lien if

the loss is restored by reconstruction or replacement within a reasonable period of time established by the authority.

**8. Allocation of credit for new rental units.** The authority in allocating the credit for the construction or adaptive reuse of buildings for new rental units shall seek to achieve the following targets over time:

A. At least 30% of the credit must be allocated to the construction or adaptive reuse of buildings for new rental units of senior housing; and

B. At least 20% of the credit must be allocated to the construction or adaptive reuse of buildings for new rental units of multifamily affordable rental housing located in rural areas as defined by the authority in rules adopted under Title 30-A, section 4722, subsection 1, paragraph GG.

In meeting these targets, senior housing that is located in rural areas may be included in the percentages in both paragraphs A and B.

In allocating the credit for the construction or adaptive reuse of buildings for new rental units, the authority shall require or provide incentives to encourage, for a minimum of 4 units or 20% of the total number of units, whichever is greater, that occupancy preference be given to persons who qualify for supportive housing.

**9. Reporting.** Beginning in 2022, by March 1st annually the director of the authority shall report to the bureau, to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters on the status of the credit if there has been new activity since the previous report. The report must include, but is not limited to, the amount of the credits allocated under this section, the location and cost of projects receiving credits, the number and type of residential units created or improved by each project, the number and type of units allocated credits in qualified rural development preservation projects and senior housing projects and the amount of other investment leveraged by each project, including federal low-income housing tax credits.

**10. Evaluation; specific public policy objective; performance measures.** The credit provided under this section is subject to ongoing legislative review in accordance with Title 3, chapter 37. In developing evaluation parameters to perform the review, the Office of Program Evaluation and Government Accountability, the Legislature's government oversight committee and the joint standing committee of the Legislature having jurisdiction over taxation matters shall consider:

A. That the specific public policy objective of the credit provided under this section is to create new affordable housing units for residents of the State, including for seniors, working families and persons with disabilities, and to preserve the affordability

of residential units developed or operated with the financial assistance of the United States Department of Agriculture, Office of Rural Development, Rural Housing Service; and

B. Performance measures, including, but not limited to:

- (1) The number and type of new residential units created;
- (2) The number and type of affordable United States Department of Agriculture, Office of Rural Development, Rural Housing Service residential units preserved;
- (3) The amount of credits issued during the period being reviewed and the amount of other investment leveraged by the credits; and
- (4) The extent to which allocations of the credits have met the targets described in subsection 8.

The Office of Program Evaluation and Government Accountability shall provide a report of its evaluation under this subsection to the joint standing committee of the Legislature having jurisdiction over taxation matters.

See title page for effective date.

**CHAPTER 556  
S.P. 99 - L.D. 359**

**An Act To Address Student  
Hunger with a "Breakfast after  
the Bell" Program**

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

**Whereas,** it is imperative that this legislation take effect as soon as possible to avoid confusion in implementation and to allow the Department of Education to publish pertinent information; 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. 20-A MRSA §6602, sub-§1, ¶F** is enacted to read:

F. Except as provided under paragraph G, a school administrative unit with a public school in which at least 50% of students qualified for a free or

reduced-price lunch during the preceding school year shall operate an alternative breakfast delivery service that provides breakfast after the start of the school day and before any lunch period in the school begins for students at that public school. A school administrative unit with a public school in which at least 70% of students who are eligible for free and reduced-price meals under paragraph A participate in the breakfast program under paragraph B is exempt from the requirements of this paragraph.

The department shall publish annually, by July 1, 2020 and every July 1st thereafter, on its publicly accessible website, information regarding schools required to comply with and schools exempt from this paragraph in the preceding school year, including, but not limited to, the name of the school, any alternative breakfast delivery service operated, free and reduced-price breakfast participation rate and the financial impact of the program on the school nutrition budget.

**Sec. 2. 20-A MRSA §6602, sub-§1, ¶G** is enacted to read:

G. A school administrative unit subject to paragraph F may opt out of the alternative breakfast delivery service required under paragraph F if the following conditions are met:

- (1) The governing body of the school administrative unit holds a public hearing regarding the service. The governing body of the school administrative unit shall post public notice in each municipality in the unit of the time and location of the hearing at least 10 days before the hearing. The chair of the governing body of the school administrative unit shall conduct the hearing;
- (2) The school administrative unit submits to the governing body a detailed cost-benefit analysis and any other material that demonstrates that implementing the alternative breakfast delivery service would cause undue financial or logistical hardship;
- (3) The public and the governing body of the school administrative unit evaluate the cost-benefit analysis and any written material submitted for purposes of this paragraph;
- (4) Within 30 days of the public hearing under subparagraph (1), the governing body of the school administrative unit, by majority vote, determines that an alternative breakfast delivery service is not financially or logistically viable and that the school administrative unit will opt out; and

(5) The governing body of the school administrative unit notifies the department of the vote to opt out under subparagraph (4).

Opting out under this paragraph must be renewed every 2 years. A school administrative unit with a public school shall notify the department of the intent to renew its decision to opt out under this paragraph before the end of the 2nd school year after the previous vote.

The department shall adopt rules to implement this paragraph including rules governing the application process and standards to address evaluation criteria based on need for the funding of alternative breakfast delivery services in school administrative units. The rules must include procedures to track health and academic outcomes through data collection and evaluation of students and schools that participate in alternative breakfast delivery services. Procedures to track health and academic outcomes must include tracking and ensuring that all public schools required to implement the alternative breakfast delivery service are demonstrating at least an annual 10 percentage point increase in their school breakfast participation rate. If the department determines that a participating public school has not increased its breakfast participation rate by at least 10 percentage points, the department shall provide written notification including improvement strategies to the public school. Upon receipt of written notification by the department, a public school that has not increased its breakfast participation rate by at least 10 percentage points shall submit a final plan within 30 days after the start of the next school year documenting new strategies to increase its breakfast participation rate. A public school that demonstrates a successful breakfast program, which means that at least 70% of the students who are eligible for free and reduced-price meals under paragraph A are participating in the breakfast program under paragraph B, is not required to meet the annual 10 percentage point breakfast participation rate increase as long as that public school maintains at least a 70% breakfast participation rate. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 20-A MRSA §6602, sub-§2,** as amended by PL 2011, c. 379, §5, is further amended to read:

**2. Exceptions.** The following are exempt from subsection 1, paragraphs A ~~and~~, B and F:

- A. All secondary schools limited to students in grades 9, 10, 11 and 12; and
- B. A school administrative unit authorized by the commissioner under subsection 9 to postpone the establishment of the program.

**Sec. 4. 20-A MRSA §6602, sub-§4, ¶A,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. State funds, gifts and appropriations for school food service programs, including state funds specifically for school administrative units with a public school in which at least 50% of students qualified for a free or reduced-price lunch during the preceding school year that operate an alternative breakfast delivery service that provides breakfast after the start of the school day pursuant to subsection 1, paragraph F; and

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

Effective February 14, 2020.

**CHAPTER 557**

**H.P. 299 - L.D. 390**

**An Act To Amend the Laws Governing Dangerous Buildings**

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

**Whereas,** a municipality, or a county on behalf of an unorganized or deorganized area, that has adjudged a building to be a nuisance or dangerous does not have clear legal authority to file a writ of attachment in Superior Court to recover the costs incurred by the municipality or the county in abating the nuisance or the dangerous building; and

**Whereas,** further delay in permitting a municipality or a county to file a writ of attachment to recoup expenses incurred in remediating a nuisance or dangerous building places a strain on the ability of a municipality or a county to meet its other financial obligations; 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. 17 MRSA §2851, first ¶,** as amended by PL 2017, c. 136, §1, is further amended to read:

The municipal officers in the case of a municipality or the county commissioners in the case of the unorganized or deorganized areas in their county may after notice pursuant to section 2857 and hearing adjudge a building to be a nuisance or dangerous, in accordance

with subsection 2-A, and may make and record an order, in accordance with subsection 3, prescribing what disposal must be made of that building. The order may allow for delay of disposal if the owner or party in interest has demonstrated the ability and willingness to satisfactorily rehabilitate the building. If an appeal pursuant to section 2852 is not filed or, if an appeal pursuant to section 2852 is filed and the Superior Court does not order, stay or overturn the order to dispose of the building, the municipal officers or the county commissioners shall cause the nuisance to be abated or removed in compliance with the order. After recording an attested copy of the notice required by section 2857 in the registry of deeds located within the county where the building is situated, the municipality or the county may seek a writ of attachment of the property on which the building is located in accordance with Title 14, chapter 507 and the Maine Rules of Civil Procedure.

**Sec. 2. 17 MRSA §2851, sub-§4**, as amended by PL 2017, c. 136, §1, is further amended to read:

**4. Proceedings in Superior Court.** In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the building is located. The complaint must identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint must be made upon the owner and parties in interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the building, it shall award costs as authorized by this subchapter to the municipality or the county. The municipality or the county may petition the court for a writ of attachment of the property on which the building is located in accordance with Title 14, chapter 507 and the Maine Rules of Civil Procedure. Appeal from a decision of the Superior Court is to the law court in accordance with the Maine Rules of Civil Procedure.

**Sec. 3. 17 MRSA §2859, first ¶**, as enacted by PL 1981, c. 43, is amended to read:

In cases involving an immediate and serious threat to the public health, safety or welfare, in addition to any other remedies, a municipality or a county may obtain an order of demolition by summary process in Superior Court, in accordance with this section.

**Sec. 4. 17 MRSA §2859, sub-§1**, as amended by PL 2017, c. 136, §7, is further amended to read:

**1. Commencement of action.** A municipality, acting through its building official, code enforcement officer, fire chief or municipal officers, or the county commissioners shall file a verified complaint setting forth such facts as would justify a conclusion that a building is dangerous, as described in section 2851, and

shall state in the complaint that the public health, safety or welfare requires the immediate removal of that building. The municipality or the county may seek a writ of attachment of the property on which the building is located in accordance with Title 14, chapter 507 and the Maine Rules of Civil Procedure.

**Sec. 5. 17 MRSA §2859, sub-§4**, as amended by PL 2017, c. 136, §9, is further amended to read:

**4. Hearing.** After hearing, the court shall enter judgment. If the judgment requires removal of the building, the court shall award costs to the municipality or the county as authorized by this subchapter. The award of costs may be contested and damages sought in a separate action to the extent permitted by subsection 7.

**Sec. 6. 17 MRSA §2859, sub-§7**, as amended by PL 2017, c. 136, §10, is further amended to read:

**7. Damages.** Any complaint that either seeks damages for the wrongful removal of a building or challenges the award of costs must be filed no later than 30 days from the date of the judgment or order that is the subject of the appeal. The damages that may be awarded for wrongful demolition are limited to the actual value of the building at the time of its removal. The provisions of Title 14, section 7552 do not apply. If the municipality or the county prevails, the court may award it its costs in defending any appeal, which may include, but are not limited to, reasonable attorney's fees.

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

Effective February 14, 2020.

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## CHAPTER 558

### S.P. 691 - L.D. 1989

#### An Act To Amend the Laws Governing Recounts in Municipal Elections

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

**Whereas**, this legislation corrects an error in Public Law 2019, chapter 288, An Act To Clarify Recounts in Municipal Elections, by expanding the recount process created in that law to all elections for municipal office, not just to the election of a municipal officer; and

**Whereas**, delay in the effective date of this legislation will mean that the municipal recount process for upcoming municipal elections will apply to some but not all of the elected persons; 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. 30-A MRSA §2531-B, sub-§11**, as enacted by PL 2019, c. 288, §1, is amended to read:

**11. Procedure at recount.** A recount in an election ~~of a~~ for municipal ~~office~~ office must be conducted according to the procedures in this subsection unless the municipal legislative body adopts the recount procedures of Title 21-A, section 737-A and the rules adopted pursuant to that section, except that Title 21-A, section 737-A, subsections 1, 5 and 12 and the duties of the State Police do not apply.

A. The municipal clerk shall publicly explain the recount procedure at the start of the recount and shall supervise the sorting and hand counting of the votes in public with assistance from counters appointed by the clerk.

B. A candidate may provide counters to conduct the recount under the supervision of the municipal clerk. If an insufficient number of counters is provided, the clerk shall supply counters. Municipal officers and candidates on that election ballot may not serve as counters.

C. The municipal clerk and counters shall follow all applicable laws and the rules for determining voter intent adopted by the Secretary of State pursuant to Title 21-A, section 696, subsection 6.

D. If any ballots are disputed as to voter intent, the candidates may resolve the dispute by consensus in accordance with rules for determining voter intent adopted by the Secretary of State pursuant to Title 21-A, section 696, subsection 6. If consensus cannot be reached, those disputed ballots must be set aside. If the number of disputed ballots potentially affects the outcome of the recount, the municipal clerk shall forward the disputed ballots to the clerk of the nearest Superior Court in the county in which the election was held.

E. Upon written request, the municipal clerk shall make the incoming voting list and absentee ballot materials, along with all records required by law to be kept in connection with the election, available for inspection, unless those materials have been requested as part of a state recount.

F. After the recount, the municipal clerk shall re-seal the package of ballots and incoming voting list and shall note on the package the fact that the recount was held and the date of the recount.

G. In order to withdraw from a recount, a candidate must notify the municipal clerk of the intent to withdraw and the reason for withdrawal. The notice must be signed by the candidate, notarized and delivered to the municipal clerk prior to or during the scheduled recount. In the event of a withdrawal, the final election day tabulation is considered the final result.

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

Effective February 14, 2020.

**CHAPTER 559**

**H.P. 1350 - L.D. 1884**

**An Act To Amend the Laws Governing Dual Liquor Licenses**

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

**Whereas**, current law hinders the operation of businesses with dual liquor licenses, which authorize retailers to sell wine for consumption both on and off the licensed premises; and

**Whereas**, this legislation relaxes the restrictions imposed on businesses with dual liquor licenses to bring those restrictions in line with the restrictions imposed on other licensed liquor retailers; and

**Whereas**, this legislation must take effect before the expiration of the 90-day period in order for it to be in effect before commencement of the summer tourist season; 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. 28-A MRSA §1208, sub-§2, ¶B**, as reallocated by PL 2009, c. 510, §7, is amended to read:

B. The licensee shall ensure that at least ~~2 employees~~ one employee at least 21 years of age ~~are~~ is present at all times when wine is being consumed on the premises ~~with at least one whose primary responsibility is sales of wine and other items sold to be consumed off the premises;~~

**Sec. 2. 28-A MRSA §1208, sub-§2, ¶C**, as reallocated by PL 2009, c. 510, §7, is amended to read:

C. Wine may be served only ~~to be consumed on the premises when accompanied by a full meal if a full meal is available for purchase and consumption on the premises.~~ For the purposes of this paragraph, "full meal" means a diversified selection of food that cannot ordinarily be consumed without the use of tableware and cannot be conveniently consumed while standing or walking; and

**Sec. 3. 28-A MRSA §1208, sub-§2, ¶D,** as reallocated by PL 2009, c. 510, §7, is amended to read:

D. Patrons of the establishment may not consume any alcoholic beverage on the premises unless it is served in accordance with this section by the licensee or an employee of the licensee; ~~and.~~

**Sec. 4. 28-A MRSA §1208, sub-§2, ¶E,** as reallocated by PL 2009, c. 510, §7, is repealed.

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

Effective February 18, 2020.

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**CHAPTER 560**

**S.P. 674 - L.D. 1972**

**An Act To Increase Access to and Reduce the Cost of Epinephrine Autoinjectors by Amending the Definition of "Epinephrine Autoinjector"**

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

**Whereas,** this Act expands the definition of "epinephrine autoinjector" to include devices approved by the federal Food and Drug Administration that deliver a specific dose of epinephrine by means other than automatic injection; and

**Whereas,** this Act provides more flexibility for entities, including, but not limited to, recreation camps, colleges, universities, day care facilities, youth sports leagues, amusement parks, restaurants and sports arenas, that purchase epinephrine for emergency purposes to consider lower-cost alternatives; and

**Whereas,** this Act, if it becomes effective prior to the expiration of the 90-day period, could provide financial relief to youth camps, recreational camps, municipal recreation programs and amusement parks before the upcoming summer season; 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. 20-A MRSA §254, sub-§5, ¶C,** as enacted by PL 2003, c. 531, §1, is amended to read:

C. A public school or a private school approved pursuant to section 2902 must have a written local policy authorizing students to possess and self-administer emergency medication from an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 6305, subsection 1, paragraph C. The written local policy must include the following requirements.

(1) A student who self-administers an asthma inhaler or an epinephrine ~~pen~~ autoinjector must have the prior written approval of the student's primary health care provider and, if the student is a minor, the prior written approval of the student's parent or guardian.

(2) The student's parent or guardian must submit written verification to the school from the student's primary health care provider confirming that the student has the knowledge and the skills to safely possess and use an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

(3) The school nurse shall evaluate the student's technique to ensure proper and effective use of an asthma inhaler or an epinephrine ~~pen~~ autoinjector in school.

**Sec. 2. 20-A MRSA §6305, sub-§1, ¶C,** as enacted by PL 2013, c. 526, §1, is amended to read:

C. "Epinephrine autoinjector" means a single-use device that automatically injects used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

**Sec. 3. 22 MRSA §2150-F, sub-§3,** as enacted by PL 2015, c. 231, §1, is amended to read:

**3. Epinephrine autoinjector.** "Epinephrine autoinjector" means a single-use device used for the automatic injection of a premeasured dose of epinephrine into a human body or another single-use epinephrine delivery system approved by the federal Food and Drug Administration for public use.

**Sec. 4. 22 MRSA §2496, sub-§2,** as amended by PL 2009, c. 211, Pt. A, §9, is further amended to read:

**2. Youth camps; emergency medication.** A youth camp must have a written policy authorizing

campers to self-administer emergency medication, including, but not limited to, an asthma inhaler or an epinephrine ~~pen~~ autoinjector as defined in section 2150-F, subsection 3. The written policy must include the following requirements:

- A. A camper who self-administers emergency medication must have the prior written approval of the camper's primary health care provider and the camper's parent or guardian;
- B. The camper's parent or guardian must submit written verification to the youth camp from the camper's primary health care provider confirming that the camper has the knowledge and the skills to safely self-administer the emergency medication in camp;
- C. The youth camp health staff must evaluate the camper's technique to ensure proper and effective use of the emergency medication in camp; and
- D. The emergency medication must be readily available to the camper.

**Sec. 5. 30-A MRSA §3108**, as enacted by PL 2007, c. 588, §1, is amended to read:

**§3108. Asthma inhalers and epinephrine ~~pens~~ autoinjectors**

Municipal employees and volunteers that operate or assist in any municipal recreational program or camp may receive training on how to administer asthma inhalers and epinephrine ~~pens~~ autoinjectors as defined in Title 22, section 2150-F, subsection 3. Municipal employees and volunteers may possess and administer prescribed asthma inhalers and epinephrine ~~pens~~ autoinjectors in order to provide emergency aid.

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

Effective February 21, 2020.

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CHAPTER 561

H.P. 777 - L.D. 1054

**An Act To Amend the Laws  
Regarding Ancient Burying  
Grounds**

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

**Sec. 1. 13 MRSA §1101, sub-§1**, as amended by PL 2013, c. 524, §1, is further amended to read:

**1. Grave sites of veterans in ancient burying grounds.** In any ancient burying ground, as referenced in Title 30-A, section 5723, the municipality in which that burying ground is located, in collaboration with veterans' organizations, cemetery associations, civic

and fraternal organizations, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep in good condition all graves, headstones, monuments and markers designating the burial place of Revolutionary soldiers and sailors and veterans of the Armed Forces of the United States. To the best of its ability given the location and accessibility of the ancient burying ground, the municipality, in collaboration with veterans' organizations, cemetery associations, civic and fraternal organizations, descendants of veterans buried in the ancient burying ground and other interested persons, shall keep the grass, weeds and brush suitably cut and trimmed on those graves from May 1st to September 30th of each year. A municipality may designate a caretaker to whom it delegates for a specified period of time the municipality's responsibilities regarding an ancient burying ground. A caretaker for a municipality may be designated only by a writing signed by the municipal officers as defined in Title 30-A, section 2001, subsection 10.

**Sec. 2. 13 MRSA §1101-A, sub-§1**, as enacted by PL 1999, c. 700, §2, is repealed and the following enacted in its place:

**1. Ancient burying ground.** "Ancient burying ground" means a cemetery established before 1880 in which burial is restricted to:

- A. Members of the family or families that established the cemetery, their descendants or others as chosen by the members of the family or families that established the cemetery; or
- B. Persons or a group of persons as specified by the persons or group of persons that established the cemetery.

The existence of an ancient burying ground may be established in accordance with section 1101-B, subsection 3.

**Sec. 3. 13 MRSA §1101-B, sub-§3** is enacted to read:

**3. Documentation; lack of documentation or apparent marked boundaries.** The existence of an ancient burying ground may be documented in papers, including:

- A. Records of the register of deeds;
- B. Property deeds;
- C. Manuscripts or published records of the history of a county or municipality;
- D. Records of a municipality; or
- E. Historical or current maps.

A lack of documentation of an ancient burying ground as described in this subsection may not disprove the existence of an ancient burying ground if there is physical evidence of its existence.

A lack of apparent marked boundaries of an ancient burying ground may not disprove the existence of an ancient burying ground.

**Sec. 4. 13 MRSA §1101-D**, as enacted by PL 1999, c. 700, §2, is amended to read:

**§1101-D. Unorganized townships**

If an ancient burying ground or a public burying ground as described in section 1101 is located in an unorganized township, the county in which the township is located is subject to sections 1101, 1101-B and 1101-C except that the county is not required to designate a caretaker by a writing as required in section 1101, subsection 1.

See title page for effective date.

**CHAPTER 562**

**H.P. 1326 - L.D. 1855**

**An Act To Include Student Absences for Mental Health or Behavioral Health Needs as Excusable Absences**

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

**Sec. 1. 20-A MRSA §3272, sub-§3, ¶A**, as enacted by PL 1985, c. 490, §8, is amended to read:

A. Personal ~~illness~~ health, including the person's physical, mental and behavioral health;

**Sec. 2. 20-A MRSA §5001-A, sub-§4, ¶A**, as enacted by PL 1983, c. 806, §49, is amended to read:

A. Personal ~~illness~~ health, including the person's physical, mental and behavioral health;

See title page for effective date.

**CHAPTER 563**

**S.P. 641 - L.D. 1869**

**An Act To Clarify the Financial Reporting Responsibilities of Political Action Committees and Ballot Question Committees**

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

**Sec. 1. 21-A MRSA §1, sub-§3-A** is enacted to read:

**3-A. Ballot question committee.** "Ballot question committee" means a person required to register as a ballot question committee under section 1056-B.

**Sec. 2. 21-A MRSA §1, sub-§29-A** is enacted to read:

**29-A. Political action committee.** "Political action committee" means a person required to register as a political action committee under section 1052-A.

**Sec. 3. 21-A MRSA §1052, sub-§2**, as amended by PL 2007, c. 443, Pt. A, §27, is further amended to read:

**2. Committee.** "Committee" means any political action committee, as defined in this subchapter, or any ballot question committee required to be registered under section 1056-B and includes any agent of a political action committee or ballot question committee.

**Sec. 4. 21-A MRSA §1052-A**, as amended by PL 2015, c. 408, §2, is further amended to read:

**§1052-A. Registration**

A political action committee shall register with the commission and amend its registration as required by this section. A registration is not timely filed unless it contains all the information required in this section.

**1. Deadlines to file and amend registrations.** A political action committee shall register and file amendments with the commission according to the following schedule.

A. A political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that receives contributions or makes expenditures in the aggregate in excess of \$1,500 and a political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (5) that receives contributions or makes expenditures in the aggregate in excess of \$5,000 for the purpose of influencing the nomination or election of any candidate to political office shall register with the commission within 7 days of exceeding the applicable amount.

B. A political action committee shall amend the registration within 10 days of a change in the information that political action committees are required to disclose under this section.

C. A political action committee shall file an updated registration form between January 1st and March 1st of each year in which a general election is held. The commission may waive the updated registration requirement for a newly registered political action committee or other registered political action committee if the commission determines that the requirement would cause an administrative burden disproportionate to the public benefit of the updated information.

**2. Disclosure of treasurer and officers.** A political action committee must have a treasurer and a principal officer. The same individual may not serve in both positions. The political action committee's registration

must contain the names and addresses of the following individuals:

- A. The treasurer of the political action committee;
- B. A principal officer of the political action committee;
- C. Any other individuals who are primarily responsible for making decisions for the political action committee;
- D. The individuals who are primarily responsible for raising contributions for the political action committee; and
- E. The names of any other candidates or Legislators who have a significant role in fund-raising or decision-making for the political action committee.

**3. Other disclosure requirements.** A political action committee's registration must also include the following information:

- A. A statement indicating the specific candidates, categories of candidates or campaigns that the political action committee expects to support or oppose;
- B. If the political action committee is formed to influence the election of a single candidate, the name of that candidate;
- C. The form or structure of the organization, such as a voluntary association, membership organization, corporation or any other structure by which the political action committee functions, and the date of origin or incorporation of the organization;
- D. If the political action committee has been formed by one or more for-profit or nonprofit corporations or other organizations for the purpose of initiating or influencing a campaign, the names and addresses of the corporations or organizations;
- E. The name of the account that the political action committee will use to deposit contributions and make expenditures pursuant to section 1054, and the name and address of the financial institution at which the account is established; and
- F. Any additional information reasonably required by the commission to monitor the activities of political action committees in this State under this subchapter.

**4. Acknowledgment of responsibilities.** The treasurer, principal officer and any other individuals who are primarily responsible for making decisions for the political action committee shall submit a signed statement acknowledging their responsibilities on a form prescribed by the commission within 10 days of registering the political action committee. The signed acknowledgment statement serves as notification of the responsibilities of the political action committee to comply with the financial reporting, record-keeping and

other requirements of this chapter and the potential personal liability of the treasurer and principal officer for civil penalties assessed against the political action committee. The commission shall notify the political action committee of any individual who has failed to submit the acknowledgment statement. Failure to return the acknowledgment statement is a violation of this subchapter for which a fine of \$100 may be assessed against the political action committee. This section also applies to individuals named in an updated or amended registration required by this subsection who have not previously submitted an acknowledgment statement for the political action committee with the commission.

**5. Resignation and removal.** An individual who resigns as the treasurer, principal officer or primary ~~decision maker~~ decision maker of a political action committee shall submit a written resignation statement to the commission. An individual's resignation is not effective until the commission receives the written resignation statement from the individual. If an individual is involuntarily removed from the position of treasurer, principal officer or primary ~~decision maker~~ decision maker by the political action committee, the political action committee shall notify the commission in writing that the individual has been removed from the position. The commission may prescribe forms for these purposes.

**Sec. 5. 21-A MRSA §1053-A**, as amended by PL 2011, c. 389, §35, is further amended to read:

**§1053-A. Municipal elections**

~~Organizations that qualify~~ If an organization qualifies as a political action committee under section 1052, subsection 5 or is a ballot question committee required to register under section 1056-B and that receives organization receives contributions or make makes expenditures to influence a municipal campaign in towns or cities with a population of 15,000 or more shall, that organization must register and file reports with the municipal clerk as required by Title 30-A, section 2502. The reports must be filed in accordance with the reporting schedule in section 1059 and must contain the information listed in section 1060. A political action committee registered with the commission and that receives contributions or makes expenditures relating to a municipal election shall file a copy of the report containing such contributions or expenditures with the clerk in the subject municipality. The commission retains the sole authority to prescribe the content of all reporting forms. The commission does not have responsibility to oversee the filing of registrations or campaign finance reports relating to municipal campaigns, except that the commission shall enforce late filing penalties under section 1020-A, subsection 3 upon the request of a municipal clerk. If a municipal clerk becomes aware of a potential violation of this subchapter that the clerk considers to be substantial, the clerk may refer the matter to the commission for enforcement.

The commission may conduct an investigation if the information referred by the municipal clerk shows sufficient grounds for believing that a violation may have occurred. After conducting the investigation, if the commission determines that a violation of this subchapter has occurred, the commission may assess penalties provided in this subchapter.

**Sec. 6. 21-A MRSA §1053-B**, as amended by PL 2013, c. 334, §21, is further amended to read:

**§1053-B. Out-of-state ~~political action~~ committees**

An organization that is registered as a political action committee, ballot question committee or political committee with the Federal Election Commission or a jurisdiction outside of this State shall register and file reports with the commission in accordance with this subchapter upon receiving contributions or making expenditures to initiate or influence a campaign in the State in excess of the amounts that would require registration under section 1052-A. The committee is not required to register and file reports if the committee's only financial activity within the State is to make contributions to candidates, party committees, political action committees or ballot question committees registered with the commission or a municipality and the committee has not raised and accepted any contributions during the calendar year to influence a campaign in this State.

**Sec. 7. 21-A MRSA §1054**, as amended by PL 2013, c. 334, §22, is further amended to read:

**§1054. Appointment of treasurer; depository**

Any political action committee required to register under section 1052-A must appoint a treasurer before registering with the commission. A registered political action committee shall deposit all funds contributed to or received by the political action committee for the purpose of influencing a campaign in a single account in a financial institution and shall finance all of the political action committee's expenditures to influence the election through the account. If the political action committee was formed by another organization, that other organization may pay its employees for their campaign-related activities on behalf of the political action committee through its own treasury, rather than through the single account established by the political action committee and used for campaign expenditures.

**Sec. 8. 21-A MRSA §1054-A**, as enacted by PL 2013, c. 334, §23, is amended to read:

**§1054-A. Duties and liabilities of the treasurer, principal officer and primary decision maker of political action committees**

**1. Duties of the treasurer.** The treasurer of the political action committee shall ensure that the political action committee files and amends the political action committee's registration, files complete and accurate financial reports with the commission and maintains the political action committee's records as required by this

chapter and the commission's rules. The treasurer is responsible for the political action committee's performance of these duties regardless of whether the treasurer has delegated administrative tasks related to these duties to another individual.

**2. Joint responsibilities of the treasurer and principal officer.** The treasurer and the principal officer are jointly responsible for the political action committee's compliance with the requirements of this chapter and the commission's rules. The treasurer and principal officer are responsible for accepting and responding to notices and correspondence from the commission on behalf of the political action committee.

**3. Participation in spending decisions.** An individual who is the treasurer, principal officer or primary decision maker of the political action committee and who has signed the acknowledgment statement required by section 1052-A, subsection 4 is deemed to have participated in the spending decisions of the political action committee until the commission receives the individual's resignation statement or a notice of the individual's involuntary removal from the political action committee.

**4. Financial liability.** The commission may hold the treasurer and principal officer jointly and severally liable with the political action committee for any fines assessed against the political action committee for violations of this chapter and chapter 14. In addition, the commission may assess all or part of a fine against any other agent of the political action committee who is directly responsible for a violation, including individuals who have resigned or have been removed involuntarily from the political action committee. In deciding whether to assess a penalty against a treasurer, principal officer or any other individual, the commission may consider, among other things, whether the individual had actual knowledge of the action that constituted the violation or had authorized that action and whether the violation was intentional or caused by an error by a vendor or someone outside the control of the political action committee.

**Sec. 9. 21-A MRSA §1054-B**, as amended by PL 2019, c. 21, §1, is further amended to read:

**§1054-B. Payments to Legislators by political action committees**

If a Legislator is a principal officer or treasurer of a political action committee or is one of the individuals primarily responsible for raising contributions or making decisions for the political action committee, the political action committee may not compensate the Legislator for services provided to the political action committee. The political action committee may not make payments or distribute, loan, advance, deposit or gift money or anything of value to or compensate a business owned or operated by the Legislator. The political ac-

tion committee may reimburse the Legislator for expenses incurred in the proper performance of the duties of the Legislator, for purchases made on behalf of the political action committee and for travel expenses associated with volunteering for the political action committee. Allowable reimbursement for expenses does not include payments from the political action committee that are determined by the commission to be for the purpose of personal financial enrichment of the Legislator. The funds of the political action committee may not be commingled with the personal funds of the Legislator or the funds of a business owned or operated by the Legislator.

**Sec. 10. 21-A MRSA §1056-A**, as enacted by PL 1993, c. 715, §3, is repealed.

**Sec. 11. 21-A MRSA §1056-B, sub-§1**, as amended by PL 2009, c. 190, Pt. A, §20, is further amended to read:

**1. Filing requirements.** A report required by this section must be filed with the commission according to the reporting schedule in section 1059. After completing all financial activity, the ballot question committee shall terminate its campaign finance reporting in the same manner provided in section 1061. The ballot question committee shall file each report required by this section through an electronic filing system developed by the commission unless granted a waiver under section 1059, subsection 5.

**Sec. 12. 21-A MRSA §1057**, as amended by PL 2015, c. 408, §§4 and 5, is further amended to read:

**§1057. Records Required records for political action committees**

Any political action committee that is required to register under section 1052-A or 1053-B shall keep records as provided in this section for 4 years following the election to which the records pertain.

**1. Details of records.** The treasurer of a political action committee shall record a detailed account of:

- A. All expenditures made to or in behalf of a candidate, campaign or political action committee;
- B. The identity of each candidate, campaign or political action committee;
- C. The office sought by a candidate and the district ~~he~~ the candidate seeks to represent, for candidates ~~which~~ that a political action committee has made an expenditure to or in behalf of; and
- D. The date of each expenditure.

**2. Receipts.** The treasurer of a political action committee shall retain a vendor invoice or receipt stating the particular goods or services purchased for every expenditure in excess of \$50 to initiate or influence a campaign.

**3. Record of contributions.** The treasurer of a political action committee shall keep a record of all contributions to the political action committee, by name and mailing address, of each donor and the amount and date of the contribution. This provision does not apply to aggregate contributions from a single donor of \$50 or less for an election or referendum campaign. When any donor's contributions to a political action committee exceed \$50, the record must include the aggregate amount of all contributions from that donor.

**4. Account statements.** The treasurer of a political action committee shall keep account statements relating to the deposit of funds of the political action committee required by section 1054.

**Sec. 13. 21-A MRSA §1058**, as amended by PL 2013, c. 334, §26, is repealed.

**Sec. 14. 21-A MRSA §1060, sub-§1**, as amended by PL 2007, c. 443, Pt. A, §36, is further amended to read:

**1. Identification of candidates.** The names of and offices sought by all candidates whom the political action committee supports, intends to support or seeks to defeat;

**Sec. 15. 21-A MRSA §1060, sub-§2**, as amended by PL 2007, c. 443, Pt. A, §36, is further amended to read:

**2. Identification of committees; parties.** The names of all political committees or party committees supported in any way by the political action committee;

**Sec. 16. 21-A MRSA §1060, sub-§3**, as amended by PL 2007, c. 443, Pt. A, §36, is further amended to read:

**3. Identification of referendum or initiated petition.** The referenda or initiated petitions that the political action committee supports or opposes;

**Sec. 17. 21-A MRSA §1061**, as amended by PL 2013, c. 334, §29, is further amended to read:

**§1061. Dissolution of committees**

Whenever any ~~political action~~ committee determines that it will no longer accept any contributions or make any expenditures, the committee shall file a termination report that includes all financial activity from the end date of the previous reporting period through the date of termination with the commission. The committee shall dispose of any surplus prior to termination. In the termination report, the committee shall report any outstanding loan, debt or obligation in the manner prescribed by the commission.

**Sec. 18. 21-A MRSA §1062-A, sub-§1**, as amended by PL 2013, c. 334, §30, is further amended to read:

**1. Registration.** A political action committee required to register under section 1052-A, 1053-A or

1053-B or a ballot question committee required to register under section ~~1053-A~~ or 1056-B that fails to do so or that fails to provide the information required by the commission for registration may be assessed a fine of no more than \$2,500. In assessing a fine, the commission shall consider, among other things, whether the violation was intentional, the amount of campaign and financial activity that occurred before the committee registered, whether the committee intended to conceal its campaign or financial activity and the level of experience of the committee's volunteers and staff.

**Sec. 19. 21-A MRSA §1062-A, sub-§4**, as amended by PL 2019, c. 323, §25, is further amended to read:

**4. Maximum penalties.** The maximum penalty under this subchapter is \$10,000 for reports required under section ~~1053-A~~, 1056-B or ~~section~~ 1059, except that if the dollar amount of the financial activity that was not timely filed or did not substantially conform to the reporting requirements of this subchapter exceeds \$50,000, the maximum penalty is 100% of the dollar amount of that financial activity.

**Sec. 20. 21-A MRSA §1062-A, sub-§5**, as amended by PL 2013, c. 334, §31, is further amended to read:

**5. Request for a commission determination.** If the commission staff finds that a ~~political action~~ committee has failed to file a report required under this subchapter, the commission staff shall mail a notice to the treasurer of the ~~political action~~ committee within 3 business days following the filing deadline informing the treasurer that a report was not received. If a ~~political action~~ committee files a report required under this subchapter late, a notice of preliminary penalty must be forwarded to the treasurer of the ~~political action~~ committee whose report is not received by 11:59 p.m. on the deadline date, informing the treasurer of the commission staff finding of violation and preliminary penalty calculated under subsection 3 and providing the treasurer with an opportunity to request a determination by the commission. A request for determination must be made within 14 calendar days of receipt of the commission's notice. A principal officer or treasurer requesting a determination may either appear in person or designate a representative to appear on the principal officer's or treasurer's behalf or submit a sworn statement explaining the mitigating circumstances for consideration by the commission. A final determination by the commission may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter 7 and the Maine Rules of Civil Procedure, Rule 80C.

**Sec. 21. 21-A MRSA §1062-A, sub-§6**, as amended by PL 2009, c. 302, §9, is further amended to read:

**6. Final notice of penalty.** After a commission meeting, notice of the final determination of the commission and the penalty, if any, imposed pursuant to this subchapter must be sent to the principal officer and the treasurer of the ~~political action~~ committee.

If a determination is not requested, the preliminary penalty calculated by the commission staff is final. The commission staff shall mail final notice of the penalty to the principal officer and to the treasurer of the ~~political action~~ committee. A detailed summary of all notices must be provided to the commission.

**Sec. 22. 21-A MRSA §1062-A, sub-§7**, as amended by PL 2007, c. 443, Pt. A, §41, is further amended to read:

**7. List of late-filing committees.** The commission shall prepare a list of the names of ~~political action~~ committees that are late in filing a report required under section 1059, subsection 2, paragraph B, subparagraph (1) or section 1059, subsection 2, paragraph C or D within 30 days of the date of the election and shall make that list available for public inspection.

See title page for effective date.

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## CHAPTER 564

S.P. 643 - L.D. 1871

### An Act To Modify the Financial Disclosure Requirements for a Governor-elect

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

**Sec. 1. 1 MRSA §1051**, as enacted by IB 2015, c. 1, §1, is amended to read:

**§1051. Gubernatorial transition committee**

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

A. "Commission" means the Commission on Governmental Ethics and Election Practices.

B. "Election cycle" means the period beginning on the day after the general election for any state, county or municipal office and ending on the day of the next general election for that office.

C. "Governor-elect" means the candidate for the office of Governor elected at the most recent general election.

**2. Transition and inaugural activities; funding.** A person may solicit and accept donations for the purpose of financing costs related to the transition to office and inauguration of a ~~new Governor~~ Governor-elect. A person who accepts donations for these purposes must



establish a committee and appoint a treasurer who is responsible for keeping records of donations and for filing a financial disclosure statement required by this section. All donations received must be deposited in a separate and segregated account and may not be commingled with any contributions received by any candidate or political committee or any personal or business funds of any person. ~~An individual who has served as a treasurer of any candidate committee or political action committee in the same election cycle may not serve as treasurer of a gubernatorial transition committee.~~ All donations received by the committee must be used for expenses related to the transition to office or inauguration; any surplus funds must be disposed of pursuant to subsection 7.

**3. Registration with the commission and financial disclosure statement statements.** A committee established pursuant to this section shall register and file a financial disclosure ~~statement statements~~ with the commission as required by this subsection.

A. The committee shall register with the commission within 10 days after appointment of a treasurer. The registration must include the name and mailing addresses of the members of the committee, its treasurer and all individuals ~~who are raising~~ designated by the committee to raise funds for the committee.

B. ~~The financial~~ Financial disclosure ~~statement statements~~ must contain the names, addresses, occupations and employers of all donors who have given money or anything of value in a total amount exceeding \$50 to the committee, including in-kind donations of goods or services, along with the amounts and dates of the donations. ~~Donors who have given donations~~ Donations with a total value of \$50 or less may be disclosed in the aggregate without itemization or other identification.

C. ~~Any outstanding loan, debt or other obligation of the committee must be disclosed as a donation. If the committee owes a debt or loan at the end of a time period for a financial disclosure statement, the committee shall report the debt or loan. If a creditor or lender forgives a debt or loan, the committee shall disclose the forgiven debt or loan as a donation.~~

D. ~~The financial~~ Financial disclosure ~~statement statements~~ must ~~identify~~ include the amounts, dates, payees and purposes of all payments made by the committee during the statement period.

E. ~~An interim financial~~ Financial disclosure ~~statement statements~~ must be filed by 5:00 p.m. on January ~~1st~~ 2nd and February 15th following the gubernatorial election and must be complete as of 10 days prior to ~~that date.~~ The final financial disclosure statement must be filed by 5:00 p.m. on February 15th following the gubernatorial election and

must be complete as of that date those filing deadlines. If the committee has surplus funds or an unpaid debt or loan after the end of the statement period for the February 15th statement, the committee shall file bimonthly financial disclosure statements beginning on April 15th until it disposes of all surplus funds and satisfies all debts and loans.

F. The treasurer shall keep a detailed and exact account of all contributions made to the committee and all expenditures made by the committee for one year following the final financial disclosure statement filed by the committee.

**4. Limitation on fund-raising activity.** A committee established pursuant to this section may accept donations until ~~January~~ March 31st of the year following the gubernatorial election. The commission may authorize the acceptance of donations after March 31st of the year following the gubernatorial election if the committee requests such authorization in order to pay a debt or loan related to the transition to office or inauguration.

**5. Prohibited donations during a legislative session.** A committee established pursuant to this section may not directly or indirectly solicit or accept a donation from a lobbyist, lobbyist associate or employer during any period of time in which the Legislature is convened before final adjournment. A lobbyist, lobbyist associate or employer may not directly or indirectly give, offer or promise a donation to a committee established pursuant to this section during any period of time in which the Legislature is convened before final adjournment. For purposes of this subsection, "lobbyist" has the same meaning as in Title 3, section 312-A, subsection 10; "lobbyist associate" has the same meaning as in Title 3, section 312-A, subsection 10-A; and "employer" has the same meaning as in Title 3, section 312-A, subsection 5.

**6. Anonymous donations.** A committee established pursuant to this section may not accept an anonymous donation in excess of \$50.

**7. Disposing of surplus funds.** ~~Prior to the filing of the final financial disclosure statement under subsection 3, paragraph E, any~~ Any surplus funds remaining in the committee's account must be refunded to one or more donors, donated to a charitable organization that qualifies as a tax-exempt organization under 26 United States Code, Section 501(c)(3) or remitted to the State Treasurer.

**8. Rulemaking.** The commission may establish by routine technical rule, adopted in accordance with Title 5, chapter 375, subchapter 2-A, forms and procedures for ensuring compliance with this section.

**9. Enforcement and penalty.** The commission shall administer and enforce this subchapter. A person who violates this subchapter is subject to a civil penalty not to exceed \$10,000, payable to the State and recov-

erable in a civil action. In assessing a civil penalty under this subsection, the commissioner shall consider, among other things, whether the person made a bona fide effort to comply with the requirements of this section, whether the violation occurred as the result of an error by a vendor, consultant or other party outside the control of the person and whether evidence is present that the person intended to conceal or misrepresent its financial activities.

See title page for effective date.

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**CHAPTER 565**

**H.P. 1341 - L.D. 1875**

**An Act Regarding the Naming of Bridges and Designating Bridge 5818 as the Specialist Wade A. Slack Memorial Bridge**

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

**Sec. 1. 23 MRSA §356** is enacted to read:

**§356. Parallel bridge naming**

When designating a bridge in this State with a specific name, the Department of Transportation shall deem separate bridges that run parallel to one another on the same highway as one bridge for the purposes of that designation.

**Sec. 2. Interstate 95 bridge in Waterville named.** The Department of Transportation shall designate Bridge 5818 on Interstate 95, which crosses Main Street in the City of Waterville, the Specialist Wade A. Slack Memorial Bridge and shall erect an appropriate sign or signs to proclaim this designation.

See title page for effective date.

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**CHAPTER 566**

**H.P. 1349 - L.D. 1883**

**An Act Regarding the Recommendations of the Federal Traumatic Brain Injury State Partnership Program Concerning the Membership of the Acquired Brain Injury Advisory Council**

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

**Sec. 1. 34-B MRSA §19001, sub-§4,** as enacted by PL 2007, c. 239, §2, is amended to read:

**4. Membership.** The commissioner shall appoint ~~16~~ 25 persons to serve as members of the council and shall annually appoint one person to serve as chair. Members serve 2-year terms. Members must represent the following persons and interests:

- A. ~~Two~~ Five members with acquired brain injuries must represent persons with acquired brain injuries;
- B. ~~Two~~ Five members must represent families of persons with acquired brain injuries;
- C. Two members must represent advocates for persons with acquired brain injuries;
- D. Five members must represent providers of services to persons with acquired brain injuries; ~~and~~
- E. Five members must represent state agencies with expertise in the areas of education, employment, prevention of brain injuries, homelessness, corrections and services to veterans. Members of the council who represent state agencies serve ex officio, without the right to vote, and shall provide data, information and expertise to the council; ~~;~~
- F. One member must represent an aging and disability resource center;
- G. One member must represent a center for independent living; and
- H. One member must be the long-term care ombudsman under Title 22, section 5107-A or a representative of the long-term care ombudsman.

See title page for effective date.

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**CHAPTER 567**

**S.P. 688 - L.D. 1986**

**An Act To Clarify the Law Protecting Job Applicants from Identity Theft**

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

**Sec. 1. 26 MRSA §598-A,** as enacted by PL 2019, c. 47, §1, is amended to read:

**§598-A. Prospective employee's social security number**

~~Beginning~~ Except as required by federal law, beginning January 1, 2020, an employer may not request a social security number from a prospective employee on an employment application or during the application process for employment except for the purposes of substance ~~abuse~~ use testing under subchapter 3-A or a preemployment background check. This section does not apply to an employer's request for a social security number after the employee has been hired.

See title page for effective date.

**CHAPTER 568**

**H.P. 1495 - L.D. 2098**

**An Act To Remove Nighttime  
Restrictions on Lobster Fishing  
in a Certain Area in the Bay of  
Fundy**

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

**Sec. 1. 12 MRSA §6440**, as amended by PL 2017, c. 32, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding subsection 1, a person may raise or haul any lobster trap from September 1st to October 31st, both days inclusive, during any time of the day in an area in the Bay of Fundy that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada if that person is authorized to fish in the lobster management zone established pursuant to section 6446 in which the area described is located. The commissioner shall define this area in rule to ensure that the boundaries of this area are clearly delineated. Rules adopted pursuant to this section regarding the boundaries of the area are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 569**

**S.P. 719 - L.D. 2029**

**An Act To Make March Maine  
Childhood Cancer Awareness  
Month**

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

**Whereas**, Maine has one of the highest rates of childhood cancer in the nation; and

**Whereas**, federal funding for childhood cancer research is historically less than 5% of the total amount allocated for cancer research; and

**Whereas**, Public Law 2019, chapter 433, "An Act To Advance Children's Cancer Research in Maine," added an option on Maine's tax return form allowing a Maine taxpayer entitled to a tax refund to designate a portion of that refund to be paid into the Maine Children's Cancer Research Fund; and

**Whereas**, many Maine taxpayers will file tax forms before the expiration of the 90-day period; and

**Whereas**, if this Act becomes effective before March 1st, the Governor will issue a proclamation in March that will increase the public's awareness of childhood cancer and may elicit contributions by taxpayers to the Maine Children's Cancer Research Fund; 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. 1 MRSA §150-O** is enacted to read:

**§150-O. Maine Childhood Cancer Awareness  
Month**

The month of March of each year is designated as Maine Childhood Cancer Awareness Month, and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the month through appropriate activities and to become informed about childhood cancer.

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

Effective February 25, 2020.

**CHAPTER 570**

**H.P. 1362 - L.D. 1908**

**An Act To Establish First  
Responders Day on September  
11th**

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

**Sec. 1. 1 MRSA §150-O** is enacted to read:

**§150-O. First Responders Day**

September 11th of each year is designated as First Responders Day, and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the day in schools and other suitable places and with appropriate ceremony, celebration and activity. First Responders Day commemorates and honors the significant contributions of those who put their lives in danger to keep the people of this State safe, including law enforcement officers, firefighters, emergency medical personnel, game wardens, forest rangers and marine patrol officers.

See title page for effective date.

**CHAPTER 571**  
**H.P. 1335 - L.D. 1864**

**An Act To Correct the Maine  
Revised Unclaimed Property  
Act To Reflect Recent Changes**

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

**Whereas,** Public Law 2019, chapter 496 enacted provisions in the Uniform Unclaimed Property Act concerning the reporting and delivery to the Treasurer of State of unclaimed funds in a lawyer's trust account, with those provisions taking effect September 19, 2019; and

**Whereas,** Public Law 2019, chapter 498 repealed the existing Uniform Unclaimed Property Act and replaced it with the Maine Revised Unclaimed Property Act, which took effect October 1, 2019; and

**Whereas,** Public Law 2019, chapter 498 did not incorporate the changes made in Public Law 2019, chapter 496; and

**Whereas,** this legislation amends the Maine Revised Unclaimed Property Act to include the language approved by the Legislature that was abrogated as of October 1, 2019; 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. 33 MRSA §2052, sub-§13-A** is enacted to read:

**13-A. Lawyer's trust account.** "Lawyer's trust account" means a pooled trust account managed pursuant to rules adopted by the Supreme Judicial Court that earns interest or dividends at an eligible institution in which a lawyer or law firm holds funds on behalf of a client or clients. These funds are small in amount or held for a short period of time, such that the funds cannot earn interest or dividends for the client in excess of the costs incurred to secure such interest or dividends. For the purpose of this subsection, "eligible institution" means a financial organization meeting the requirements in rules adopted by the Supreme Judicial Court.

**Sec. 2. 33 MRSA §2052, sub-§13-B** is enacted to read:

**13-B. Lawyer's trust account program manager.** "Lawyer's trust account program manager" means an entity designated by the Supreme Judicial

Court to manage the lawyer's trust account program adopted by the Supreme Judicial Court.

**Sec. 3. 33 MRSA §2052, sub-§24, ¶B,** as enacted by PL 2019, c. 498, §22, is amended to read:

B. Includes property referred to as or evidenced by:

- (1) Money, interest or a dividend, check, draft, deposit or payroll card;
- (2) A credit balance, customer's overpayment, stored-value obligation, security deposit, refund, credit memorandum, unpaid wage, unused ticket for which the issuer has an obligation to provide a refund, mineral proceeds or unidentified remittance;
- (3) A security, except for:
  - (a) A worthless security; or
  - (b) A security that is subject to a lien, legal hold or restriction evidenced on the records of the holder or imposed by operation of law, if the lien, legal hold or restriction restricts the holder's or owner's ability to receive, transfer, sell or otherwise negotiate the security;
- (4) A bond, debenture, note or other evidence of indebtedness;
- (5) Money deposited to redeem a security, make a distribution or pay a dividend;
- (6) An amount due and payable under an annuity contract or insurance policy; ~~and~~
- (7) An amount distributable from a trust or custodial fund established under a plan to provide a health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefit; and
- (8) Funds in a lawyer's trust account; and

**Sec. 4. 33 MRSA §2054,** as enacted by PL 2019, c. 498, §22, is amended to read:

**§2054. Rulemaking**

The administrator may adopt rules to implement and administer this Act. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. In addition, the Supreme Judicial Court may adopt rules for the provisions of this Act relating to lawyer's trust accounts.

**Sec. 5. 33 MRSA §2061, sub-§15,** as enacted by PL 2019, c. 498, §22, is amended to read:

**15. Property not specified.** Property not specified in this section or sections 2062 to 2072, including funds in a lawyer's trust account, 3 years after the owner

first has a right to demand the property or the obligation to pay or distribute the property arises, whichever is earlier.

**Sec. 6. 33 MRSA §2113, sub-§9** is enacted to read:

**9. Payment of certain funds presumed abandoned in lawyer's trust accounts.** Notwithstanding any other provision in this chapter to the contrary, a lawyer, law firm or financial institution holding funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found shall file a report with the administrator pursuant to section 2091, subsection 1 and then transfer such funds, along with a copy of the report, to the lawyer's trust account program manager to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income residents of the State.

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

Effective February 27, 2020.

**CHAPTER 572**

**S.P. 706 - L.D. 2004**

**An Act To Provide for the 2020 and 2021 Allocations of the State Ceiling on Private Activity Bonds**

**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 Revised Statutes, Title 10, section 363 and Private and Special Law 2019, chapter 2 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2020 but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

**Whereas,** if these bond issues must be delayed due to the lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. Allocation to the Treasurer of State.** The \$5,000,000 of the state ceiling on private activity bonds for calendar year 2020 previously allocated to the Treasurer of State remains allocated to the Treasurer of State to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5 for calendar year 2020. Five million dollars of the state ceiling for calendar year 2021 is allocated to the Treasurer of State to be used or reallocated in accordance with Title 10, section 363, subsection 5.

**Sec. 2. Allocation to the Finance Authority of Maine.** The \$40,000,000 of the state ceiling on private activity bonds for calendar year 2020 previously allocated to the Finance Authority of Maine remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6 for calendar year 2020. An additional \$35,000,000 of the state ceiling on private activity bonds for calendar year 2020, previously unallocated, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6. Forty million dollars of the state ceiling for calendar year 2021 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

**Sec. 3. Allocation to the Maine Municipal Bond Bank.** The \$10,000,000 of the state ceiling on private activity bonds for calendar year 2020 previously allocated to the Maine Municipal Bond Bank remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7 for calendar year 2020. Ten million dollars of the state ceiling for calendar year 2021 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

**Sec. 4. Allocation to the Finance Authority of Maine as successor to the Maine Educational Loan Authority.** The \$15,000,000 of the state ceiling on private activity bonds for calendar year 2020 previously allocated to the Finance Authority of Maine as successor to the Maine Educational Loan Authority remains allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8 for calendar year 2020. An additional \$5,000,000 of the state ceiling on private activity bonds for calendar year 2020, previously unallocated, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 8. Fifteen million dollars of the state ceiling for calendar year 2021 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 8.

**Sec. 5. Allocation to the Maine State Housing Authority.** The \$50,000,000 of the state ceiling on private activity bonds for calendar year 2020 previously allocated to the Maine State Housing Authority remains allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4 for calendar year 2020. Fifty million dollars of the state ceiling for calendar year 2021 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with Title 10, section 363, subsection 4.

**Sec. 6. Unallocated state ceiling.** One hundred sixty-one million seven hundred seventy-five thousand dollars of the state ceiling on private activity bonds for calendar year 2020 is unallocated and must be reserved for future allocation in accordance with applicable laws. Two hundred one million seven hundred seventy-five thousand dollars of the state ceiling for calendar year 2021 is unallocated and must be reserved for future allocation in accordance with applicable laws.

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

Effective February 27, 2020.

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**CHAPTER 573**

**H.P. 1439 - L.D. 2018**

**An Act To Require That  
Parking Lots for State  
Agencies Meet the Standards  
Set Forth in the Federal  
Americans with Disabilities Act  
of 1990**

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

**Whereas,** this Act requires that each state department, state agency and quasi-independent state entity conduct an examination of parking areas serving buildings housing the state department, state agency or quasi-independent state entity to ensure that each parking area meets the federal standards related to the marking of parking space access aisles under the 2010 standards for accessible design under the federal Americans with Disabilities Act of 1990; and

**Whereas,** such examinations must be conducted by June 1, 2020 to ensure that the state department, state agency or quasi-independent state entity can make necessary changes to the marking of parking space access aisles during the upcoming construction season; 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 §4594-H** is enacted to read:

**§4594-H. Marking of parking space access aisles**

Notwithstanding any provision of this subchapter to the contrary, a state department, state agency or quasi-independent state entity shall ensure that parking areas serving state-owned or state-leased buildings housing that state department, state agency or quasi-independent state entity meet the federal standards related to the marking of parking space access aisles under the 2010 ADA Standards for Accessible Design, 28 Code of Federal Regulations, Sections 35.104 and 35.151. For the purposes of this section, "quasi-independent state entity" has the same meaning as in section 12021, subsection 5.

**Sec. 2. Parking space access aisles; examination and changes.** By June 1, 2020, each state department, state agency and quasi-independent state entity shall conduct an examination of the parking areas serving state-owned or state-leased buildings housing that state department, state agency or quasi-independent state entity to ensure that each parking area meets the federal standards related to the marking of parking space access aisles under the 2010 ADA Standards for Accessible Design, 28 Code of Federal Regulations, Sections 35.104 and 35.151 as required by the Maine Revised Statutes, Title 5, section 4594-H. By November 1, 2020, each state department, state agency and quasi-independent state entity shall implement any necessary changes identified in the examination to ensure that each parking area subject to this section meets the federal standards related to the marking of parking space access aisles under the 2010 ADA Standards for Accessible Design, 28 Code of Federal Regulations, Sections 35.104 and 35.151. For the purposes of this section, "quasi-independent state entity" has the same meaning as in Title 5, section 12021, subsection 5.

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

Effective February 27, 2020.

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**CHAPTER 574  
H.P. 1336 - L.D. 1865**

**An Act To Amend the  
Protection from Abuse Laws  
Concerning Consent  
Agreements**

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

**Sec. 1. 19-A MRS §4007, sub-§1**, as amended by PL 2019, c. 407, §4, is further amended to read:

**1. Protection order; consent agreement.** The court, after a hearing and upon finding that the defendant has committed the alleged abuse as defined in section 4002, subsection 1 or engaged in the alleged conduct described in section 4005, subsection 1, may grant a protective order or, upon making that finding, approve a consent agreement to bring about a cessation of abuse or the alleged conduct. ~~This subsection does not preclude the parties from voluntarily requesting a consent agreement without a finding of abuse. Alternatively, when the parties voluntarily request a consent agreement, the court may grant a protective order with or without a finding that the defendant committed abuse as defined in section 4002, subsection 1 or with or without a finding that the defendant engaged in conduct described in section 4005, subsection 1.~~ The court may enter a finding that the defendant represents a credible threat to the physical safety of the plaintiff or a minor child residing in the plaintiff's household. The court may enter a finding of economic abuse. Relief granted under this section may include:

A. Directing the defendant to refrain from threatening, assaulting, molesting, harassing, attacking or otherwise abusing the plaintiff and any minor children residing in the household;

A-1. Directing the defendant not to possess a firearm, muzzle-loading firearm, bow, crossbow or other dangerous weapon for the duration of the order;

A-2. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household;

B. Directing the defendant to refrain from going upon the premises of the plaintiff's residence;

C. Directing the defendant to refrain from repeatedly and without reasonable cause:

- (1) Following the plaintiff;
- (2) Being at or in the vicinity of the plaintiff's home, school, business or place of employment; or

(3) Engaging in conduct defined as stalking in Title 17-A, section 210-A;

D. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff;

E. When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:

(1) Granting or restoring possession of the residence or household to one party, excluding the other; or

(2) A consent agreement, allowing the party with the duty to support to provide suitable alternate housing;

E-1. Directing the defendant to refrain from injuring or threatening to injure any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

F. Ordering a division of the personal property and household goods and furnishings of the parties and placing any protective orders considered appropriate by the court, including an order to refrain from taking, converting or damaging property in which the plaintiff has a legal interest;

F-1. Ordering the termination of a life insurance policy or rider under that policy owned by the defendant if the plaintiff is the insured life under the policy or rider. Upon issuance, a copy of the court order must be sent to the insurer that issued the policy;

G. Either awarding some or all temporary parental rights and responsibilities with regard to minor children or awarding temporary rights of contact with regard to minor children, or both, under such conditions that the court finds appropriate as determined in accordance with the best interest of the child pursuant to section 1653, subsections 3 to 6-B. The court's award of parental rights and responsibilities or rights of contact is not binding in any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act;

H. Requiring the defendant to receive counseling from a social worker, family service agency, mental health center, psychiatrist or any other guidance service that the court considers appropriate. The court may not order and the State may not pay for the defendant to attend a batterers' intervention program unless the program is certified under section 4014;

I. Ordering the payment of temporary support for the dependent party or for a child in the dependent party's custody in accordance with chapter 63, or both, when there is a legal obligation to support that dependent party or that child, or both;

J. Ordering the payment of temporary support payments to the State as provided in chapters 63 and 67;

K. Ordering payment of monetary relief to the plaintiff for losses suffered as a result of the defendant's conduct. Monetary relief includes but is not limited to loss of earnings or support, reasonable expenses incurred for personal injuries or property damage, transitional living expenses and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of monetary relief, if any, to be awarded. Nothing in this paragraph may be construed to limit the court's discretion to enter any of the other available relief under this chapter, and does not preclude a plaintiff from seeking monetary relief through other actions as permissible by law;

L. Ordering the defendant to pay court costs or reasonable attorney's fees;

L-1. Ordering the plaintiff to pay court costs or reasonable attorney's fees, or both, only if a judgment is entered against the plaintiff after a hearing in which both the plaintiff and the defendant are present and the court finds that the complaint is frivolous;

M. Entering any other orders determined necessary or appropriate in the discretion of the court;

N. Directing the care, custody or control of any animal owned, possessed, leased, kept or held by either party or a minor child residing in the household;

O. With regard to conduct described as aggravated sex trafficking or sex trafficking as described in Title 17-A, section 852 or 853, respectively, entering any other orders determined necessary or appropriate in the discretion of the court, including, but not limited to, requiring the defendant to pay economic damages related to the return or restoration of the plaintiff's passport or other immigration document and any debts of the plaintiff arising from the trafficking relationship;

P. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, entering any orders determined necessary or appropriate in the discretion of the court, including but not limited to ordering the defendant to pay costs associated with removal, destruction or return of the private images; or

Q. With respect to unauthorized dissemination of certain private images as described in Title 17-A, section 511-A, ordering the defendant to remove, destroy or return or to direct the removal, destruction or return of the private images, ordering the defendant to cease the dissemination of the private images and prohibiting the defendant from disseminating the private images.

If the court enjoins the defendant under this subsection and the enjoined conduct constitutes harassment under Title 17-A, section 506-A, the court shall include in the order a warning in conformity with Title 17-A, section 506-A.

See title page for effective date.

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## CHAPTER 575

H.P. 1348 - L.D. 1882

### An Act To Provide Noncommercial Lobster and Crab Fishing Licenses and Scallop Licenses to Disabled Veterans at No Cost

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

**Sec. 1. 12 MRSA §6421, sub-§7-B, ¶Q,** as enacted by PL 2017, c. 284, Pt. EEEEE, §3, is amended to read:

Q. For a noncommercial lobster and crab fishing license, \$60, except as provided in subsection 7-D; and

**Sec. 2. 12 MRSA §6421, sub-§7-D** is enacted to read:

**7-D. Qualified resident disabled veteran; fee waived.** Notwithstanding subsection 7-B, there is no fee for a noncommercial lobster and crab fishing license issued to a qualified resident disabled veteran. For the purposes of this subsection, "qualified resident disabled veteran" means a person who:

A. Was honorably discharged from the Armed Forces of the United States, the National Guard or the Reserves of the United States Armed Forces;

B. Has a service-connected disability evaluated at 50% or more; and

C. Is a resident of the State.

In order to receive a noncommercial lobster and crab fishing license at no cost, an applicant must provide satisfactory evidence that the applicant is a qualified resident disabled veteran.

**Sec. 3. 12 MRSA §6703, sub-§4,** as amended by PL 2009, c. 213, Pt. G, §19, is further amended to read:



4. **Fee.** The fee for a noncommercial scallop license is \$18, except as provided in subsection 4-A.

**Sec. 4. 12 MRSA §6703, sub-§4-A** is enacted to read:

**4-A. Qualified resident disabled veteran; fee waived.** Notwithstanding subsection 4 and section 6729, subsection 1, paragraph D, there is no fee or license surcharge for a noncommercial scallop license issued to a qualified resident disabled veteran. For the purposes of this subsection, "qualified resident disabled veteran" means a person who:

A. Was honorably discharged from the Armed Forces of the United States, the National Guard or the Reserves of the United States Armed Forces;

B. Has a service-connected disability evaluated at 50% or more; and

C. Is a resident of the State.

In order to receive a noncommercial scallop license at no cost, an applicant must provide satisfactory evidence that the applicant is a qualified resident disabled veteran.

**Sec. 5. 12 MRSA §6729, sub-§1, ¶D,** as amended by PL 2009, c. 561, §25, is further amended to read:

D. For a noncommercial scallop license, \$40, except as provided in section 6703, subsection 4-A; and

See title page for effective date.

**CHAPTER 576  
S.P. 648 - L.D. 1896**

**An Act To Amend the Laws  
Governing Thermal Renewable  
Energy Credits**

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

**Sec. 1. 35-A MRSA §3210, sub-§3-C,** as enacted by PL 2019, c. 477, §1, is amended to read:

**3-C. Portfolio requirements; thermal renewable energy credits.** Each competitive electricity provider must, in addition to meeting the other portfolio requirements of subsections 3, 3-A and 3-B, demonstrate in a manner satisfactory to the commission that it has purchased thermal renewable energy credits in an amount at least equal to the following percentages of its portfolio of supply sources for retail electricity sales in this State other than to customers who have made an election pursuant to subsection 10 that is in effect with respect to this subsection:

A. For calendar year 2021, 0.4%;

B. For calendar year 2022, 0.8%;

C. For calendar year 2023, 1.2%;

D. For calendar year 2024, 1.6%;

E. For calendar year 2025, 2%;

F. For calendar year 2026, 2.4%;

G. For calendar year 2027, 2.8%;

H. For calendar year 2028, 3.2%;

I. For calendar year 2029, 3.6%; and

J. For calendar year 2030, and each year thereafter, 4%.

Retail electricity sales pursuant to a supply contract or standard-offer service arrangement executed by a competitive electricity provider that is in effect on September 19, 2019 are exempt from the requirements of this subsection until the end date of the existing term of the supply contract or standard-offer service arrangement.

See title page for effective date.

**CHAPTER 577  
S.P. 652 - L.D. 1900**

**An Act To Amend the Laws  
Governing Motor Vehicle  
Child Restraint Systems To  
Allow Certain Exceptions**

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

**Sec. 1. 29-A MRSA §2081, sub-§1, ¶A-4** is enacted to read:

A-4. "Child passenger safety technician with special needs training" means a person certified by a national child passenger safety certification program using a curriculum approved by the National Highway Traffic Safety Administration to provide instruction in the use of child restraint systems who also has special needs training provided by that program.

**Sec. 2. 29-A MRSA §2081, sub-§2-A,** as enacted by PL 2019, c. 299, §2, is amended to read:

**2-A. Children under 2 years of age.** When a child who is less than 2 years of age is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a rear-facing child restraint system or convertible child restraint system properly secured in the rear-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions, except if the child is in

a convertible child restraint system and the child exceeds the manufacturer recommended weight or height limit for the rear-facing position the child may be properly secured in a forward-facing position in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

**Sec. 3. 29-A MRSA §2081, sub-§2-B**, as enacted by PL 2019, c. 299, §2, is amended to read:

**2-B. Children 2 years of age or older and weighing less than 55 pounds.** When a child who is 2 years of age or older and who weighs less than 55 pounds is being transported in a motor vehicle that is required by the United States Department of Transportation to be equipped with seat belts, the operator shall ensure that the child is properly secured in a child restraint system with an internal harness in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions except that, if the child exceeds the child restraint manufacturer's recommended height limit for the child restraint system, the operator shall ensure that the child is properly secured in a federally approved belt positioning seat. Violation of this subsection is a traffic infraction for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd and subsequent offenses must be imposed. A fine imposed under this subsection may not be suspended by the court.

**Sec. 4. 29-A MRSA §2081, sub-§3, ¶A**, as amended by PL 2019, c. 299, §2, is further amended to read:

A. The operator shall ensure that a child who weighs less than 80 pounds, who is less than 57 inches in height and who is less than 8 years of age is properly secured in a belt positioning seat or other child restraint system in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.

**Sec. 5. 29-A MRSA §2081, sub-§3, ¶C**, as enacted by PL 2001, c. 585, §3 and affected by §6, is amended to read:

C. The operator shall ensure that a child who is less than 12 years of age ~~and who weighs less than 100 pounds~~ is properly secured in the rear seat of a vehicle, if possible.

**Sec. 6. 29-A MRSA §2081, sub-§4, ¶A-2** is enacted to read:

A-2. The requirements of subsections 2-A, 2-B and 3 do not apply if a child passenger has a medical condition that, in the opinion of a physician,

nurse practitioner, physician assistant or child passenger safety technician with special needs training, necessitates that a different child restraint system be used to improve the safety of the child. An opinion rendered pursuant to this paragraph must:

(1) Be made in writing by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training;

(2) Recommend a child restraint system that would improve the safety of the child; and

(3) Explain the basis of the opinion.

The operator of a motor vehicle transporting a child identified in this paragraph shall ensure the child is properly secured in a child restraint system recommended in the opinion rendered by the physician, nurse practitioner, physician assistant or child passenger safety technician with special needs training under this paragraph in accordance with the child restraint system manufacturer's instructions and the vehicle manufacturer's instructions.

See title page for effective date.

**CHAPTER 578**

**S.P. 699 - L.D. 1997**

**An Act To Allow the Assignment of State Vehicles to Field Personnel Directly Concerned with Maine National Guard Facilities and To Allow State Vehicles Assigned to Military Bureau Employees To Be Used for Commuting**

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

**Sec. 1. 5 MRSA §7-A, sub-§2, ¶B**, as enacted by PL 1989, c. 501, Pt. P, §6, is amended to read:

B. Field personnel directly concerned with the maintenance and operation of highway or Maine National Guard facilities who are frequently called for emergency duty at other than regular working hours;

**Sec. 2. 5 MRSA §7-B**, as amended by PL 2017, c. 284, Pt. CCC, §1, is further amended to read:

**§7-B. Use of state vehicles for commuting**

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and of the Department of Defense, Veterans and Emergency

Management, Military Bureau as designated by the Commissioner of Defense, Veterans and Emergency Management and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; the division within the Department of Public Safety designated by the Commissioner of Public Safety to enforce the law relating to the manufacture, importation, storage, transportation and sale of all liquor and to administer those laws relating to licensing and collection of taxes on malt liquor and wine; Bureau of Motor Vehicles; Bureau of Marine Patrol; the forest protection unit within the Bureau of Forestry; Bureau of Warden Service; Bureau of Parks and Lands; and the Office of Chief Medical Examiner, the investigation division and the Medicaid fraud control unit within the Office of the Attorney General.

See title page for effective date.

**CHAPTER 579**

**S.P. 653 - L.D. 1901**

**An Act To Amend the Laws Prohibiting the Use of Handheld Phones and Devices While Driving**

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

**Whereas,** Maine residents need and expect laws governing road safety to be clear and consistent; and

**Whereas,** this legislation clarifies a new law setting the fines imposed upon a driver who has violated the prohibition against using a handheld electronic device or mobile telephone while operating a motor vehicle; and

**Whereas,** the new law was also intended to exempt all band and 2-way radios, but included exceptions only for certain types of 2-way radios as defined by the Code of Federal Regulations, creating confusion about what is and what is not permitted, and this legislation clarifies that the intent is to exempt all band and 2-way radios; and

**Whereas,** this legislation must take effect as soon as possible in order to prevent confusion about the new law; 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. 29-A MRSA §101, sub-§26-C,** as enacted by PL 2019, c. 486, §3, is amended to read:

**26-C. Handheld electronic device.** "Handheld electronic device" means any handheld electronic device or portable electronic device that is not part of the operating equipment of the motor vehicle, including but not limited to an electronic game, a device for sending or receiving electronic mail, a text messaging device or a computer. "Handheld electronic device" does not include a:

A. ~~Device for communication over a citizens band radio service as defined in 47 Code of Federal Regulations, Section 95.303, the multi-use radio service as defined in 47 Code of Federal Regulations, Section 95.2703 or a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7 or 2-way radio; or~~

B. Personal medical device necessary to monitor or regulate a person's medical condition, including but not limited to an insulin pump or heart monitor; or

C. Device for communication over a land mobile radio service as defined in 47 Code of Federal Regulations, Section 90.7.

**Sec. 2. 29-A MRSA §2121, sub-§3,** as enacted by PL 2019, c. 486, §10, is amended to read:

**3. Penalty.** A person who violates this section commits a traffic infraction for which a fine of ~~not less than~~ \$50 for the first offense and ~~not less than~~ \$250 for a 2nd or subsequent offense may be adjudged.

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

Effective March 6, 2020.

**CHAPTER 580**

**S.P. 708 - L.D. 2006**

**An Act To Amend the Laws Governing Waste Discharge Analysis by Laboratories Operated by Waste Discharge Facilities**

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

**Sec. 1. 22 MRSA §567, sub-§1,** as amended by PL 2017, c. 407, Pt. A, §68, is further amended to read:

**1. Acceptable data.** Except as provided in this subsection, 6 months after the adoption of rules specified in subsection 2, certification is required of any

commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste, or radiological samples for the use of programs of the department or the Department of Environmental Protection, except as provided under chapter 411, the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter 3-A, Substance Use Testing; and Title 29-A, section 2524, administration of tests to determine an alcohol level or drug concentration.

A laboratory operated by a waste discharge facility licensed pursuant to Title 38, section 413 may analyze waste discharges for total suspended solids, settleable solids, biological or biochemical oxygen demand, chemical oxygen demand, pH, chlorine residual, fecal coliform, E. coli, enterococcus, conductivity, color, temperature and dissolved oxygen without being certified under this section. The exception provided under this paragraph applies to a laboratory testing its own samples for pollutants listed in its permit or license; pretreatment samples; and samples from other wastewater treatment plants for up to 60 days per year. The time period provided in this paragraph, which is a maximum period for each treatment plant for which analysis is provided, may be extended by memorandum of agreement between the Department of Environmental Protection and the Health and Environmental Testing Laboratory.

See title page for effective date.

**CHAPTER 581**

**S.P. 601 - L.D. 1777**

**An Act To Add Rivers,  
Streams and Brooks to the  
Department of Environmental  
Protection's Compensation Fee  
Program**

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

**Sec. 1. 38 MRSA §480-Z, 4th ¶**, as amended by PL 2007, c. 527, §1, is further amended to read:

A project undertaken pursuant to this section must be approved by the department. The department shall base its approval of a wetlands compensation project on the wetland management priorities identified by the department for the watershed or biophysical region in which the project is located. The department shall base its approval of a compensation project concerning an area listed in subsection 7, paragraph C, D ~~or~~ E or F on the management priorities identified by the department for the type of habitat. The department may not approve a compensation project for unavoidable losses to an area until the applicant has complied with all other applicable provisions of this article and all applicable rules adopted by the department pursuant to this article.

For purposes of this section, "biophysical region" means a region with shared characteristics of climate, geology, soils and natural vegetation.

**Sec. 2. 38 MRSA §480-Z, sub-§3**, as amended by PL 2011, c. 655, Pt. JJ, §31 and affected by §41 and amended by c. 657, Pt. W, §5, is further amended to read:

**3. Compensation fee program.** The department may develop a ~~wetlands~~ compensation fee program for the areas listed in subsection 7, ~~paragraphs A and B~~ in consultation with ~~the Department of Agriculture, Conservation and Forestry, the United States Army Corps of Engineers and~~ state and federal resource agencies, including, but not limited to, the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the United States Army Corps of Engineers, the United States Fish and Wildlife Service and the United States Environmental Protection Agency. ~~The department may develop a compensation fee program for the areas listed in subsection 7, paragraphs C, D and E in consultation with the Department of Inland Fisheries and Wildlife.~~

A. The program may include the following:

- (1) Identification of wetland management priorities on a watershed or biophysical region basis;
- (1-A) Identification of management priorities for the areas listed in subsection 7, paragraphs C, D ~~and~~ E and F;
- (2) Identification of the types of losses eligible for compensation under this subsection;
- (3) Standards for compensation fee projects;
- (4) Calculation of compensation fees based on the functions and values of the affected areas and the cost of compensation, taking into account the potential higher cost of compensation when a project is implemented at a later date; and
- (5) Methods to evaluate the long-term effectiveness of compensation fee projects implemented under this subsection in meeting the management priorities identified pursuant to subparagraphs (1) and (1-A).

B. Any compensation fee may be paid into a compensation fund established by the department as provided in subparagraph (1) or to an organization authorized by the department as provided in subparagraph (2). A compensation project funded in whole or in part from compensation fees must be approved by the department.

- (1) The department may establish compensation funds for the purpose of receiving compensation fees, grants and other related income. A compensation fund must be a fund

dedicated to payment of costs and related expenses of restoration, enhancement, preservation and creation projects. The department may make payments from the fund consistent with the purpose of the fund. Income received under this subsection must be deposited with the State Treasurer to the credit of the compensation fund and may be invested as provided by law. Interest on these investments must be credited to the compensation fund.

(2) The department may enter into an enforceable, written agreement with a public, quasi-public or municipal organization or a private, nonprofit organization for the protection of natural areas. Such an organization must demonstrate the ability to receive compensation fees, administer a compensation fund and ensure that compensation projects are implemented consistent with local, regional or state management priorities. If compensation fees are provided to an authorized organization, the organization shall maintain records of expenditures and provide an annual summary report as requested by the department. If the authorized agency is a state agency other than the department, the agency shall establish a fund meeting the requirements specified in subparagraph (1). If the organization does not perform in accordance with this subsection or with the requirements of the written agreement, the department may revoke the organization's authority to conduct activities in accordance with this subsection.

Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

**Sec. 3. 38 MRSA §480-Z, sub-§7, ¶¶D and E,** as enacted by PL 2007, c. 527, §1, are amended to read:

D. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; ~~and~~

E. Shorebird nesting, feeding and staging areas; ~~and~~

**Sec. 4. 38 MRSA §480-Z, sub-§7, ¶F** is enacted to read:

F. Rivers, streams and brooks.

See title page for effective date.

**CHAPTER 582  
H.P. 1263 - L.D. 1779**

**An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems**

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

**Sec. 1. 38 MRSA §414-B, sub-§5** is enacted to read:

**5. Operation and maintenance and asset management; rules.** The department may adopt rules establishing standards for operation and maintenance and asset management for publicly owned treatment works and municipal satellite collection systems. For the purposes of this subsection, "municipal satellite collection system" has the same meaning as in section 414-D, subsection 1, paragraph A. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 583  
H.P. 1264 - L.D. 1780**

**An Act To Support Replacement of At-risk Home Heating Oil Tanks**

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

**Sec. 1. 38 MRSA §551, sub-§5, ¶¶N and O,** as enacted by PL 2015, c. 319, §16, are amended to read:

N. Sums up to \$500,000 annually to retrofit, repair, replace or remove aboveground oil storage tanks or facilities when the commissioner determines that action is necessary to abate an imminent threat to a groundwater restoration project, a public water supply or a sensitive geologic area, including coastal islands and peninsulas. Money available under this paragraph may be disbursed by the department to pay reasonable costs actually incurred by municipalities in assisting the department in taking actions under this paragraph. Money available under this paragraph may also be used by the department to fund educational efforts that encourage the retrofit, repair, replacement or removal of aboveground oil storage tanks or facilities. Money

may not be disbursed from the fund for the purposes of this paragraph until the department has presented a plan for such disbursements to the Clean-up and Response Fund Review Board. Money may not be disbursed from the fund under this paragraph unless the department has adopted a written policy in accordance with the Maine Administrative Procedure Act establishing:

- (1) Criteria for determining those instances when funds should be disbursed under this paragraph, including criteria for determining what constitutes a sensitive geologic area;
- (2) Guidelines that ensure that money disbursed from the fund under this paragraph will be used in the most cost-effective manner, considering the likelihood of actual contamination of water supplies absent action taken pursuant to this paragraph, the costs of remediation of such contamination and the possibility that the owner of an aboveground oil storage tank or facility would retrofit, repair, replace or remove the tank at the owner's own expense;
- (3) Guidelines for payments to municipalities for reasonable administrative costs actually incurred by municipalities in assisting the department in taking actions under this paragraph;
- (4) A means test for eligibility for disbursements from the fund;
- (5) A deductible that is adjusted according to the financial means of the person receiving a disbursement; and
- (6) Limits for eligibility to residents of this State; ~~and~~

O. Sums up to \$2,000,000 annually to distribute to community action agencies as defined in Title 22, section 5321, subsection 2 for loans and grants to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at single-family residences. Money may not be disbursed from the fund for the purposes of this paragraph until the department has presented a plan for such disbursements to the Clean-up and Response Fund Review Board. A community action agency shall administer the funds in accordance with program operating standards, including the allocation formula established by the Maine State Housing Authority for its weatherization program. Sums available under this paragraph may be disbursed by the department to pay reasonable costs actually incurred by a community action agency in providing services pursuant to this paragraph. Money may not be disbursed from the fund under this paragraph unless the department has adopted a

written policy in accordance with the Maine Administrative Procedure Act establishing guidelines for payments to community action agencies for reasonable administrative costs actually incurred by community action agencies in providing services pursuant to this paragraph; ~~and~~

**Sec. 2. 38 MRSA §551, sub-§5, ¶P** is enacted to read:

P. Sums of up to \$500,000 annually for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF  
Remediation and Waste Management 0247**

Initiative: Provides an ongoing allocation to allow funds in the Maine Ground and Surface Waters Clean-up and Response Fund to be disbursed for loans and grants for department-approved rebate programs to retrofit, repair, replace or remove aboveground and underground oil storage tanks and associated piping at residential dwellings.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$500,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$0</u>	<u>\$500,000</u>

See title page for effective date.

**CHAPTER 584  
H.P. 1329 - L.D. 1858**

**An Act To Protect Teachers  
from Professional Teacher  
Certificate Endorsement  
Changes**

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

**Sec. 1. 20-A MRSA §13006-A, sub-§3**, as enacted by PL 2017, c. 235, §5 and affected by §41, is repealed and the following enacted in its place:

**3. Application of rules revising credential qualifications or endorsements.** An amendment to the rules adopted to implement this chapter or chapter 502 that revises the qualifications for a credential or the grades or subject area endorsements for a professional teacher certificate does not apply to the following:

**CHAPTER 585**  
**S.P. 658 - L.D. 1911**

**An Act To Amend the  
Unemployment Compensation  
Laws**

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

**Whereas,** changes made to the laws governing unemployment compensation will have an adverse impact on the employer community if implemented; and

**Whereas,** this legislation makes changes to those laws that are necessary to eliminate the adverse impact; 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. 26 MRSA §1221, sub-§3, ¶A,** as amended by PL 2019, c. 343, Pt. TTT, §1, is further amended to read:

A. At the time the status of an employing unit is ascertained to be that of an employer, the commissioner shall establish and maintain, until the employer status is terminated, for the employer an experience rating record, to which are credited all the contributions that the employer pays on the employer's own behalf. This chapter may not be construed to grant any employer or individuals in the employer's service prior claims or rights to the amounts paid by the employer into the fund. Benefits paid to an eligible individual under the Employment Security Law must be charged against the experience rating record of the claimant's most recent subject employer, ~~except that, beginning January 1, 2022, benefits paid to an eligible individual under the Employment Security Law must be charged against the experience rating record of the claimant's employers in a ratio inversely proportional to the claimant's employment beginning with the most recent employer,~~ or to the General Fund if the otherwise chargeable experience rating record is that of an employer whose status as such has been terminated; except that no charge may be made to an individual employer but must be made to the General Fund if the commission finds that:

- (1) The claimant's separation from the claimant's last employer was for misconduct in connection with the claimant's employment or was

A. A person who held an active credential or endorsement during the school year preceding the adoption of revisions to the rules;

B. A person who held an active conditional certificate during the school year preceding the adoption of revisions to the rules;

C. A program completer who qualified for a recommendation for certification as a teacher during the school year preceding the adoption of revisions to the rules;

D. A person enrolled in an educator preparation program during the school year preceding the adoption of revisions to the rules; or

E. A person who began the application process for professional teacher certification with the department during the school year preceding the adoption of revisions to the rules.

**Sec. 2. 20-A MRSA §13013, sub-§3,** as amended by PL 2017, c. 235, §12 and affected by §41, is further amended to read:

**3. Endorsements.** A professional teacher certificate must be issued with an endorsement that specifies the grades and subject area that the teacher is ~~deemed~~ determined qualified to teach. A holder of a professional teacher certificate may not teach outside the certificate holder's area of endorsement unless the certificate holder has received a waiver from the commissioner in accordance with state board rules.

**Sec. 3. 20-A MRSA §13013, sub-§5,** as enacted by PL 2017, c. 235, §12 and affected by §41, is amended to read:

**5. Renewal.** A professional teacher certificate may be renewed for 5-year periods in accordance with state board rules, which must require, at a minimum, that the teacher, whether employed or unemployed, complete at least 6 semester hours of professional or academic study or in-service training designed to improve the performance of the teacher in the field. If the teacher has attained certification from the National Board for Professional Teaching Standards, the renewal period is for 10 years. If a rule adopted pursuant to section 13006-A amends the endorsement specifications for grades or subject areas for a teacher's professional teacher certificate, the teacher may renew the teacher's professional teacher certificate with the same grades and subject areas endorsements as were issued with the active professional teacher certificate that is held by the teacher at the time of the amendment.

See title page for effective date.

voluntary without good cause attributable to the employer;

(2) The claimant has refused to accept reemployment in suitable work when offered by a previous employer, without good cause attributable to the employer;

(3) Benefits paid are not chargeable against any employer's experience rating record in accordance with section 1194, subsection 11, paragraphs B and C;

(5) Reimbursements are made to a state, the Virgin Islands or Canada for benefits paid to a claimant under a reciprocal benefits arrangement as authorized in section 1082, subsection 12, as long as the wages of the claimant transferred to the other state, the Virgin Islands or Canada under such an arrangement are less than the amount of wages for insured work required for benefit purposes by section 1192, subsection 5;

(6) The claimant was hired by the claimant's last employer to fill a position left open by a Legislator given a leave of absence under chapter 7, subchapter 5-A, and the claimant's separation from this employer was because the employer restored the Legislator to the position after the Legislator's leave of absence as required by chapter 7, subchapter 5-A;

(7) The claimant was hired by the claimant's last employer to fill a position left open by an individual who left to enter active duty in the United States military, and the claimant's separation from this employer was because the employer restored the military serviceperson to the person's former employment upon separation from military service;

(8) The claimant was hired by the claimant's last employer to fill a position left open by an individual given a leave of absence for family medical leave provided under Maine or federal law, and the claimant's separation from this employer was because the employer restored the individual to the position at the completion of the leave; or

(9) The claimant initiated a partial separation or reduction of hours and that partial separation or reduction of hours was agreed to by the employee and employer.

**Sec. 2. 26 MRSA §1221, sub-§3, ¶C-2** is enacted to read:

C-2. For the purposes of paragraph A, the experience rating record of the most recent subject employer may not be charged with benefits paid to a claimant whose work record with that employer totaled 5 consecutive weeks or less of total or partial

employment, in which case the most recent subject employer with whom the claimant's work record exceeded 5 consecutive weeks of total or partial employment must be charged if that employer would have otherwise been chargeable had not subsequent employment intervened.

**Sec. 3. 26 MRSA §1221, sub-§4-A, ¶C**, as amended by PL 2007, c. 352, Pt. A, §2, is further amended to read:

C. The commissioner shall:

(1) Promptly notify each employer of the employer's rate of contributions as determined for the 12-month period commencing January 1st of each year. The determination is conclusive and binding upon the employer unless within 30 days after notice of the determination is mailed to the employer's last known address or, in the absence of mailing, within 30 days after the delivery of the notice, the employer files an application for review and redetermination, setting forth the employer's reasons. If the ~~commission~~ Division of Administrative Hearings grants the review, the employer must be promptly notified and must be granted an opportunity for a hearing. An employer does not have standing in any proceedings involving the employer's rate of contributions or contribution liability to contest the chargeability to the employer's experience rating record of any benefits paid in accordance with a determination, redetermination or decision pursuant to section 1194, except upon the ground that the services for which benefits were found to be chargeable did not constitute services performed in employment for the employer and only when the employer was not a party to the determination, redetermination or decision or to any other proceedings under this chapter in which the character of the services was determined. The employer must be promptly notified of the ~~commission's~~ Division of Administrative Hearings' denial of the employer's application ~~or the commission's redetermination, both of which are subject to appeal pursuant to Title 5, chapter 375, subchapter 7, which is subject to appeal pursuant to section 1226;~~ and

(2) Provide each employer at least monthly with a notification of benefits paid and chargeable to the employer's experience rating record. In the absence of an application for redetermination filed ~~in the manner and within the period prescribed by the commission~~ 30 days after the notification was mailed, a notification is conclusive and binding upon the employer for all purposes. ~~A redetermination made after notice and opportunity for hearing and the~~



~~commission's findings of fact may be introduced in subsequent administrative or judicial proceedings involving the determination of the rate of contributions of an employer for the 12-month period commencing January 1st of any year and has the same finality as provided in this section with respect to the findings of fact made by the commission in proceedings to re-determine the contribution rates of an employer. Any request for reconsideration must be made in accordance with section 1226.~~

**Sec. 4. 26 MRSA §1221, sub-§11, ¶D,** as amended by PL 1979, c. 651, §28, is further amended to read:

D. The amount due specified in any assessment from the commissioner ~~shall be~~ is conclusive on the employer or governmental entity, unless not later than 15 days after the assessment was mailed to the last known address; the employer or governmental entity files an application for redetermination by the ~~commission~~ Division of Administrative Hearings setting forth the grounds for such application.

**Sec. 5. 26 MRSA §1225, sub-§2,** as amended by PL 1993, c. 312, §3, is further amended to read:

**2. Jeopardy assessment.** If the Director of Unemployment Compensation determines that the collection of any contribution, interest or penalty under this subchapter, as amended, will be jeopardized by delay, the director may immediately assess the contributions, interest or penalties, whether or not the time prescribed by law or any rules issued pursuant to section 1082, subsection 2; for making reports and paying the contributions has expired, and shall give written notice of the assessment to the employer. In these cases, the right to appeal to the ~~commission~~ Division of Administrative Hearings, as provided in section 1226, is conditioned upon payment of the contributions, interest or penalties so assessed, or upon giving appropriate security to the commissioner for the payment thereof.

**Sec. 6. 26 MRSA §1232, sub-§2,** as enacted by PL 1993, c. 312, §5, is amended to read:

**2. Failure to file or pay taxes; determination to prevent renewal, reissuance or other extension of license or certificate.** If the commissioner determines that an employer who holds a state-issued license or certificate of authority to conduct a profession, trade or business has failed to file a return at the time required under this chapter or has failed to pay a tax liability due under this chapter that has been demanded; and the employer continues to fail to file or pay after at least 2 specific written requests to do so, the commissioner shall notify the employer in writing by certified mail, return receipt requested, that refusal to file the required tax return or to pay the overdue tax liability may result in loss of license or certificate of authority.

This written notice must include information about the opportunity to request a fact-finding interview for the purpose of determining essential facts, negotiating a payment agreement and determining the appropriateness of further enforcement under this section.

If the employer requests a fact-finding interview within 30 days, the commissioner shall schedule the interview at which the commissioner shall attempt to negotiate a reasonable payment agreement. The employer must be notified in writing if the commissioner's determination is to prevent renewal, reissuance or extension of the license or certificate of authority by the issuing agency. If the employer enters into a payment agreement, a determination may not be made under this section until the employer fails to comply with the agreement.

If the employer continues, for a period in excess of 30 days from notice of possible denial of renewal or reissuance of a license or certificate of authority, to fail to file or show reason why the person is not required to file or if the employer continues not to pay, the commissioner shall notify the employer in writing of the determination to prevent renewal, reissuance or extension of the license or certificate of authority by the issuing agency.

A review of the determination is available by filing an appeal under section 1226 to the ~~Maine Unemployment Insurance Commission~~ Division of Administrative Hearings. Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination of the commissioner's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal.

In any event, the license or certificate of authority in question remains in effect until all appeals are taken to their final conclusion. This subsection may not be invoked for any tax liability under appeal.

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

Effective March 12, 2020.

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**CHAPTER 586**

**H.P. 1442 - L.D. 2032**

**An Act To Reduce Financial Burdens on Small Water Utilities**

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

**Whereas,** current law requires a small water utility with gross annual revenues of no more than \$50,000 to have an audit performed by an independent certified

public accountant for any year the utility seeks a rate adjustment; and

**Whereas**, this requirement imposes a disproportionate financial burden on these small water utilities that prevents them from seeking an adjustment in rates, which could lead to inadequate revenue for the utility and adversely affect its ability to provide services to its customers; and

**Whereas**, in order to avoid these adverse consequences, some ability to relieve small water utilities of this burden quickly when appropriate is necessary; 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. 35-A MRSA §505, sub-§1, ¶A**, as enacted by PL 2011, c. 77, §1, is amended to read:

A. A qualified small water utility with gross annual revenues of \$50,000 or less shall for any year used as a test year for rate-making purposes cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State. The commission, for good cause shown by the qualified small water utility, may waive the requirements of this paragraph.

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

Effective March 12, 2020.

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**CHAPTER 587**

**S.P. 639 - L.D. 1867**

**An Act To Clarify Lobbyist Reporting Requirements and Simplify Registration Requirements for State Employees Who Lobby on Behalf of a State Department or Agency**

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

**Sec. 1. 1 MRSA §1015-A, sub-§1, ¶D**, as enacted by PL 2019, c. 534, §4, is repealed and the following enacted in its place:

D. "Lobbying firm" has the same meaning as in Title 3, section 312-A, subsection 9-A.

**Sec. 2. 3 MRSA §170-B**, as amended by PL 2019, c. 41, §1, is further amended to read:

**§170-B. Required training regarding harassment**

All Legislators, legislative staff ~~and~~, lobbyists and lobbyist associates shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" ~~has~~ and "lobbyist associate" ~~have~~ the same meaning meanings as in section 312-A, ~~subsection~~ subsections 10 and 10-A, respectively.

**Sec. 3. 3 MRSA §312-A, sub-§8-A**, as enacted by PL 2007, c. 630, §5, is amended to read:

**8-A. Legislative designee.** "Legislative designee" means any employee of a state department or agency who is ~~directed~~ designated by the head of the department or agency as the primary employee to lobby or monitor legislation on behalf of the department or agency or who is reasonably expected to lobby on behalf of the department or agency for more than 10 hours during a legislative session. "Legislative designee" ~~includes an employee who is reasonably expected to lobby or monitor legislation on behalf of the department or agency for more than 20 hours during the session.~~ For the purposes of this subsection, "monitoring legislation" means attending legislative hearings and sessions regarding a legislative action.

**Sec. 4. 3 MRSA §312-A, sub-§9-A** is enacted to read:

**9-A. Lobbying firm.** "Lobbying firm" means a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive compensation for engaging in lobbying either directly or through its employees.

**Sec. 5. 3 MRSA §312-A, sub-§11-A**, as amended by PL 2009, c. 282, §2, is further amended to read:

**11-A. Original source.** "Original source" means any person who ~~contributes or~~ pays \$1,000 or more in any lobbying year directly or indirectly to any employer of a lobbyist for purposes of lobbying or indirect lobbying, except that ~~contributions~~ payments of membership dues to nonprofit corporations formed under Title 13-B, under any equivalent state law or by legislative enactment are not considered ~~contributions~~ payments by an original source.

**Sec. 6. 3 MRSA §312-B**, as enacted by PL 2017, c. 443, §2, is amended to read:

**§312-B. Required training regarding harassment**

A lobbyist or lobbyist associate shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not possible due to circumstances that are beyond a lobbyist's or lobbyist associate's control, the commission may provide a limited extension to that lobbyist or lobbyist associate for completion of the training. If a lobbyist or lobbyist associate has a very limited physical presence in the State House and the Burton M. Cross Building, the commission may exempt the lobbyist or lobbyist associate from the requirements of this section.

**Sec. 7. 3 MRSA §313**, as amended by PL 1999, c. 745, §1, is further amended to read:

**§313. Registration of lobbyists, lobbyist associates and employers**

~~Every employer of a lobbyist and every lobbyist and lobbyist associate who lobbies on behalf of that employer shall register jointly at the office of~~ A lobbyist shall submit a joint registration for the lobbyist and any lobbyist associates and the employer of that lobbyist with the commission no later than 15 business days after commencement of lobbying more than 8 hours in a calendar month and pay a registration fee of \$200 for the registration of each lobbyist and \$100 for the registration of. ~~For each lobbyist associate or such other amounts as the commission determines approximate the cost to the commission of administering and enforcing the provisions of this chapter included in the registration, the lobbyist shall pay an additional \$100 fee.~~

**Sec. 8. 3 MRSA §313-A**, as amended by PL 2007, c. 630, §9, is further amended to read:

**§313-A. Registration of state employees or state agency employees**

Within 15 business days of the convening of a regular legislative session, a department or agency shall register with the commission ~~as described in section 316-A those officers or state employees or state agency employees~~ who will serve as the department's or agency's legislative designees for the session by submitting to the commission a list that must include the name and position of each employee, the name of the department or agency and the name of the bureau or division within the department for which each employee works and the mailing address, e-mail address and phone number of each employee. The department or agency shall ~~file an updated registration form later in the session containing~~ notify the commission in writing of any changes of its designees within 15 business days of the change.

An employee who is required to be registered under this section is exempt from all other requirements under the law regarding lobbyists.

**Sec. 9. 3 MRSA §316, sub-§3**, as amended by PL 1993, c. 446, Pt. A, §13 and affected by §20, is further amended to read:

**3. Date.** The date upon which lobbying commenced ~~and the date on which the lobbyist exceeded 8 hours of lobbying in a calendar month or was expected to commence~~ a statement that the lobbyist is registering without having reached the 8-hour threshold for registering pursuant to section 313;

**Sec. 10. 3 MRSA §316, sub-§4-D**, as enacted by PL 2017, c. 443, §4, is amended to read:

**4-D. Date of completion or request for extension of or exemption from required harassment training.** The date that the lobbyist ~~and each lobbyist associate completed the training required under section 170-B or, if the lobbyist or lobbyist associate has not completed the required training, a statement that the lobbyist or lobbyist associate has requested or is requesting an extension or exemption pursuant to section 312-B;~~ and

**Sec. 11. 3 MRSA §316-A**, as amended by PL 2015, c. 267, Pt. F, §2, is repealed.

**Sec. 12. 3 MRSA §317, first ¶**, as repealed and replaced by PL 1993, c. 691, §18, is repealed and the following enacted in its place:

A registered lobbyist shall file a report for each month that the Legislature is in session on forms prescribed or approved by the commission, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month.

**Sec. 13. 3 MRSA §317, sub-§1**, as amended by PL 2009, c. 282, §§4 and 5, is further amended to read:

**1. Monthly session reports.** During the period in which the Legislature is in session, ~~every~~ a registered lobbyist shall file with the commission, no later than 11:59 p.m. on the 15th calendar day of each month, a report concerning the lobbyist's activities for the previous month regarding each employer.

~~Every lobbyist shall report that lobbyist's lobbying activities for each month that the Legislature is in session, even if no lobbying has been performed or compensation or reimbursement for expenses received for the month. In the case of a lobbyist representing multiple employers, if no lobbying or services in support of lobbying were performed, one report listing each employer on whose behalf no lobbying was conducted may be submitted. The monthly report must contain the following information:~~

- A. The month to which the report pertains;
- B. The name and address of the lobbyist and employer;
- C. The names of the individuals who lobbied during the month;

D. ~~The specific dollar total amount of compensation the lobbyist and lobbyist associates received or expect to receive for lobbying activities, as defined in section 312-A, subsection 9, during the month. The amount of compensation received for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately.~~

In the case of a lobbyist or lobbyist associate who is a regular employee of the employer, the ~~specific dollar amount of compensation~~ must be computed by multiplying the number of hours devoted to the preparation of documents and research for the primary purpose of influencing legislative action and to lobbying by the employee's regular rate of pay based on a 40-hour week;

E. ~~The specific dollar total amount of expenditures made or incurred by the lobbyist and lobbyist associates during the month that is the subject of the report for purposes of lobbying as defined in section 312-A, subsection 9 for which the lobbyist has they have been or expects expect to be reimbursed. The amount of expenditures for lobbying officials in the legislative branch, officials in the executive branch and constitutional officers must be reported separately;~~

E-1. When expenditures for the purposes of indirect lobbying exceed \$15,000 during the month that is the subject of the report, the specific dollar amount of expenditures for indirect lobbying made or incurred during the month by a lobbyist, lobbyist associate or employer, with separate totals for expenditure categories as determined by the commission, the legislative actions that are the subject of the indirect lobbying and a general description of the intended recipients;

F. ~~The total amount of expenditures by the lobbyist or lobbyist associates on behalf of the employer for which they have been or expect to be reimbursed and by the employer directly to or on behalf of one or more covered officials, including members of the official's immediate family;~~

G. ~~For any each expenditure of money or anything of value made by the lobbyist or employer on behalf of a covered official or a member of the official's immediate family with a total retail value of \$25 or more, the name of the official or family member of \$25 or more reported under paragraph E, the person making the expenditure and the date, amount and purpose of the expenditure and the name of the covered official or official's immediate family member on whose behalf the expenditure was made;~~

G-1. ~~The If the total cost for covered officials and the officials' immediate family members to attend~~

an event paid for by the employer or by the lobbyist, lobbyist associate or lobbying firm on the employer's behalf is \$250 or more, the date and a description of an the event, a list of all officials in the legislative branch or executive branch or members of an official's the names of covered officials and the officials' immediate family members in attendance and the total amount of expenditures for the event, if the total amount of the expenditures for officials and family members is \$250 or more cost for the covered officials and the officials' immediate family members to attend the event;

H. A list of each legislative action by Legislative Document number, specific issue, nomination or other matter in connection with which the lobbyist is engaged in lobbying;

I. A list specifically identifying each legislative action for which the lobbyist ~~was and lobbyist associates were~~ compensated or ~~expects expect~~ to be compensated, or expended in excess of \$1,000 for lobbying activities related to those actions and a statement of the amounts compensated or expended for each; and

J. A list of all of the employer's original sources and a statement of the dollar amounts contributed or paid by the original sources to the employer. If the original source is a corporation formed under Title 13 or 13-C or former Title 13-A, nonprofit corporation formed under Title 13-B or limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members or contributors, must be listed as the original source.

**Sec. 14. 3 MRSA §317, sub-§1-A** is enacted to read:

**1-A. Lobbyist expenditure reports.** A lobbyist or lobbyist associate who makes an expenditure directly to or on behalf of a covered official or a member of the covered official's immediate family that is not reportable under subsection 1, paragraphs F, G or G-1 shall file a report pursuant to this subsection. If such an expenditure is made by a lobbying firm, a lobbyist or lobbyist associate from that lobbying firm shall report the expenditure.

A. A report under this subsection is required if:

(1) The total amount of expenditures directly to or on behalf of covered officials and their immediate family members is more than \$300 in a calendar month; and

(2) The lobbyist or lobbyist associate has not been and does not expect to be reimbursed by any employer.

B. The report must include:

(1) The date of the expenditure;

(2) The name and address of the lobbyist, lobbyist associate or lobbying firm;

(3) The amount of the expenditure made or incurred by the lobbyist, lobbyist associate or lobbying firm either directly to or on behalf of a covered official or a covered official's immediate family member;

(4) A description of the goods or services purchased by the lobbyist, lobbyist associate or lobbying firm;

(5) The date and a description and location of an event paid for by the lobbyist, lobbyist associate or lobbying firm at which covered officials and the covered officials' immediate family members were in attendance; and

(6) The names of all covered officials and their immediate family members to whom the expenditures were directly made or on whose behalf the expenditures were made or who attended an event paid for by the lobbyist, lobbyist associate or lobbying firm.

C. A report under this subsection is due no later than 11:59 p.m. on the 15th calendar day of the month following the month in which the expenditure was made or incurred.

**Sec. 15. 3 MRSA §317, sub-§4, ¶A,** as enacted by PL 1993, c. 446, Pt. A, §14 and affected by §20, is amended to read:

A. With the lobbyist's last monthly report for that regular session a statement that the lobbyist and lobbyist associate will not engage in lobbying activities when the Legislature is not in session. The lobbyist is required to file a monthly report for lobbying activity conducted during a special session; or

**Sec. 16. 3 MRSA §317, sub-§4, ¶B,** as enacted by PL 1993, c. 446, Pt. A, §14 and affected by §20, is amended to read:

B. If the lobbyist or lobbyist associate is engaged in lobbying, if the lobbyist, lobbyist associate or employer conducts indirect lobbying or if the employer makes any expenditures directly to or on behalf of a covered official or a covered official's immediate family member in any of those months, a monthly report in the manner prescribed in subsection 1 even if compensation or reimbursement for expenses has not been received for the month.

**Sec. 17. 3 MRSA §321, sub-§9,** as enacted by PL 2017, c. 443, §5, is amended to read:

**9. Reject registrations.** The commission shall reject registrations that do not include certification of completion of training required under section 170-B or requests for extensions or exemptions pursuant to section 312-B.

**Sec. 18. Effective date.** This Act takes effect December 1, 2020.

Effective December 1, 2020.

**CHAPTER 588**

**H.P. 1366 - L.D. 1918**

**An Act To Amend the Laws Regarding the Reserve Funds of Certain School Organizational Structures**

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

**Sec. 1. 20-A MRSA §1312, sub-§1,** as amended by PL 1989, c. 132, §2, is further amended to read:

**1. Establishment.** A school administrative district may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement or, financing the acquisition of a specific item or type of capital equipment or any of the expenditures listed under section 1485, subsection 1, paragraph A by including a request in the district budget, which must include a description of the purpose of the reserve fund, and receiving voter approval. The board of directors shall be is the trustee of the reserve fund. The reserve fund shall must be deposited or invested by the treasurer under the direction of the board.

**Sec. 2. 20-A MRSA §1312, sub-§3,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**3. Expending moneys money from reserve funds.** The board of directors may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting, except that the board of directors may expend funds from a reserve fund by a vote of the board in accordance with the procedure in subsection 4:

A. In the event of an emergency that requires the immediate expenditure of funds and when, in responding to the emergency, a vote of the district for permission is cost-prohibitive; or

B. When such an expenditure is required by law.

**Sec. 3. 20-A MRSA §1312, sub-§4** is enacted to read:

**4. Procedure for expending money from reserve funds by vote of board.** The procedure for the board of directors to expend funds from the reserve fund pursuant to subsection 3, paragraph A or B must be as follows.

A. The board of directors shall provide public notice of the regular or special meeting at which the vote to expend funds from the reserve fund will be taken.

B. The board of directors shall hold a public hearing prior to the vote to expend funds from the reserve fund.

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the board of directors.

**Sec. 4. 20-A MRSA §1491, sub-§1**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**1. Establishment.** A regional school unit may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement ~~or~~ financing the acquisition of a specific item or type of capital equipment ~~or any of the expenditures listed under section 1485, subsection 1, paragraph A~~ by including a request in the regional school unit budget, which must include a description of the purpose of the reserve fund, and receiving voter approval. The regional school unit board is the trustee of the reserve fund. The reserve fund must be deposited or invested by the treasurer of the regional school unit under the direction of the regional school unit board.

**Sec. 5. 20-A MRSA §1491, sub-§3**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

**3. Expending money from reserve funds.** The regional school unit board may expend the sum in the reserve fund when authorized to do so by a vote of the regional school unit at a regional school unit meeting or a regional school unit budget meeting when an article for that purpose is set out in the warrant calling the meeting, ~~except that the regional school unit board may expend funds from a reserve fund by a vote of the board in accordance with the procedure in subsection 4:~~

A. In the event of an emergency that requires the immediate expenditure of funds and when, in responding to the emergency, a vote of the regional school unit for permission is cost-prohibitive; or

B. When such an expenditure is required by law.

**Sec. 6. 20-A MRSA §1491, sub-§4** is enacted to read:

**4. Procedure for expending money from reserve funds by vote of board.** The procedure for the regional school unit board to expend funds from the reserve fund pursuant to subsection 3, paragraph A or B must be as follows.

A. The regional school unit board shall provide public notice of the regular or special meeting at which the vote to expend funds from the reserve fund will be taken.

B. The regional school unit board shall hold a public hearing prior to the vote to expend funds from the reserve fund.

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the regional school unit board.

**Sec. 7. 20-A MRSA §1706, sub-§1**, as enacted by PL 1989, c. 132, §3, is amended to read:

**1. Establishment.** A community school district may establish a reserve fund for school construction projects, financing the acquisition or reconstruction of a specific or type of capital improvement ~~or~~ financing the acquisition of a specific item or type of capital equipment ~~or any of the expenditures listed under section 1485, subsection 1, paragraph A~~ by including a request in the district budget, which must include a description of the purpose of the reserve fund, and receiving voter approval.

The district school committee ~~shall be~~ is the trustee of the reserve fund. The reserve fund ~~shall~~ must be deposited or invested by the treasurer under the direction of the school committee.

**Sec. 8. 20-A MRSA §1706, sub-§3**, as enacted by PL 1989, c. 132, §3, is amended to read:

**3. Expending money from reserve funds.** The district school committee may expend the sum in the reserve fund when authorized to do so by a vote of the district at a district meeting or a district budget meeting, when an article for that purpose is set out in the warrant calling the meeting, ~~except that the district school committee may expend funds from a reserve fund by a vote of the committee in accordance with the procedure in subsection 4:~~

A. In the event of an emergency that requires the immediate expenditure of funds and when, in responding to the emergency, a vote of the district for permission is cost-prohibitive; or

B. When the expenditure is required by law.

**Sec. 9. 20-A MRSA §1706, sub-§4** is enacted to read:

**4. Procedure for expending money from reserve funds by vote of committee.** The procedure for the district school committee to expend funds from the reserve fund pursuant to subsection 3, paragraph A or B must be as follows.

A. The district school committee shall provide public notice of the regular or special meeting at which the vote to expend funds from the reserve fund will be taken.

B. The district school committee shall hold a public hearing prior to the vote to expend funds from the reserve fund.

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the district school committee.

**Sec. 10. 20-A MRSA §8468, sub-§1**, as corrected by RR 1991, c. 2, §64 and amended by PL 2003, c. 545, §5, is further amended to read:

**1. Establishment.** A career and technical education region may establish a reserve fund for a school construction project, the acquisition or reconstruction of a specific item or type of capital improvement ~~or~~, the acquisition of a specific item or type of capital equipment ~~or any of the expenditures listed under section 1485, subsection 1, paragraph A by establishing such a reserve fund including a request~~ in the region budget, which must include a description of the purpose of the reserve fund, pursuant to this chapter. The cooperative board is the trustee of such a reserve fund.

**Sec. 11. 20-A MRSA §8468, sub-§3**, as amended by PL 1991, c. 518, §32, is further amended to read:

**3. Expending money from a reserve fund funds.** The cooperative board may expend a sum in a reserve fund if permitted by the conditions of any indebtedness secured by the reserve fund and if approved in the region budget. A separate article for that purpose must be included in the region budget proposal. The cooperative board may expend funds from the reserve fund by a vote of the board without the expenditure's having to be included in the region budget or region budget proposal in accordance with the procedure in subsection 4:

A. In the event of an emergency that requires the immediate expenditure of funds and when, in responding to the emergency, a vote of the region for permission is cost-prohibitive; or

B. When the expenditure is required by law.

**Sec. 12. 20-A MRSA §8468, sub-§4** is enacted to read:

**4. Procedure for expending money from reserve funds by vote of board.** The procedure for the cooperative board to expend funds from the reserve fund pursuant to subsection 3, paragraph A or B must be as follows.

A. The cooperative board shall provide public notice of the regular or special meeting at which the vote to expend funds from the reserve fund will be taken.

B. The cooperative board shall hold a public hearing prior to the vote to expend funds from the reserve fund.

C. The vote to expend funds from the reserve fund must be recorded in the meeting minutes of the cooperative board.

See title page for effective date.

**CHAPTER 589**

**S.P. 724 - L.D. 2051**

**An Act To Amend the Qualifications for the State Nuclear Safety Inspector**

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

**Sec. 1. 22 MRSA §663-A, sub-§1**, as enacted by PL 2007, c. 539, Pt. KK, §2, is amended to read:

**1. Qualifications.** The State Nuclear Safety Inspector must be an individual knowledgeable in the field of commercial nuclear power production and possess, at a minimum, a ~~master's~~ bachelor's degree with major work in nuclear, mechanical, electrical or chemical engineering and have at least ~~3~~ 4 years' experience in nuclear operations.

See title page for effective date.

**CHAPTER 590**

**H.P. 1461 - L.D. 2057**

**An Act To Ensure an Efficient Contracting Process for the Department of Health and Human Services**

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

**Sec. 1. 5 MRSA §20002, sub-§3**, as amended by PL 2011, c. 657, Pt. AA, §5, is further amended to read:

**3. Tobacco use by juveniles.** To enforce the State's laws relating to the sale and use of tobacco products by juveniles and to coordinate state and local activities related to those provisions. The department shall take all necessary actions to ensure compliance with the Synar Act, 42 United States Code, Section 300X-26, including the preparations of reports for the signature of the Governor. All law enforcement agencies, all state departments, including the Department of Public Safety, and municipalities shall cooperate with the department in these efforts.

The department may enter into any contracts or agreements necessary or incidental to the performance of its duties under this section, subject to section 20005, subsection 6 and ~~Title 22-A, section 20005-A 214~~. The department shall provide or assist in the provision of voluntary training programs regarding the sales of tobacco products to juveniles; and

**Sec. 2. 5 MRSA §20005-A**, as amended by PL 2017, c. 407, Pt. A, §§26 and 27, is repealed.

**Sec. 3. 22-A MRSA §214, sub-§4, ¶A**, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

A. The commissioner ~~shall~~ may hold at least one informational meeting at least ~~30~~ 14 days before the due date for submission of the notice of intent to bid. ~~Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the~~ The commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

**Sec. 4. 22-A MRSA §214, sub-§4, ¶B**, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

B. The commissioner ~~shall~~ may require any interested party to submit a notice of intent to bid at least ~~30~~ 7 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

**Sec. 5. 34-B MRSA §1208-A**, as amended by PL 1995, c. 560, Pt. K, §21 and c. 691, §5, is repealed.

See title page for effective date.

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**CHAPTER 591**

**S.P. 638 - L.D. 1866**

**An Act To Increase the Automatic Draft Authority for Licensed Insurance Producers**

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

**Whereas**, this legislation must take effect before the end of the 90-day period to address, as soon as possible, the increased frequency of severe weather occurrences between December and April and the resulting property damage claims; 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. 24-A MRSA §1402, sub-§1, ¶C**, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

C. Licensed producers authorized by contract to settle and pay claims within a specified limit established by the insurer or fraternal benefit society not to exceed ~~\$5,000~~ \$10,000 or, temporarily under the same circumstance described in section 1475, \$20,000;

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

Effective March 17, 2020.

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**CHAPTER 592**

**H.P. 1358 - L.D. 1892**

**An Act To Make Changes to the So-called Dig Safe Law**

**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 September 16, 2019 explosion in Farmington demonstrates the tragic consequences that can result from unmarked underground liquefied propane gas pipes; and

**Whereas**, the exemption of certain underground liquefied propane gas facilities from the so-called dig safe law poses a clear danger to excavators and the public; and

**Whereas**, this legislation must take effect before the expiration of the 90-day period to address, as soon as possible, this significant safety risk by making liquefied propane gas distribution systems that have underground pipes subject to the so-called dig safe law; 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. 23 MRSA §3360-A, sub-§1, ¶E**, as amended by PL 2011, c. 588, §2, is further amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited



to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. ~~This definition~~ Except for liquefied propane gas distribution systems that have underground pipes, "underground facility" does not include liquefied propane gas distribution systems that are not included within the scope of 49 Code of Federal Regulations, Part 192 and. "Underground facility" does not include highway drainage culverts or under drains.

**Sec. 2. 23 MRSA §3360-A, sub-§6-C,** as amended by PL 2011, c. 588, §9, is further amended to read:

**6-C. Penalties.** In an adjudicatory proceeding, the Public Utilities Commission may, in accordance with this subsection, impose an administrative penalty on any person who violates this subsection. The administrative penalty may not exceed ~~\$500~~ \$1,000, except that, if the person has been found in violation of this subsection within the prior 12 months, the administrative penalty may not exceed ~~\$5,000~~ \$10,000. Administrative penalties imposed pursuant to this subsection are in addition to any other remedies or forfeitures provided by law and any liability that may result from the act or omission constituting the violation. Before imposing any penalties under this subsection, the commission shall consider evidence of the record of the violator, including, to the extent applicable, the number of successful excavations undertaken by the violator or the number of locations successfully marked by the violator during the prior 12 months. The commission may require a person who violates any provision of this section to participate, at the expense of the violator, in an educational program developed and conducted by the system.

The Public Utilities Commission may impose administrative penalties for any of the following violations:

- A. Failure of an excavator to give notice of an excavation as required under subsection 3, except to the extent the excavator is exempt from the provisions of subsection 3 pursuant to other provisions of this section;
- B. Excavation by an excavator in a reckless or negligent manner that poses a threat to an underground facility;
- C. Excavation by an excavator that does not comply with the requirements of subsection 4-C, except to the extent the excavator is exempt from the provisions of subsection 4-C pursuant to subsection 5-C;
- D. Failure of an underground facility operator to mark the location of the operator's underground facilities within the time limits required by subsection 4;

E. Marking by an underground facility operator of the location of an underground facility in a reckless or negligent manner; or

F. Failure of an excavator to comply with the requirements of subsection 5-C, 5-D, 5-E, 5-I or 5-J.

The commission shall establish by rule standards for when and at what level penalties must be assessed under this subsection. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective March 17, 2020.

**CHAPTER 593**

**H.P. 1389 - L.D. 1945**

**An Act To Require Forest Rangers To Be Trained at the Maine Criminal Justice Academy**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to ensure that certain forest rangers complete the basic law enforcement training program at the Maine Criminal Justice Academy as soon as possible; 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. 25 MRSA §2803-A, sub-§8-D,** as enacted by PL 2017, c. 456, §3, is amended to read:

**8-D. Training of forest rangers.** To establish certification standards and a training program for the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and forest rangers appointed under Title 12, section 8901. This program must include:

- A. Preservice law enforcement training under section 2804-B;
- B. An additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the

Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger;

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E; and

D. A firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board.

A forest ranger hired on or after July 1, 2019 shall complete basic training under section 2804-C.

Forest ranger pilots regardless of hire date and forest rangers hired prior to July 1, 2019 are exempt from basic training under section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

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

Effective March 17, 2020.

**CHAPTER 594  
S.P. 205 - L.D. 689**

**An Act Regarding Temporary Signs That Are Placed in the Public Right-of-way**

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

**Sec. 1. 23 MRSA §1913-A, sub-§1, ¶L,** as amended by PL 2017, c. 321, §1, is further amended to read:

L. Temporary signs placed within the public right-of-way for a maximum of 12 weeks per calendar year, except that a temporary sign may not be placed within the public right-of-way for more than 6 weeks from January 1st to June 30th or for more than 6 weeks from July 1st to December 31st. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed 4 feet by 8 feet in size. A sign under this paragraph must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

See title page for effective date.

**CHAPTER 595  
S.P. 575 - L.D. 1726**

**An Act To Penalize Violators of Wood Shipment and Quarantine Laws**

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

**Sec. 1. 7 MRSA §2303,** as repealed and replaced by PL 1977, c. 696, §94, is repealed and the following enacted in its place:

**§2303. Penalties**

**1. Civil violation.** A person who violates a rule adopted pursuant to section 2301 commits a civil violation.

**2. Penalty.** Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation.

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 and not more than \$2,000 may be adjudged for each day of that violation.

**3. Economic benefit.** If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

**4. Costs permitted.** In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

**Sec. 2. 12 MRSA §8307** is enacted to read:

**§8307. Penalties**

**1. Civil violation.** A person who violates a rule adopted pursuant to section 8306 or a condition or term

of an order, permit or notice issued by the director or the Commissioner of Agriculture, Conservation and Forestry in accordance with section 8305 commits a civil violation.

**2. Penalty.** Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation.

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 and not more than \$2,000 may be adjudged for each day of that violation.

**3. Economic benefit.** If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

**4. Costs permitted.** In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

See title page for effective date.

**CHAPTER 596  
S.P. 596 - L.D. 1764**

**An Act To Prevent Insurance  
Discrimination in Life,  
Long-term Care and Disability  
Income Insurance**

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

**Sec. 1.** 24-A MRSA §2159, sub-§7 is enacted to read:

**7. Discrimination prohibited; preexposure prophylaxis medication to prevent HIV infection.**

Notwithstanding any provision of law to the contrary, an insurer authorized to do business in this State may not:

A. Limit coverage or refuse to issue or renew coverage of an individual under a life, disability income or long-term care insurance policy due to the fact that the individual has been prescribed preexposure prophylaxis medication to prevent HIV infection;

B. Consider the fact that an individual has been issued a prescription for preexposure prophylaxis medication to prevent HIV infection in determining the premium rate for coverage of that individual under a life, disability income or long-term care insurance policy; or

C. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of a life, disability income or long-term care insurance policy based solely and without any additional actuarial justification upon the fact that an individual has been issued a prescription for preexposure prophylaxis medication to prevent HIV infection.

See title page for effective date.

**CHAPTER 597  
H.P. 1330 - L.D. 1859**

**An Act To Increase Access to  
Justice and Maine's Rural  
Lawyer Workforce by  
Expanding Student Attorney  
Practice Opportunities**

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

**Sec. 1.** 4 MRSA §807, sub-§3, ¶S, as affected by PL 2019, c. 417, Pt. B, §14 and amended by c. 449, §2, is further amended to read:

S. An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, registered domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; or

**Sec. 2.** 4 MRSA §807, sub-§3, ¶T, as enacted by PL 2019, c. 449, §3, is amended to read:

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207-; or

**Sec. 3. 4 MRSA §807, sub-§3, ¶U** is enacted to read:

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association.

**Sec. 4. 4 MRSA §807, last ¶**, as repealed and replaced by PL 1989, c. 755, is repealed.

See title page for effective date.

**CHAPTER 598**

**H.P. 1334 - L.D. 1863**

**An Act To Amend the Maine Uniform Probate Code**

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

**Sec. 1. 18-C MRSA §3-306**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**§3-306. Informal probate; notice requirements**

The moving party shall give notice as described by section 1-401 of the moving party's application for informal probate to any person demanding notice pursuant to section 3-204, to an heir, devisee or personal representative who has not waived notice in a writing filed with the court and to any personal representative of the decedent whose appointment has not been terminated. If the decedent was 55 years of age or older, the moving party shall give notice as described in section 1-401 to the Department of Health and Human Services. Except as provided in section 3-705, no other notice of informal probate is required.

**Sec. 2. 18-C MRSA §3-310**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

**§3-310. Informal appointment proceedings; notice requirements**

The moving party shall give notice as described by section 1-401 of the moving party's intention to seek an appointment informally to:

**1. Person demanding notice.** Any person demanding notice pursuant to section 3-204;

**2. Heir or devisee.** An heir or devisee who has not waived notice in writing and filed with the court; and

**3. Person having right to appointment.** Any person having a prior or equal right to appointment not waived in writing and filed with the court.

If the decedent was 55 years of age or older, the moving party shall give notice as described in section 1-401 to the Department of Health and Human Services. No other notice of an informal appointment proceeding is required.

**Sec. 3. 18-C MRSA §3-706, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**1. Duty to file or mail inventory.** Within 3 months after appointment, a personal representative who is not a special administrator or a successor to another personal representative who has previously discharged this duty shall prepare and file with the court or mail to all interested persons who request it an inventory of property owned by the decedent at the time of death, listing it with reasonable detail and indicating as to each listed item its fair market value as of the date of the decedent's death and the type and amount of any encumbrance that may exist with reference to any item. The inventory must also include a schedule of credits of the decedent, with the names of the obligors, the amounts due, a description of the nature of the obligation and the amount of all such credits, exclusive of expenses and risk of settlement or collection.

**Sec. 4. 18-C MRSA §3-801, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**1. Notice by publication.** Unless notice has already been given under this section, a personal representative upon appointment shall publish a notice to creditors announcing the appointment and the personal representative's address and notifying creditors of the estate to present their claims within 4 months after the date of the first publication of the notice or be forever barred. The notice to creditors must be published once a week for 2 successive weeks in a newspaper of general circulation in the county in which the ~~court that appointed the personal representative is located~~ decedent was domiciled at the time of death.

**Sec. 5. 18-C MRSA §5-906, sub-§5**, as enacted by PL 2017, c. 402, Pt. A, §2 and PL 2019, c. 417, Pt. B, §14, is amended to read:

**5. Defective notice.** A power of attorney executed in this State is valid and enforceable 2 years after execution if the notice required by section 5-905, subsection 2 or the former Title 18-A, section 5-905, subsection (b) is included but is incomplete or defective in any respect.

**Sec. 6. 18-C MRSA §5-931, sub-§1, ¶D**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

D. Create or change a beneficiary designation. The authority under this paragraph, unless otherwise expressly limited in the power of attorney, includes the authority to create, change or revoke a transfer

on death deed as defined in section 6-402, subsection 6;

**Sec. 7. 18-C MRSA §8-301, sub-§2, ¶A,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

A. The Code applies to any wills of decedents who die on or after the effective date;

**Sec. 8. 18-C MRSA §8-301, sub-§2, ¶A-1,** as enacted by PL 2019, c. 417, Pt. A, §103, is amended to read:

A-1. The intestate succession provisions of Article 2, Part 1, Subpart 1, the elective share provisions of Article 2, Part 2 and the exempt property and allowances provisions of Article 2, Part 4 apply to the estates of decedents who die on or after the effective date;

**Sec. 9. 18-C MRSA §8-301, sub-§2, ¶B,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

B. The Code applies to any proceedings in court pending on the effective date or commenced on or after the effective date regardless of the time of the death of the decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this Code;

**Sec. 10. 18-C MRSA §8-301, sub-§2, ¶C,** as amended by PL 2019, c. 417, Pt. A, §103, is further amended to read:

C. Every personal representative appointed prior to September 1, 2019 continues to hold the appointment but has only the powers conferred by this Code and is subject to the duties imposed with respect to any act occurring or done on or after the effective date, and a guardian or conservator appointed prior to September 1, 2019 has the powers conferred by this Code on guardians and conservators, unless otherwise limited by the original order of appointment or subsequent court order under this Code;

**Sec. 11. 18-C MRSA §8-301, sub-§2, ¶F,** as amended by PL 2019, c. 417, Pt. A, §103, is further amended to read:

F. For an adoption decree entered before ~~September 1, 2019~~ January 1, 1981 and not amended after ~~September 1, 2019~~ January 1, 1981, the child is the child of both the former and adopting parents for purposes of intestate succession, notwithstanding section 2-117, unless the decree provides otherwise.

**Sec. 12. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 18-C,

section 8-301, subsection 2, paragraph F applies retroactively to September 1, 2019.

See title page for effective date.

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**CHAPTER 599**

**S.P. 640 - L.D. 1868**

**An Act To Improve the Reporting of Grassroots Lobbying**

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

**Sec. 1. 3 MRSA §312-A, sub-§7-B,** as enacted by PL 2009, c. 282, §1, is amended to read:

**7-B. Indirect Grassroots lobbying.** "Indirect Grassroots lobbying" means to communicate with members of the general public to solicit them to communicate directly with any covered official for the purpose of influencing legislative action, other than legislation that is before the Legislature as a result of a direct initiative in accordance with the Constitution of Maine, Article IV, Part Third, Section 18, when that solicitation is made by:

- A. A broadcast, cable or satellite transmission;
- B. A communication delivered by print media; ~~or~~
- C. A letter or other written communication delivered by mail or by comparable delivery service. ~~E-mail is not considered a letter for the purposes of this paragraph;~~
- D. A communication delivered by e-mail, a website or any other digital format;
- E. Telephone; or
- F. A method of communication similar to those listed in paragraphs A to E.

"Grassroots lobbying" does not include a person communicating with the person's stockholders, employees, board members, officers or dues-paying members.

**Sec. 2. 3 MRSA §312-A, sub-§11-A,** as amended by PL 2009, c. 282, §2, is further amended to read:

**11-A. Original source.** "Original source" means any person who ~~contributes or~~ pays \$1,000 or more in any lobbying year directly or indirectly to any employer of a lobbyist for purposes of lobbying or ~~indirect grassroots lobbying~~ or to any other person for purposes of grassroots lobbying, except that ~~contributions payments~~ of membership dues to nonprofit corporations formed under Title 13-B, under any equivalent state law or by legislative enactment are not considered ~~contributions payments~~ by an original source.

**Sec. 3. 3 MRSA §317, sub-§1, ¶E-1**, as enacted by PL 2009, c. 282, §4, is amended to read:

E-1. When expenditures made or incurred for the purposes of ~~indirect~~ grassroots lobbying exceed ~~\$15,000~~ \$2,000 during the month that is the subject of the report, the specific dollar amount of expenditures for ~~indirect~~ grassroots lobbying made or incurred during the month by a lobbyist, lobbyist associate or employer, with separate totals for expenditure categories as determined by the commission, and the legislative actions that are the subject of the ~~indirect grassroots~~ lobbying and a general description of the intended recipients. ~~Salaries paid to the employer's regular employees are not expenditures for the purposes of this paragraph and are exempt from disclosure under this paragraph;~~

**Sec. 4. 3 MRSA §317-A** is enacted to read:

**§317-A. Grassroots lobbying report**

Except for a lobbyist filing a monthly report under section 317, subsection 1, paragraph E-1, a person who makes or incurs expenditures in excess of \$2,000 during a calendar month for purposes of grassroots lobbying shall file with the commission a report no later than 11:59 p.m. on the 15th day of the calendar month following the date on which that amount was exceeded. For purposes of this section, expenditures include payments of money made to independent contractors and other vendors to purchase goods and services such as advertising, graphic or website design, video or audio production services, telecommunications services, printing and postage. Salaries paid to the person's employees are not expenditures for the purposes of this section and are exempt from disclosure under this section.

**1. Report.** A grassroots lobbying report filed pursuant to this section must include:

- A. The name of the person required to file the report;
- B. The name of an individual serving as the contact for the person;
- C. The business address and other contact information for the person;
- D. A description of the business activity or mission of the person;
- E. The specific amount of expenditures for grassroots lobbying made or incurred during the month that is the subject of the report, with separate totals for expenditure categories as determined by the commission;
- F. The legislative actions that are the subject of the grassroots lobbying; and
- G. A list of all of the person's original sources and a statement of the amount paid by each original

source. If an original source is a corporation formed under Title 13 or former Title 13-A, a non-profit corporation formed under Title 13-B or a limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members, must be listed as the original source.

**Sec. 5. Effective date.** This Act takes effect December 1, 2020.

Effective December 1, 2020.

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**CHAPTER 600**

**H.P. 1360 - L.D. 1906**

**An Act To Amend the Laws  
Governing the Composition of  
the Shellfish Advisory Council**

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

**Sec. 1. 12 MRSA §6038, sub-§1**, as enacted by PL 2007, c. 606, Pt. A, §2, is amended to read:

**1. Appointment; composition.** The Shellfish Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-G, consists of ~~13~~ 14 members who are appointed by the commissioner as follows:

- A. Four members who are commercial shellfish license holders, ~~at least 3 of whom must be primarily soft-shell clam harvesters.~~ In making the appointments under this paragraph, the commissioner shall consider up to 6 recommendations from associations representing the interests of persons who harvest shellfish commercially;
- B. Two members who are shellfish aquaculture lease holders. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who raise shellfish under aquaculture leases;
- C. One member who ~~represents the interests of municipalities with wastewater treatment systems~~ is a municipal official involved in pollution permitting or mitigation;
- D. Two members who are licensed wholesale seafood dealers who have been issued a shellfish sanitation certificate by the department pursuant to section 6856, subsection 1. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who buy and sell shellfish;
- E. One public member with knowledge of and interest in coastal water quality;

F. ~~Two members who are municipal shellfish wardens. In making the appointments under this paragraph, the commissioner shall solicit and consider up to 3 recommendations for these 2 appointments from associations representing the interests of persons who protect and help manage municipal shellfish resources officials, including, but not limited to, a municipal shellfish conservation warden or a member of a municipal shellfish management committee, as described in section 6671, subsection 2; and~~

G. One member who has been issued a shellfish deputation certificate under section 6856, subsection 3; ~~or who is designated by the department as an authorized representative of the holder of the shellfish deputation certificate; and~~

H. One member who has a demonstrated knowledge of biological science and, at a minimum, a bachelor's degree. The commissioner shall make a reasonable effort to appoint a member who has at least 5 years of relevant experience.

The commissioner shall make appointments so that the composition of the council reflects a geographic distribution along the coast of the State.

**Sec. 2. Completion of term.** Notwithstanding the Maine Revised Statutes, Title 12, section 6038, subsection 1, a person who is a member of the Shellfish Advisory Council on the effective date of this Act may continue to serve on the council until the expiration of that person's term.

See title page for effective date.

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**CHAPTER 601**

**S.P. 668 - L.D. 1926**

**An Act To Amend the Laws  
Governing the Maine Veterans'  
Memorial Cemetery System**

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

**Sec. 1. 37-B MRSA §504, sub-§4, ¶A-1,** as amended by PL 2007, c. 521, §1, is further amended to read:

A-1. As used in this subsection, unless the context indicates otherwise, the following terms have the following meanings.

(1) "Eligible dependent" means ~~the wife, husband, surviving spouse, unmarried minor child, unmarried dependent child enrolled in secondary school or unmarried adult child who became incapable of self support before reaching 18 years of age on account of mental or physical disabilities.;~~

(a) The spouse or surviving spouse of an eligible veteran even if that veteran is not buried or memorialized in the cemetery system or the surviving spouse of a member of the United States Armed Forces whose remains are unavailable for burial;

(b) The surviving spouse of an eligible veteran who had a subsequent remarriage to a person who is not a veteran when the surviving spouse's death occurred on or after January 1, 2000;

(c) A minor child of an eligible veteran. For purposes of this division, a minor child is a child who is unmarried and:

(i) Has not attained 21 years of age; or

(ii) Has not attained 23 years of age and is pursuing a full-time course of instruction at an educational institution offering an accredited postsecondary educational degree program; and

(d) An unmarried adult child of an eligible veteran if that child became permanently physically or mentally disabled and incapable of self-support:

(i) Before attaining 21 years of age; or

(ii) Before attaining 23 years of age if supporting documentation exists that the adult child was pursuing a full-time course of instruction at an educational institution offering an accredited postsecondary educational degree program.

(2) "Eligible veteran" means any person who:

(a) Served in the active United States Armed Forces and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that as long as the discharge was not upgraded through a program of general amnesty; and

(ii) If having served as an enlisted person after September 7, 1980 or as an officer after October 16, 1981, served for a minimum of 24 continuous months or the full period for which the person was called to active duty;

(b) Served in the Maine National Guard and died as a result of injury, disease or

illness sustained while serving on active state service ~~as provided in chapter 3, subchapter 3;~~

(d) Served in the Reserve Components of the United States Armed Forces and was entitled to retired pay under 10 United States Code, chapter 1223, section 12731 or would have been entitled to retired pay under chapter 1223, section 12731 except that the person was under 60 years of age; or

(e) Died while serving in the Active Guard Reserve and whose death is determined to be in the line of duty.

**Sec. 2. 37-B MRSA §505, sub-§1-C**, as enacted by PL 2017, c. 419, §6, is amended to read:

**1-C. Financial assistance.** The following provisions apply to grants of temporary financial assistance to veterans.

A. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a veteran currently a resident of this State who has filed a valid claim for a veteran's pension, pending notification of the award of such a pension. For purposes of this paragraph, "claim for a veteran's pension" means a claim filed with the United States Department of Veterans Affairs pursuant to 38 United States Code, Chapter 15.

B. The bureau may provide a grant of temporary assistance not to exceed \$2,000 to a veteran currently a resident of this State who demonstrates to the bureau's satisfaction a financial need and suffers an emergency, including but not limited to:

- (1) Damage to that veteran's home due to fire, flood or hurricane that is not fully compensable by insurance;
- (2) Illness or the illness of an immediate family member; or
- (3) Hardship that would result in the veteran becoming homeless.

C. A veteran who requests temporary assistance under this subsection and is denied such assistance by the bureau may request a reconsideration and review of this decision. Requests for reconsideration of a claim must be reviewed by the director and the commissioner or the commissioner's designee, and the decision after the reconsideration is final and may not be appealed to a court.

D. The bureau may contract with an organization incorporated in the State as a nonprofit corporation in accordance with Title 13-B or an organization with tax-exempt status under 26 United States Code, Section 501(c) for the purpose of providing

temporary financial assistance to veterans as described in this subsection. A contract authorized under this subsection may provide only for the distribution of direct temporary financial assistance to veterans and may not provide for compensation for personnel costs of the organization, funding of positions of employment within the organization or administrative costs of the organization except those directly related to the distribution of temporary financial assistance grants to veterans.

E. The department may adopt rules to implement this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

F. For the purposes of this subsection, "veteran" means any person who:

(1) Served in the active United States Armed Forces and who, if discharged, received an honorable discharge or a general discharge under honorable conditions, as long as the discharge was not upgraded through a program of general amnesty;

(2) Served in the Reserve Components of the United States Armed Forces and who is entitled to retired pay under 10 United States Code, chapter 1223 or would be entitled to retired pay under chapter 1223 except that the person is under 60 years of age;

(3) Served in the United States Armed Forces and, although the person does not meet the requirements of subparagraph (1) or (2), is determined by the director, on a case-by-case basis, to be eligible for temporary financial assistance; or

(4) Served in the Maine National Guard and is determined by the director, on a case-by-case basis, to be eligible for temporary financial assistance.

~~For the purposes of this subsection, "veteran" has the same meaning as "eligible veteran" in section 504, subsection 4, paragraph A 1. The director may also determine eligibility for temporary financial assistance on a case by case basis.~~

See title page for effective date.



**CHAPTER 602  
H.P. 1392 - L.D. 1948**

**An Act To Prohibit, Except in  
Emergency Situations, the  
Performance without Consent  
of Certain Examinations on  
Unconscious or Anesthetized  
Patients**

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

**Sec. 1. 24 MRSA §2905-B** is enacted to read:

**§2905-B. Informed consent for pelvic, rectal or  
prostate examination on anesthetized or un-  
conscious patient**

A health care practitioner may not perform a pelvic, rectal or prostate examination or supervise a pelvic, rectal or prostate examination performed by an individual practicing under the supervision of the health care practitioner on a patient without first obtaining the patient's specific informed consent, orally and in writing, to that pelvic, rectal or prostate examination, unless:

**1. Unconscious patient; diagnostic purposes and medically necessary.** In the case of an unconscious patient, the examination is required for diagnostic purposes and is medically necessary; or

**2. Examination on unconscious alleged victim of sexual assault.** The health care practitioner is authorized to perform the examination pursuant to section 2986, subsection 5.

See title page for effective date.

**CHAPTER 603  
H.P. 1397 - L.D. 1953**

**An Act Regarding Driver's  
License Suspensions for  
Nondriving Violations**

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

**Sec. 1. 14 MRSA §3141, sub-§7**, as amended by PL 2017, c. 462, §1, is further amended to read:

**7. Remedies.** Failure to pay by the date fixed by the court's order or an amended order subjects the defendant to the contempt procedures provided in section 3142, ~~a restricted license under Title 29-A, section 2605-A~~ and all procedures for collections provided for in sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered an agreement under section 3125 and a court order to pay under section 3126-A. In addition to other penalties provided by law, the court may

impose on the defendant reasonable costs for any failure to appear.

~~This subsection is repealed October 1, 2021.~~

**Sec. 2. 14 MRSA §3141, sub-§8**, as enacted by PL 2017, c. 462, §2, is repealed.

**Sec. 3. 14 MRSA §3142, sub-§1, ¶C**, as amended by PL 2017, c. 462, §3, is further amended to read:

C. The suspension of any license, certification, registration, permit, approval or other similar document evidencing the granting of authority to hunt, fish or trap or to engage in a profession, occupation, business or industry, not including a registration, permit, approval or similar document evidencing the granting of authority to engage in the business of banking pursuant to Title 9-B or, ~~except as provided in paragraph D,~~ a motor vehicle license or permit issued by the Secretary of State, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit, as provided in Title 29-A. Licenses and registration subject to suspension include, but are not limited to:

- (1) Licenses issued by the Commissioner of Marine Resources, as provided in Title 12, section 6409;
- (2) Licenses issued by the Commissioner of Inland Fisheries and Wildlife, as provided in Title 12, section 10902, subsection 3; and
- (3) Watercraft, snowmobile and all-terrain vehicle registrations, as provided in Title 12, section 10902, subsection 3.

~~This paragraph is repealed October 1, 2021;~~

**Sec. 4. 14 MRSA §3142, sub-§1, ¶D**, as enacted by PL 2017, c. 462, §4, is repealed.

**Sec. 5. 14 MRSA §3142, sub-§1, ¶E**, as enacted by PL 2017, c. 462, §5, is repealed.

**Sec. 6. 14 MRSA §3146-A**, as enacted by PL 2017, c. 462, §7, is repealed.

**Sec. 7. 29-A MRSA §2605, sub-§1**, as amended by PL 2017, c. 462, §8, is further amended to read:

**1. Suspension by clerk.** If a person fails to appear in court on the date and time specified in response to a Uniform Summons and Complaint, a summons, a condition of bail or order of court for any criminal violation of Title 23, section 1980; a civil violation under Title 28-A, section 2052; a civil violation under this Title; or any criminal provision of this Title or fails to pay a fine imposed for a criminal traffic offense, the clerk shall suspend the person's license or permit, the right to operate a motor vehicle in this State and the right to apply for or obtain a license or permit. The court shall immediately notify that person of the suspension by regular

mail or personal service. Written notice is sufficient if sent to the person's last known address.

If a person who is not an individual fails to appear or pay a fine in a civil violation under this Title or a criminal traffic offense, the clerk shall suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State.

~~This subsection is repealed October 1, 2021.~~

**Sec. 8. 29-A MRSA §2605, sub-§1-A**, as enacted by PL 2017, c. 462, §9, is repealed.

**Sec. 9. 29-A MRSA §2605-A**, as enacted by PL 2017, c. 462, §10, is repealed.

See title page for effective date.

**CHAPTER 604**

**H.P. 1402 - L.D. 1958**

**An Act To Expand Tax Increment Financing To Include Adult Care Facilities and Services and Certain Child Care Facilities**

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

**Sec. 1. 30-A MRSA §5222, sub-§1-B** is enacted to read:

**1-B. Adult care facilities.** "Adult care facilities" means facilities that are licensed by the Department of Health and Human Services and that offer programs for adults who need assistance or supervision and that are operated out of nonresidential commercial buildings. The programs offered at adult care facilities include the provision of:

A. Services that allow family members or caregivers to be active in the workforce;

B. Professional and compassionate services for adults in a community and program-based setting; and

C. Social and health services to adults who need supervised care in a safe place outside the home.

**Sec. 2. 30-A MRSA §5222, sub-§2-A** is enacted to read:

**2-A. Child care facilities.** "Child care facilities" means facilities that are licensed by the Department of Health and Human Services that provide care for at least 6 children who are less than 18 years of age by persons who are not family members, legal guardians or other custodians of the children and that are operated out of nonresidential commercial buildings. To meet this definition, a child care facility must have a director and a sufficient number of staff members whose sole function

is to provide necessary child care services. The services offered at child care facilities include the provision of services that allow the children's family members, legal guardians or other custodians the ability to be active in the workforce.

**Sec. 3. 30-A MRSA §5225, sub-§1, ¶C**, as amended by PL 2019, c. 148, §3 and c. 260, §1, is further amended to read:

C. Costs related to economic development, environmental improvements, fisheries and wildlife or marine resources projects, recreational trails, broadband service development, expansion or improvement, including connecting to broadband service outside the tax increment financing district, ~~or~~ employment training or the promotion of workforce development and retention within the municipality or plantation, including, but not limited to:

(1) Costs of funding economic development programs or events developed by the municipality or plantation or funding the marketing of the municipality or plantation as a business or arts location;

(2) Costs of funding environmental improvement projects developed by the municipality or plantation for commercial or arts district use or related to such activities;

(3) Funding to establish permanent economic development revolving loan funds, investment funds and grants;

(4) Costs of services and equipment to provide skills development and training, including scholarships to in-state educational institutions or to online learning entities when in-state options are not available, for jobs created or retained in the municipality or plantation. These costs must be designated as training funds in the development program;

(5) ~~Quality child care costs~~ Costs associated with quality child care facilities and adult care facilities, including finance costs and construction, staffing, training, certification and accreditation costs related to child care and adult care;

(6) Costs associated with new or existing recreational trails determined by the department to have significant potential to promote economic development, including, but not limited to, costs for multiple projects and project phases that may include planning, design, construction, maintenance, grooming and improvements with respect to new or existing recreational trails, which may include bridges that are part of the trail corridor, used all or in

part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses;

(7) Costs associated with a new or expanded transit service, limited to:

(a) Transit service capital costs, including but not limited to: transit vehicles such as buses, ferries, vans, rail conveyances and related equipment; bus shelters and other transit-related structures; and benches, signs and other transit-related infrastructure; and

(b) In the case of transit-oriented development districts, ongoing costs of adding to an existing transit system or creating a new transit service and limited strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts replacements;

(8) Costs associated with the development of fisheries and wildlife or marine resources projects; and

(9) Costs related to the construction or operation of municipal or plantation public safety facilities, the need for which is related to general economic development within the municipality or plantation, not to exceed 15% of the captured assessed value of the development district; and

See title page for effective date.

**CHAPTER 605**

**S.P. 677 - L.D. 1975**

**An Act To Facilitate Dental Treatment for Children**

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

**Sec. 1. 5 MRSA §285, sub-§16** is enacted to read:

**16. Dental benefit waiting period.** The requirements of Title 24-A, sections 2766-A, 2847-W and 4260 that prohibit a waiting period for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age apply to any group health plan or dental plan purchased under subsection 5 or to any self-insured group health or dental plan provided under subsection 9.

**Sec. 2. 24 MRSA §2317-B, sub-§21**, as amended by PL 2019, c. 274, §3 and amended by c. 388, §2, is repealed and the following enacted in its place:

**21. Title 24-A, sections 2765-A and 2847-U.** The practice of dental therapy by a dental therapist, Title 24-A, sections 2765-A and 2847-U;

**Sec. 3. 24 MRSA §2317-B, sub-§22**, as enacted by PL 2019, c. 274, §4, is amended to read:

**22. Title 24-A, section 4320-M.** Coverage for abortion services, Title 24-A, section 4320-M; and

**Sec. 4. 24 MRSA §2317-B, sub-§23** is enacted to read:

**23. Title 24-A, sections 2766-A and 2847-W.** The prohibition on a dental benefit waiting period for persons under 19 years of age, Title 24-A, sections 2766-A and 2847-W.

**Sec. 5. 24-A MRSA §2766-A** is enacted to read:

**§2766-A. Dental benefit waiting period**

**1. Enrollee defined.** For the purposes of this section, unless the context otherwise indicates, "enrollee" means a person who is covered under an individual policy or contract provided by an insurer.

**2. No waiting period for enrollee under 19 years of age.** An insurer that issues individual dental insurance or health insurance that includes coverage for dental services may not impose a waiting period, as defined in section 2848, subsection 5, for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age.

**Sec. 6. 24-A MRSA §2847-W** is enacted to read:

**§2847-W. Dental benefit waiting period**

**1. Enrollee defined.** For the purposes of this section, unless the context otherwise indicates, "enrollee" means a person who is covered under a group policy or contract provided by an insurer.

**2. No waiting period for enrollee under 19 years of age.** An insurer that issues group dental insurance or health insurance that includes coverage for dental services may not impose a waiting period, as defined in section 2848, subsection 5, for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age.

**Sec. 7. 24-A MRSA §4260** is enacted to read:

**§4260. Dental benefit waiting period**

**1. Enrollee defined.** For the purposes of this section, unless the context otherwise indicates, "enrollee" means a person who is covered under an individual or group contract provided by a health maintenance organization.

**2. No waiting period for enrollee under 19 years of age.** A health maintenance organization that issues

individual or group dental insurance or individual or group contracts that include coverage for dental services may not impose a waiting period, as defined in section 2848, subsection 5, for any dental or oral health service or treatment, except for orthodontic treatment, for an enrollee if the enrollee is under 19 years of age.

**Sec. 8. Application.** Those sections of this Act that enact the Maine Revised Statutes, Title 24-A, sections 2766-A, 2847-W and 4260 apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed on or after January 1, 2021 in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

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**CHAPTER 606**

**S.P. 707 - L.D. 2005**

**An Act To Amend the Law  
Governing Maximum Length  
Limits for Truck Tractor  
Semitrailers**

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

**Sec. 1. 29-A MRSA §2390, sub-§1, ¶J,** as amended by PL 2005, c. 478, §1, is further amended to read:

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on a highway network if the following conditions are met.

- (1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed ~~43~~ 45 feet, ~~6 inches~~.
- (2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.
- (3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.
- (4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an

average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For vehicles whose overall length exceeds 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules

prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety.

See title page for effective date.

**CHAPTER 607**

**H.P. 1429 - L.D. 2008**

**An Act Making Technical Changes to the Maine Tax Laws**

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

**PART A**

**Sec. A-1. 30-A MRSA §5227, sub-§3, ¶D**, as amended by PL 2011, c. 101, §20, is further amended to read:

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality or plantation, at any time ~~during the term of the district~~, by vote of the municipal or plantation officers, may return to the municipal or plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

**Sec. A-2. 30-A MRSA §5250-A, sub-§3, ¶D**, as enacted by PL 2003, c. 426, §1, is amended to read:

D. Annually return to the municipal general fund any tax increment revenues remaining in the affordable housing development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality, at any time ~~during the term of the district~~, by vote of the municipal officers, may return to the municipal general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the

obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality.

**Sec. A-3. 33 MRSA §203, first ¶**, as amended by PL 1999, c. 699, Pt. D, §20 and affected by §30, is further amended to read:

Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain financing statements as provided in Title 11, section 9-1501, subsection (1), paragraph (a), and excepting notices of liens for internal revenue taxes and certificates discharging such liens and excepting notices of liens for taxes assessed pursuant to Title 36, Part 1 and Parts 3 to 8 and Title 26, chapter 13, and releases discharging such liens, and excepting notices of liens for taxes assessed pursuant to Title 36, Part 2 when filed by the State Tax Assessor, and releases discharging such liens, must be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or lessor's attorney executing the same, before a notary public in the State, or before an attorney-at-law duly admitted and eligible to practice in the courts of the State, if within the State; or before any clerk of a court of record having a seal, notary public or commissioner appointed by the Governor of this State for the purpose, or a commissioner authorized in the ~~State~~ state where the acknowledgment is taken, within the United States; or before a minister, vice-consul or consul of the United States or notary public in any foreign country.

**Sec. A-4. 36 MRSA §208**, as amended by PL 2019, c. 379, Pt. A, §1 and c. 401, Pt. A, §2, is repealed and the following enacted in its place:

**§208. Equalization**

The State Tax Assessor has the duty of equalizing the state and county taxes among all municipalities and the unorganized territory. The State Tax Assessor shall equalize and adjust the assessment list of each municipality by adding to or deducting from it such amount as will make it equal to its just value as of April 1st. Notice of the proposed valuations of municipalities within each county must be sent annually to the municipal officers of each municipality within that county on or before the first day of October. The valuation so determined is subject to review by the State Board of Property Tax Review pursuant to subchapter 2-A, but the valuation finally certified to the Secretary of State pursuant to section 381 must be used for all computations required by law to be based upon the state valuation with respect to municipalities.

**Sec. A-5. 36 MRSA §655, sub-§1, ¶B**, as amended by PL 2005, c. 652, §1 and affected by §3, is further amended to read:

B. Stock-in-trade, including inventory held for resale by a distributor, wholesaler, retail merchant or service establishment. "Stock-in-trade" also includes ~~an~~ unoccupied manufactured ~~home~~ housing, as defined in Title 10, section 9002, subsection 7, paragraph A or C, that was not previously occupied at its present location, that is not connected to water or sewer and that is owned and offered for sale by a person licensed for the retail sale of manufactured ~~homes~~ housing pursuant to Title 10, chapter 951, subchapter 2;

**Sec. A-6. 36 MRSA §686**, as enacted by PL 1997, c. 643, Pt. HHH, §3 and affected by §10, is amended to read:

**§686. Denial of homestead exemption; appeals**

If the assessor determines that a property is not entitled to a homestead exemption under this subchapter, the assessor shall promptly provide a notice of denial, including the reasons for the denial, to the applicant by either personal delivery or regular mail. An applicant may appeal a denial of an exemption under this subchapter using the procedures provided in subchapter ~~VIII~~ 8. If the assessor determines that a property receiving an exemption under this subchapter any year within the 10 preceding years was not eligible for the exemption, the assessor shall immediately notify the bureau in writing.

**Sec. A-7. 36 MRSA §4641-B, sub-§2**, as enacted by PL 2001, c. 559, Pt. I, §4 and affected by §15, is amended to read:

**2. Transfer or acquisition of controlling interest in entity with fee interest in real property.** A person transferring or acquiring a controlling interest in an entity with a fee interest in real property for which a deed is not given shall report the transfer or acquisition to the register of deeds in the county or counties in which the real property is located within 30 days of the transfer or acquisition on a return in the form of an affidavit furnished by the State Tax Assessor. The return must be ~~signed by both the transferor and the transferee and~~ accompanied by payment of the tax due. When the real property is located in more than one county, the tax must be divided among the counties in the same proportion in which the real property is distributed among the counties. Disputes between 2 or more counties as to the proper amount of tax due to them as a result of a particular transaction must be decided by the State Tax Assessor upon the written petition of an official authorized to act on behalf of any such county.

**Sec. A-8. 36 MRSA §4641-B, sub-§7**, as enacted by PL 2013, c. 521, Pt. A, §2, is amended to read:

**7. Assignment of rights in or connected with foreclosed real property.** A person assigning rights in or connected with title to foreclosed real property for which a deed is not given, including rights as high bidder at the public sale pursuant to Title 14, section 6323, shall report the assignment to the register of deeds in the county or counties in which the real property is located within 30 days of the assignment on a return in the form of an affidavit furnished by the State Tax Assessor. The State Tax Assessor shall provide for the collection of the tax in the same manner as in subsection 1 as if the assignment were a transfer of real property by deed. The return must be ~~signed by both the transferor and the transferee and~~ accompanied by payment of the tax due. When the real property is located in more than one county, the tax must be divided among the counties in the same proportion in which the real property is distributed among the counties. Disputes between 2 or more counties as to the proper amount of tax due to them as a result of a particular transaction must be decided by the State Tax Assessor upon the written petition of an official authorized to act on behalf of any such county. This subsection applies to assignments made during the time between the judgment of foreclosure and the transfer of the foreclosed real property by deed.

**Sec. A-9. 36 MRSA §4641-D, first ¶**, as amended by PL 2007, c. 437, §14, is further amended to read:

Except as otherwise provided in this section, any deed, when offered for recording, and any report of a transfer of a controlling interest must be accompanied by a declaration, ~~signed by the parties to the transaction or their authorized representatives, declaring~~ of the value of the property transferred and indicating the taxpayer identification numbers of the grantor and grantee, ~~if they are business entities~~. The declaration of value with regard to a transfer by deed must include evidence of compliance with section 5250-A. The declaration of value must identify the tax map and parcel number of the property transferred unless a tax map does not exist that includes that property, in which event the declaration must indicate that an appropriate tax map does not exist. The following are exempt from these requirements:

**Sec. A-10. 36 MRSA §6232, sub-§1-A**, as amended by PL 2019, c. 36, §1, is further amended to read:

**1-A. Volunteer program.** A municipality may by ordinance adopt a program that permits claimants who are at least 60 years of age to earn benefits up to a an annual maximum of \$1,000 or 100 times the state minimum hourly wage under Title 26, section 664, subsection 1, whichever is greater, by volunteering to provide services to the municipality. A program adopted under this subsection does not need to meet the requirements of subsection 1, paragraph B or C. Benefits provided

under this subsection must be related to the amount of volunteer service provided. Benefits received under this subsection may not be considered income for purposes of Part 8. A municipality may by ordinance establish procedures and additional standards of eligibility for a program adopted under this subsection.

**PART B**

**Sec. B-1. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 2019, c. 401, Pt. B, §4, is further amended by amending subparagraph (15) to read:

(15) The sale of positive airway pressure equipment and supplies and oxygen delivery equipment for rental for personal use to a person engaged in the business of renting positive airway pressure equipment and oxygen delivery equipment;

**Sec. B-2. 36 MRSA §1811, sub-§1, ¶A**, as enacted by PL 2019, c. 401, Pt. B, §16, is amended by repealing and replacing subparagraph (4) to read:

(4) Ten percent on the value of rental for a period of less than one year of:

- (a) An automobile;
- (b) A pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or
- (c) A loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty.

**Sec. B-3. 36 MRSA §1811, sub-§1, ¶B**, as enacted by PL 2019, c. 401, Pt. B, §16, is amended by repealing and replacing subparagraph (4) to read:

(4) Ten percent on the value of rental for a period of less than one year of:

- (a) An automobile;
- (b) A pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or
- (c) A loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty.

**Sec. B-4. 36 MRSA §1811, sub-§1, ¶C**, as enacted by PL 2019, c. 401, Pt. B, §16, is amended by repealing and replacing subparagraph (4) to read:

(4) Ten percent on the value of rental for a period of less than one year of:

- (a) An automobile;

(b) A pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or

(c) A loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and

**Sec. B-5. 36 MRSA §1811, sub-§1, ¶D**, as enacted by PL 2019, c. 401, Pt. B, §16, is amended by repealing and replacing subparagraph (4) to read:

(4) Ten percent on the value of rental for a period of less than one year of:

- (a) An automobile;
- (b) A pickup truck or van with a gross vehicle weight of less than 26,000 pounds rented from a person primarily engaged in the business of renting automobiles; or
- (c) A loaner vehicle that is provided other than to a motor vehicle dealer's service customers pursuant to a manufacturer's or dealer's warranty; and

**Sec. B-6. 36 MRSA §2873, sub-§1**, as amended by PL 2003, c. 467, §6, is further amended to read:

**1. ~~Monthly returns required; payment~~ Payment of estimated tax liability.** On or before the 15th day of each month, each person subject to the tax imposed by this chapter shall submit to the assessor ~~a return on a form prescribed and furnished by the assessor. Each return must be accompanied by a payment of an amount equal to 1/12 of the person's estimated tax liability for the entire current state fiscal year or facility fiscal year or, in the case of a facility taxed on the basis of a partial facility fiscal year after June 30, 2003, an amount equal to a fraction of the estimated liability in which the denominator is the number of months remaining in the facility fiscal year and the numerator is one. A person may estimate its tax liability for the current state fiscal year or facility fiscal year by applying the tax rates provided by section 2872 to the most recent state fiscal year or facility fiscal year for which a Medicaid cost report has been finally settled and is no longer open to audit adjustment or correction, as long as the fiscal year in question began no earlier than 3 years prior to the beginning of the current fiscal year; in the event that the information necessary to prepare this estimate is not available, an estimate may be prepared on the basis of the reconciliation return most recently submitted or, if the first such return has not yet been filed submitted,~~ then on the basis of the revenues formally reported by the facility in accordance with generally accepted accounting principles. Regardless of the method used for preparing the estimate, the estimate may include adjustments to reflect changes in the number of licensed or

certified beds or extraordinary changes in payment rates. Once a taxpayer has made its first monthly payment for a state fiscal year or facility fiscal year pursuant to this subsection, the monthly amount must remain fixed throughout the fiscal year unless the assessor authorizes a change. If the person's estimated annual tax liability as reported and paid pursuant to this subsection does not equal the tax imposed on that person by section 2872, any adjustments necessary to reconcile the estimated tax with the correct tax amount must be made pursuant to subsection 2.

**Sec. B-7. 36 MRSA §4401, sub-§9, ¶C**, as enacted by PL 2019, c. 530, Pt. A, §2 and affected by §7, is amended to read:

C. Any product that contains adult use marijuana subject to tax under ~~Title 28-B, section 1001~~ chapter 723; or

**Sec. B-8. Retroactive application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 1752, subsection 11, paragraph B applies retroactively to sales occurring on or after January 1, 2012.

### PART C

**Sec. C-1. 36 MRSA §191, sub-§2, ¶HHH**, as enacted by PL 2019, c. 386, §1, is amended to read:

HHH. The disclosure to the Office of Program Evaluation and Government Accountability and the joint standing committee of the Legislature having jurisdiction over taxation matters pursuant to section 5219-VV, subsection ~~4~~ 5, paragraph ~~B~~ C of the revenue loss, including the loss due to refundable credits, attributable to each taxpayer claiming the tax credit for major food processing and manufacturing facility expansion provided under that section, regardless of the number of persons eligible for the credit.

**Sec. C-2. 36 MRSA §1861-A**, as amended by PL 2019, c. 441, §6, is further amended to read:

#### **§1861-A. Reporting use tax on individual income tax returns**

The assessor shall provide that individuals report use tax on items with a sale price of \$5,000 or less on their Maine individual income tax returns. Taxpayers are required to attest to the amount of their use tax liability for the period of the tax return. Alternatively, they may elect to report an estimated use tax liability amount that is .04% of their Maine adjusted gross income. ~~A taxpayer electing to satisfy a use tax liability by estimating it shall calculate the liability in accordance with the use tax table.~~ The estimated liability is applicable only to purchases of any individual items each having a sale price no greater than \$1,000. For each taxable item with a sale price greater than \$1,000 but no more than \$5,000, the actual use tax liability for

each purchase must be added to the amount of ~~the estimated liability derived from the use tax table~~ use tax equal to .04% of a taxpayer's Maine adjusted gross income. Upon subsequent review, if use tax liability for the period of the return exceeds the amount of use tax paid with the return, a credit of that amount paid relative to the item or items being supplementarily assessed is allowed. Use tax on any item with a sale price of more than \$5,000 must be reported in accordance with section 1951-A.

**Sec. C-3. 36 MRSA §5147**, as enacted by PL 2019, c. 401, Pt. C, §7, is amended to read:

#### **§5147. Installment sale election**

Notwithstanding any provision of this Part to the contrary, an individual who transferred, during the taxable year, real or tangible property located in this State under an installment sale agreement may elect to recognize, for purposes of determining the taxable income under this chapter, the total gain ~~or loss~~ from that sale in the taxable year of the transfer, or to recognize any remaining gain ~~or loss~~ in a subsequent tax year to the extent of the gain ~~or loss~~ not reported in a prior tax year. An election under this section is not available to an individual unless that individual is a nonresident of this State at the time of the transfer or at the time the election is made. An election under this section must be made on a timely filed original income tax return, including if filed by any extension granted for filing the return, and, once made, is irrevocable.

**Sec. C-4. 36 MRSA §5206, last ¶**, as enacted by PL 2005, c. 608, §1 and affected by §5, is amended to read:

In each taxable year in which a financial institution sustains a book net operating loss, a credit must be allowed against the franchise tax on assets under subsection 1. The credit must be computed by multiplying the ~~book net operating loss~~ Maine net income by the applicable franchise tax rate imposed by subsection 1, paragraph A. The total amount of any credit allowed may not exceed the franchise tax on assets due under subsection 1, paragraph B. In any tax year in which there is excess credit, the excess credit must be carried forward for no more than the next 5 tax years and may be applied against the tax computed under subsection 1.

**Sec. C-5. 36 MRSA §5219-RR, sub-§9, ¶A**, as enacted by PL 2017, c. 361, §2, is amended to read:

A. On or before March 1st annually, a certified applicant shall file a report with the commissioner for the tax year ending during the immediately preceding calendar year, referred to in this ~~paragraph~~ subsection as the "report year," containing the following information:

- (1) The employment of the certified applicant for the report year, including specific information on:



- (a) The number of qualified employees that are employed by the certified applicant at the end of the report year;
  - (b) The total number of qualified employees hired during the report year; and
  - (c) The number of qualified employees in positions that are covered by a collective bargaining agreement;
- (2) The total dollar amount of payroll associated with employment in the report year, including specific information on:
- (a) The average annual salary and wages for qualified employees; and
  - (b) The median annual salary and wages for qualified employees;
- (3) The total dollar amount that was spent on goods and services obtained from businesses with an office in the State from which business operations in the State are managed; and
- (4) The incremental level of qualified investments made during the report year, including specific information on:
- (a) The amount of qualified investment in facility, production equipment and employee training and development, reported as an aggregate sum;
  - (b) The portion of the qualified investment reported under subparagraph (a) that was spent on goods and services from businesses with an office in the State from which business operations in the State are managed; and
  - (c) Whether the certified applicant has qualified for the additional credit under subsection 3, paragraph B.

The commissioner may prescribe forms for the annual reports required under this paragraph. The commissioner shall provide copies of the report to the State Tax Assessor and to the joint standing committee of the Legislature having jurisdiction over taxation matters at the time the report is received.

**Sec. C-6. 36 MRSA §5219-RR, sub-§9, ¶C,** as enacted by PL 2017, c. 361, §2, is amended to read:

C. The By December 31st of each year, the State Tax Assessor shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters the revenue loss during each state fiscal year as a result of this section for each taxpayer claiming the credit and, if necessary, shall include updated revenue loss amounts for any previous tax year. For purposes of this paragraph,

"revenue loss" means the credit claimed by the taxpayer and allowed pursuant to this section.

**Sec. C-7. 36 MRSA §5219-VV, sub-§5,** as enacted by PL 2019, c. 386, §2, is amended to read:

**5. Reporting required.** A certified applicant, the commissioner and the assessor are required to make reports pursuant to this subsection.

A. On or before March 1st of each year, a certified applicant shall file a report with the commissioner for the tax year ending during the immediately preceding calendar year, referred to in this ~~paragraph~~ subsection as "the report year," containing the following information:

- (1) The number of full-time employees based in the State of the certified applicant on the last day of the tax year ending during the calendar year immediately preceding the report year; and
- (2) The incremental amount of qualified investment made in the report year.

The commissioner may prescribe forms for the annual report described in this paragraph. The commissioner shall provide copies of the report to the assessor, to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters at the time the report is received.

~~B. By April 1st of each year, the commissioner shall report to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters aggregate data on employment levels and qualified investment amounts of certified applicants for each year that the certified applicant claimed a credit under this section; and the assessor shall report to the Office of Program Evaluation and Government Accountability and to the committee the revenue loss during the previous calendar year, including the loss due to refundable credits, as a result of this section for each taxpayer claiming the credit.~~

C. By December 31st of each year, the assessor shall report to the Office of Program Evaluation and Government Accountability and to the joint standing committee of the Legislature having jurisdiction over taxation matters the revenue loss during the report year as a result of this section for each taxpayer claiming the credit and, if necessary, shall include updated revenue loss amounts for any previous tax year. For purposes of this paragraph, "revenue loss" means the credit claimed by the taxpayer and allowed pursuant to this section, consisting of the amount of the credit used to reduce the

tax liability of the taxpayer and the amount of the credit refunded to the taxpayer, stated separately.

Notwithstanding any provision of law to the contrary, the reports provided under this subsection are public records as defined in Title 1, section 402, subsection 3.

**Sec. C-8. 36 MRSA §5234**, as enacted by PL 1975, c. 660, §9, is repealed.

**Sec. C-9. Application; retroactivity.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 1861-A applies to individual income tax years beginning on or after January 1, 2020. That section of this Part that amends Title 36, section 5147 applies retroactively to tax years beginning on or after January 1, 2019.

## PART D

**Sec. D-1. 36 MRSA §177, sub-§2**, as amended by PL 1999, c. 414, §8, is further amended to read:

**2. Responsible individual.** Each person required to collect taxes that are designated by subsection 1 as trust funds shall inform the State Tax Assessor, at the time an audit of that person's trust fund obligation is performed by the assessor, of the name and position of ~~the~~ each individual who generally is responsible for the control or management of that person's funds or finances and, if different, ~~the~~ each individual who is specifically responsible for the collection and paying over of those trust funds.

**Sec. D-2. 36 MRSA §194-D, sub-§1, ¶A**, as enacted by PL 2019, c. 343, Pt. G, §13, is amended by amending subparagraph (2) to read:

(2) A contractor for the bureau, including the contractor's employees, subcontractors and subcontractors' employees, who provides or is assigned to provide services to the bureau under an identified contract. ~~For the purposes of this subparagraph, "identified contract" means a contract that the assessor determines involves access or the substantial possibility of access to the bureau's information technology systems or to confidential tax information;~~

**Sec. D-3. 36 MRSA §194-D, sub-§1, ¶D** is enacted to read:

D. "Identified contract" means a contract that the assessor determines involves access or the substantial possibility of access to the bureau's information technology systems or to confidential tax information.

**Sec. D-4. 36 MRSA §194-D, sub-§2, ¶A**, as enacted by PL 2019, c. 343, Pt. G, §13, is amended to read:

A. As part of the process of evaluating an affected person, except for a current employee of the bu-

reau, for employment with the bureau, a background investigation must be conducted before an offer of employment is extended.

**Sec. D-5. 36 MRSA §4119**, as enacted by PL 2017, c. 474, Pt. G, §2, is amended to read:

### §4119. Annual adjustments for inflation

Beginning in 2018 and each year thereafter, on or about September 15th, for the estates of decedents who die during the succeeding calendar year, the assessor shall multiply the cost-of-living adjustment by the dollar amount contained in section 4102, subsection 5 applicable to estates of decedents dying on or after January 1, 2018. For the purposes of this section, the "cost-of-living adjustment" is the Chained Consumer Price Index for the 12-month period ending June 30th of the preceding calendar year divided by the Chained Consumer Price Index for the 12-month period ending June 30, 2017. If the dollar amount, adjusted by the application of the cost-of-living adjustment, is not a multiple of \$10,000, any increase must be rounded to the nearest multiple of \$10,000.

See title page for effective date.

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## CHAPTER 608

### H.P. 1434 - L.D. 2013

#### An Act To Extend Arrearage Management Program Requirements for Transmission and Distribution Utilities for One Year

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

**Sec. 1. 35-A MRSA §3214, sub-§2-A**, as enacted by PL 2017, c. 414, §1, is further amended to read:

**2-A. Arrearage management program.** Each investor-owned transmission and distribution utility shall implement pursuant to this subsection an arrearage management program to assist eligible low-income residential customers who are in arrears on their electricity bills. An arrearage management program implemented pursuant to this subsection is a plan under which a transmission and distribution utility works with an eligible low-income residential customer to establish an affordable payment plan and provide credit to that customer toward the customer's accumulated arrears as long as that customer remains in compliance with the terms of the program. If a consumer-owned transmission and distribution utility elects to implement an arrearage management program, it must do so in accordance with this subsection and rules adopted pursuant to this subsection. The commission shall establish requirements relating to the arrearage management programs by rule.

Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

In adopting rules regarding arrearage management programs, the commission shall:

- A. Consider best practices as developed and implemented in other states or regions;
- B. Require that an arrearage management program include an electricity usage assessment at no cost to the participant;
- D. Ensure that a transmission and distribution utility develops terms and conditions for its arrearage management program in a manner that is consistent with the program's objectives and is in the best interests of all ratepayers; and
- E. Ensure that a transmission and distribution utility recovers in rates all reasonable costs of arrearage management programs, including:
  - (1) Incremental costs;
  - (2) Reconnection fees;
  - (3) Administrative costs;
  - (4) Marketing costs;
  - (5) Costs for any 3rd-party assistance it receives in administering its arrearage management program; and
  - (6) Costs for providing financial and budgetary guidance to participants whether provided directly or through a 3rd party contracted by the transmission and distribution utility to provide that guidance.

The amount of any arrearage forgiven that is treated as bad debt for purposes of cost recovery by the transmission and distribution utility may not be included as a reasonable cost under this paragraph.

The Efficiency Maine Trust shall work with investor-owned transmission and distribution utilities, consumer-owned transmission and distribution utilities that elect to participate in an arrearage management program and other stakeholders to provide access to a complementary low-income energy efficiency program for participants in arrearage management programs in order to help reduce participants' energy consumption.

No later than January 28, ~~2021~~ 2022, the commission shall prepare a report assessing the effectiveness of arrearage management programs, including the number of participants enrolled in the programs, the number of participants completing the programs, the number of participants who have failed to complete the programs, the payment patterns of participating customers after completing the programs, the dollar amount of arrears forgiven, a comparison of outcomes for those participating in the programs and those not participating, the

impact on any participating transmission and distribution utility's bad debt as a result of the programs, the costs and benefits to all ratepayers associated with the programs and recommendations for ways in which the programs might be improved or continued for the benefit of all ratepayers. In preparing its report, the commission shall hold at least one formal stakeholder meeting involving affected parties, including the Office of the Public Advocate and the participating transmission and distribution utilities. Parties must also be provided an opportunity to submit written comments to the commission regarding the performance of the programs.

The joint standing committee of the Legislature having jurisdiction over utilities matters may report out a bill relating to the commission report to the ~~First~~ Second Regular Session of the 130th Legislature.

This subsection is repealed September 30, ~~2021~~ 2022.

**Sec. 2. 35-A MRSA §10110, sub-§2, ¶L**, as amended by PL 2017, c. 414, §2, is further amended to read:

L. Pursuant to section 3214, subsection 2-A, the trust shall work with investor-owned transmission and distribution utilities, consumer-owned transmission and distribution utilities that elect to participate in an arrearage management program pursuant to section 3214, subsection 2-A and other stakeholders to provide access to a complementary low-income energy efficiency program for participants in the arrearage management programs in order to help reduce participants' energy consumption.

This paragraph is repealed September 30, ~~2021~~ 2022.

See title page for effective date.

**CHAPTER 609**

**S.P. 715 - L.D. 2025**

**An Act To Clarify the  
Authorization of Emergency  
Medical Services Personnel To  
Provide Medical Services in a  
Hospital**

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

**Sec. 1. 32 MRSA §85, sub-§7** is enacted to read:

**7. Delegation.** This chapter may not be construed to prohibit a person licensed as an emergency medical services person from rendering medical services in a hospital setting if those services are:

- A. Rendered in the person's capacity as an employee of the hospital;

- B. Authorized by the hospital; and
- C. Delegated in accordance with section 2594-A or 3270-A.

See title page for effective date.

**CHAPTER 610**

**H.P. 1445 - L.D. 2035**

**An Act To Modify Teacher Certification Expiration Dates for Teachers Who Use Family Medical Leave**

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

**Sec. 1. 20-A MRSA §13011-A** is enacted to read:

**§13011-A. Certification extension for family medical leave**

Notwithstanding the term of a conditional or professional certificate under this chapter, upon the request of a school administrative unit, the commissioner shall grant an extension on an individual's conditional or professional certificate if the individual uses family medical leave during the final year of the individual's certificate and the school administrative unit provides the commissioner with sufficient proof of the use of family medical leave. An extension under this section is for the same number of days as the family medical leave used during the final year of the individual's certificate. For the purposes of this section, "family medical leave" has the same meaning as in Title 26, section 843, subsection 4.

See title page for effective date.

**CHAPTER 611**

**H.P. 1451 - L.D. 2040**

**An Act To Eliminate the Requirement That Municipalities Retain Paper Copies of Certain Vital Statistics Records**

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

**Sec. 1. 22 MRSA §2843, sub-§4**, as amended by PL 2017, c. 101, §2, is further amended to read:

**4. Records.** Each municipality shall maintain a record of any endorsed permit received pursuant to subsection 3 or 3-A in the electronic death registration system described in section 2847. These records must be open to public inspection. A copy of an endorsed permit

must be made available to a member of the public upon a request made to the municipal clerk. The State Registrar of Vital Statistics may adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to carry out the purposes of this subsection.

See title page for effective date.

**CHAPTER 612**

**S.P. 727 - L.D. 2054**

**An Act To Consolidate Certain Reporting Requirements of the Department of Health and Human Services**

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

**Sec. 1. 22 MRSA §50**, as enacted by PL 2009, c. 279, §1, is amended to read:

**§50. Planning for long-term care services**

By January 15, ~~2012~~ 2021 and every 4 years thereafter the department, after input from interested parties, shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the current allocation of resources for long-term care and the goals for allocation of those resources during the next 4 years. The report must be based on current and projected demographic data, current and projected consumer needs and recent or anticipated changes in methods of delivery of long-term care services and must include any action taken by the department, both at the state and federal level, to further these goals and any recommendations for action by the Legislature. The report must also include a description of the activities and any recommendations of the quality assurance review committee established pursuant to section 5107-I.

**Sec. 2. 22 MRSA §5106, sub-§3, ¶A**, as amended by PL 2011, c. 657, Pt. BB, §9, is repealed.

**Sec. 3. 22 MRSA §5107-I, sub-§4**, as amended by PL 2011, c. 495, §2, is repealed.

**Sec. 4. 22-A MRSA §206, sub-§9**, as enacted by PL 2017, c. 284, Pt. NNNNNNN, §17, is repealed.

See title page for effective date.

**CHAPTER 613  
H.P. 1463 - L.D. 2059**

**An Act To Clarify the  
Provision for Care of Infants  
after Birth**

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

**Sec. 1. 22 MRSA §1531, sub-§1**, as enacted by PL 2019, c. 426, §1, is amended to read:

**1. Prophylactic ophthalmic ointment and reporting requirement.** Every physician, midwife or nurse in charge shall instill or cause to be instilled into the eyes of an infant within 24 hours after its birth prophylactic ophthalmic ointment ~~prescribed by the department and provided without cost by the department.~~ If one or both eyes of an infant become reddened or inflamed at any time within 4 weeks after birth, the midwife, nurse or person having charge of the infant shall report the condition of the eyes at once to ~~a physician~~ the infant's primary care provider licensed under Title 32, chapter 36 or 48.

**Sec. 2. PL 2019, c. 426, §2** is amended to read:

**Sec. 2. Department of Health and Human Services to amend develop form.** The Department of Health and Human Services shall ~~amend its newborn blood spot screening refusal form to include a section permitting~~ develop an ophthalmic ointment and vitamin K injection refusal form that permits a parent to refuse the prophylactic ophthalmic ointment or vitamin K injection required under the Maine Revised Statutes, Title 22, section 1531 for the infant of that parent.

See title page for effective date.

**CHAPTER 614  
S.P. 732 - L.D. 2062**

**An Act To Amend the  
Department of Public Safety,  
Gambling Control Board Laws  
Regarding Registered  
Equipment**

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

**Sec. 1. 8 MRSA §1001, sub-§2**, as amended by PL 2013, c. 212, §1, is further amended to read:

**2. Associated equipment.** "Associated equipment" means any mechanical, electromechanical or electronic component part or machine that is used, or intended for use, in a slot machine or table game and that affects the outcome of the game or that is involved

in the handling of money, tokens, credits or similar objects or things of value used to play a slot machine or table game or the calculation of or distribution of pay-offs of the slot machine or table game.

**Sec. 2. 8 MRSA §1001, sub-§17**, as amended by IB 2009, c. 2, §6, is further amended to read:

**17. Gambling services.** "Gambling services" means any goods or services provided to an operator licensed under this chapter or at a gambling facility that are used directly in connection with the operation of a slot machine or table game, including, but not limited to, associated equipment, maintenance, security services or junket services, and excluding slot machine or table game distribution by a slot machine distributor or table game distributor.

**Sec. 3. 8 MRSA §1020, sub-§1**, as amended by PL 2011, c. 585, §7, is further amended to read:

**1. Registration required.** A slot machine may not be operated or distributed pursuant to this chapter unless the slot machine is registered by the board ~~and~~ the slot machine operator is licensed by the board and the each slot machine distributor are each or gambling services vendor that distributed the slot machine or the slot machine's associated equipment is licensed by the board or the slot machine is distributed to and operated by an accredited postsecondary institution for the purposes of training and education under section 1011, subsection 1-B.

**Sec. 4. 8 MRSA §1020, sub-§4**, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. B, §11, is amended to read:

**4. Examination of slot machines and associated equipment.** The board shall, in cooperation with the department, examine slot machines and slot machine associated equipment of slot machine distributors and gambling services vendors seeking registration as required in this chapter. The board shall require the slot machine distributor or gambling services vendor seeking examination and approval of the slot machine or slot machine associated equipment to pay the anticipated cost of the examination before the examination occurs. After the examination occurs, the board shall refund overpayments or charge and collect amounts sufficient to reimburse the board for underpayments of actual cost. The board may contract for the examinations of slot machines and slot machine associated equipment as required by this section.

See title page for effective date.

CHAPTER 615  
S.P. 738 - L.D. 2089

An Act To Clarify Certificate  
of Approval Requirements  
under the State's Liquor Laws

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

Sec. 1. 28-A MRSA §2, sub-§8, as amended  
by PL 1997, c. 373, §11, is repealed and the following  
enacted in its place:

8. Certificate of approval holder. "Certificate of  
approval holder" means:

- A. An in-state manufacturer of malt liquor, wine or spirits licensed under section 1355-A;
- B. An out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361;  
or
- C. An out-of-state spirits supplier that has been issued a certificate of approval by the bureau under section 1381.

Sec. 2. 28-A MRSA §1351, as amended by PL  
1997, c. 373, §112, is further amended to read:

**§1351. Certificate of approval**

**1. Certificate of approval required.** All ~~in-state manufacturers, out-of-state manufacturers and of malt liquor or wine, out-of-state wholesalers of malt liquor or wine and out-of-state spirits suppliers~~ must obtain a certificate of approval from the bureau.

**2. Definition.** For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

Sec. 3. 28-A MRSA §1364, sub-§5 is enacted to read:

**5. Limitation on definition of "certificate of approval holder."** Notwithstanding section 2, subsection 8, as used in this section, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

Sec. 4. 28-A MRSA c. 51, sub-c. 5 is enacted to read:

**SUBCHAPTER 5**  
**SPIRITS**

**§1381. Certificate of approval; spirits**

**1. Definition.** For purposes of this section, "out-of-state spirits supplier" means an out-of-state spirits manufacturer or a person that engages in the out-of-state purchase of spirits for resale to the bureau.

**2. Certificate of approval required.** An out-of-state spirits supplier may not transport spirits into the State or cause spirits to be transported into the State unless the out-of-state spirits supplier has obtained a certificate of approval from the bureau in accordance with this section.

**3. Fee for certificate of approval.** The fee for a certificate of approval under this section is \$1,000 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

**4. Conditions on certificate of approval.** A certificate of approval under this section is subject to the laws of the State and the rules of the bureau.

**5. Shipment restrictions.** Except as provided in sections 2073 and 2075, a person that has been issued a certificate of approval under this section may only transport spirits into the State or cause spirits to be transported into the State if the spirits are delivered to a warehouse designated by the commission under section 81.

**6. Phased-in fee.** Notwithstanding subsection 3, until September 1, 2021, the fee for a certificate of approval under this section is \$500 per year, except that the fee for an out-of-state spirits supplier that transports or causes to be transported a total of 450 liters of spirits or less per year is \$100. Payment of the fee must accompany the application for the certificate of approval.

This subsection is repealed September 1, 2021.

Sec. 5. 28-A MRSA §1401-A is enacted to read:

**§1401-A. Limitation on definition of "certificate of approval holder"**

Notwithstanding section 2, subsection 8, as used in this chapter, unless the context otherwise indicates, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

Sec. 6. 28-A MRSA §1451, sub-§1-A is enacted to read:

**1-A. Certificate of approval holder.** Notwithstanding section 2, subsection 8, "certificate of approval holder" means an in-state manufacturer of malt liquor or wine licensed under section 1355-A or an out-of-

state manufacturer of or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval under section 1361.

**Sec. 7. Effective date.** This Act takes effect September 1, 2020.

Effective September 1, 2020.

**CHAPTER 616**

**H.P. 1516 - L.D. 2126**

**An Act Making Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2020 and June 30, 2021**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Bureau of General Services - Capital Construction and Improvement Reserve Fund 0883**

Initiative: Provides funding for maintenance and repair of state facilities. Any unexpended or unencumbered funds from this project at the end of the fiscal year may not lapse but must be carried forward to be used for the same purpose.

GENERAL FUND	2019-20	2020-21	
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All Other	\$2,000,000	\$0	
GENERAL FUND TOTAL	\$2,000,000	\$0	

**Central Administrative Applications Z234**

Initiative: Provides funding for the human resources management system.

GENERAL FUND	2019-20	2020-21	
All Other	\$1,900,000	\$0	
GENERAL FUND TOTAL	\$1,900,000	\$0	

**Information Services 0155**

Initiative: Provides necessary All Other for information security enhancements.

GENERAL FUND	2019-20	2020-21	
All Other	\$1,748,821	\$0	
GENERAL FUND TOTAL	\$1,748,821	\$0	

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

	2019-20	2020-21	
DEPARTMENT TOTALS			
GENERAL FUND	\$5,648,821	\$0	
DEPARTMENT TOTAL - ALL FUNDS	\$5,648,821	\$0	

**Sec. A-2. Appropriations and allocations.** The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Bureau of Agriculture 0393**

Initiative: Provides one-time funding to replace the 2002 FT120 butterfat, protein and solids analyzer to ensure a safe milk supply for the public.

GENERAL FUND	2019-20	2020-21	
Capital Expenditures	\$45,000	\$0	
GENERAL FUND TOTAL	\$45,000	\$0	

**Parks - General Operations Z221**

Initiative: Provides funding to increase salaries for 38 Lifeguard positions and 5 Lifeguard Supervisor positions and provides funds for the required certification training.

GENERAL FUND	2019-20	2020-21	
Personal Services	\$0	\$64,687	
GENERAL FUND TOTAL	\$0	\$64,687	

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

	2019-20	2020-21	
DEPARTMENT TOTALS			

GENERAL FUND	\$45,000	\$64,687
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$45,000</b>	<b>\$64,687</b>

**Sec. A-3. Appropriations and allocations.** The following appropriations and allocations are made.

**COMMUNITY COLLEGE SYSTEM, BOARD OF TRUSTEES OF THE MAINE**

**Maine Community College System - Board of Trustees 0556**

Initiative: Provides one-time funding for additional workforce development, including short-term training through the Maine Quality Centers, at Maine's 7 community colleges.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$2,500,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,500,000</b>

**Sec. A-4. Appropriations and allocations.** The following appropriations and allocations are made.

**CORRECTIONS, DEPARTMENT OF**

**Administration - Corrections 0141**

Initiative: Reduces funding for Downeast Correctional Facility positions and All Other costs appropriated in Public Law 2019, chapter 343, Part A. The facility will open in June 2021 rather than January 2021 and the positions will start March 1, 2021 rather than January 1, 2021.

GENERAL FUND	2019-20	2020-21
All Other	\$0	(\$14,537)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$14,537)</b>

**Correctional Medical Services Fund 0286**

Initiative: Provides one-time funding for mandated prisoner Hepatitis C treatment.

GENERAL FUND	2019-20	2020-21
All Other	\$3,000,000	\$2,500,000
<b>GENERAL FUND TOTAL</b>	<b>\$3,000,000</b>	<b>\$2,500,000</b>

**Corrections Food Z177**

Initiative: Reduces funding for Downeast Correctional Facility positions and All Other costs appropriated in Public Law 2019, chapter 343, Part A. The facility will open in June 2021 rather than January 2021 and the positions will start March 1, 2021 rather than January 1, 2021.

GENERAL FUND	2019-20	2020-21
All Other	\$0	(\$66,338)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$66,338)</b>

**Downeast Correctional Facility 0542**

Initiative: Reduces funding for Downeast Correctional Facility positions and All Other costs appropriated in Public Law 2019, chapter 343, Part A. The facility will open in June 2021 rather than January 2021 and the positions will start March 1, 2021 rather than January 1, 2021.

GENERAL FUND	2019-20	2020-21
Personal Services	\$0	(\$271,966)
All Other	\$0	(\$137,518)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$409,484)</b>

**Mountain View Correctional Facility 0857**

Initiative: Provides one-time funding for increased prisoner population due to the closure of the Downeast Correctional Facility.

GENERAL FUND	2019-20	2020-21
All Other	\$500,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$500,000</b>	<b>\$0</b>

**CORRECTIONS, DEPARTMENT OF DEPARTMENT TOTALS**

GENERAL FUND	2019-20	2020-21
	\$3,500,000	\$2,009,641
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$3,500,000</b>	<b>\$2,009,641</b>

**Sec. A-5. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF**

**Adult Education 0364**

Initiative: Provides one-time funding for workforce development. These funds do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

GENERAL FUND	2019-20	2020-21
All Other	\$0	\$1,200,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,200,000</b>

**Child Development Services 0449**

Initiative: Provides funding for increases in staff costs and health insurance related to collective bargaining completed in April 2019.

GENERAL FUND	2019-20	2020-21
All Other	\$98,955	\$1,485,945
<b>GENERAL FUND TOTAL</b>	<b>\$98,955</b>	<b>\$1,485,945</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for the Maine Educational Center for the Deaf and Hard of Hearing and the Governor Baxter School for the Deaf.

GENERAL FUND	2019-20	2020-21
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All Other	\$249,600	\$249,600
<b>GENERAL FUND TOTAL</b>	<b>\$249,600</b>	<b>\$249,600</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for an increase in the number of students in school administrative units that are part of an education service center.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$1,238,863
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,238,863</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers funding from the General Purpose Aid for Local Schools program to the Learning Systems Team program within the same fund for costs related to 2 Regional Education Representative positions transferred in Public Law 2019, chapter 343.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	(\$20,000)	(\$20,000)
<b>GENERAL FUND TOTAL</b>	<b>(\$20,000)</b>	<b>(\$20,000)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Continues one Public Service Coordinator I position previously established by Financial Order 000426 F0.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$112,650
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$112,650</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for the cost of essential programs and services to increase the state share percentage by 1% from fiscal year 2019-20 levels.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$22,041,555
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$22,041,555</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers funding for the compilation and analysis of education data from the General Purpose Aid for Local Schools program to the Learning Systems Team program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	(\$250,000)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$250,000)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers one Management Analyst I position and one Office Specialist I position from the General Purpose Aid for Local Schools program to the

Learning Through Technology program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	(2.000)
Personal Services	\$0	(\$144,566)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$144,566)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for grants to schools implementing the community school model that provides for counseling, mental health and other trauma-informed services within certain school programs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$150,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$150,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for an increase in the total allocation for career and technical education centers and career and technical education regions.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$1,600,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$1,600,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for music instruction and instruments for students in rural schools.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$50,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$50,000</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding to cover an increase in the system administration portion of state subsidy costs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$7,859,885
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$7,859,885</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Transfers one Public Service Manager I position and related All Other costs from the General Purpose Aid for Local Schools program to the Learning Systems Team program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	(1.000)
Personal Services	\$0	(\$109,076)
All Other	\$0	(\$10,000)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$119,076)</b>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding to school administrative units to support the entrance of additional students into public preschool programs.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$4,000,000
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$4,000,000</u>

**General Purpose Aid for Local Schools 0308**

Initiative: Provides funding for ongoing data system support and upgrades.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$32,654	\$130,615
<b>GENERAL FUND TOTAL</b>	<u>\$32,654</u>	<u>\$130,615</u>

**Leadership Team Z077**

Initiative: Provides funding for costs related to legislative tasks, work groups, study groups, task forces, committees and other projects required of the commissioner's office.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$68,800
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$68,800</u>

**Learning Systems Team Z081**

Initiative: Transfers funding from the General Purpose Aid for Local Schools program to the Learning Systems Team program within the same fund for costs related to 2 Regional Education Representative positions transferred in Public Law 2019, chapter 343.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$20,000	\$20,000
<b>GENERAL FUND TOTAL</b>	<u>\$20,000</u>	<u>\$20,000</u>

**Learning Systems Team Z081**

Initiative: Provides one-time funding for equipment upgrades at career and technical education schools to meet national industry standards. These funds do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$2,000,000
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$2,000,000</u>

**Learning Systems Team Z081**

Initiative: Transfers one Public Service Manager I position and related All Other costs from the General Purpose Aid for Local Schools program to the Learning Systems Team program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$109,076
All Other	\$0	\$10,000

<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$119,076</u>
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**Learning Systems Team Z081**

Initiative: Transfers funding for the compilation and analysis of education data from the General Purpose Aid for Local Schools program to the Learning Systems Team program.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$250,000
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$250,000</u>

**Learning Through Technology Z029**

Initiative: Transfers one Management Analyst I position and one Office Specialist I position from the General Purpose Aid for Local Schools program to the Learning Through Technology program within the same fund.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	2.000
Personal Services	\$0	\$144,566
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$144,566</u>

**EDUCATION, DEPARTMENT OF**

<b>DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$381,209</b>	<b>\$42,187,913</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<u><b>\$381,209</b></u>	<u><b>\$42,187,913</b></u>

**Sec. A-6. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, STATE BOARD OF**

**State Board of Education 0614**

Initiative: Provides funding to support the activities of the Professional Standards Board.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$3,200
<b>GENERAL FUND TOTAL</b>	<u>\$0</u>	<u>\$3,200</u>

**Sec. A-7. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Developmental Services - Community Z208**

Initiative: Provides funding for increased caregiver and respite services in support of individuals with developmental disabilities on the waiting list and their families.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
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All Other	\$53,750	\$215,000
<b>GENERAL FUND TOTAL</b>	<b>\$53,750</b>	<b>\$215,000</b>

**Developmental Services Waiver - MaineCare Z211**

Initiative: Provides funding to increase certain rates related to the MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder, and Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$499,505
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$499,505</b>

**Developmental Services Waiver - Supports Z212**

Initiative: Provides funding for individuals with intellectual disabilities to receive services pursuant to the MaineCare Benefits Manual, Chapter II, Section 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, promoting greater independence, employment and community engagement.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$2,605,582
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$2,605,582</b>

**Developmental Services Waiver - Supports Z212**

Initiative: Provides funding to increase certain rates related to the MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder, and Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$267,748
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$267,748</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding to increase reimbursement rates for providers of state-funded, consumer-directed personal support services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$383,710
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$383,710</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding for the increase in the reimbursement rate for providers of state-funded registered nurse services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$44,481
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$44,481</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding to increase reimbursement rates for the 7 assisted living facilities currently under contract.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$519,000
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$519,000</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding to update pay rates to projected state median benchmarks for personal support services based upon a recent study. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$3,627,137
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$3,627,137</b>

**Long Term Care - Office of Aging and Disability Services 0420**

Initiative: Provides funding for the increase of the current homemaker rate under 10-149 Code of Maine Rules, Chapter 5, Section 69, Office of Elder Services Independent Support Services Program. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$530,333
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$530,333</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Reallocates the costs of 43 positions within the Health and Environmental Testing Laboratory. Position and allocation detail is on file with the Bureau of the Budget.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$455,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$455,000</b>	<b>\$0</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	(\$455,000)	\$0
All Other	(\$12,172)	\$0

OTHER SPECIAL REVENUE (\$467,172) \$0  
 FUNDS TOTAL

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides one-time funding to respond to COVID-19.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$648,211
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$648,211</b>

**Maine Center for Disease Control and Prevention 0143**

Initiative: Provides funding for recruitment and retention efforts in accordance with established human resources processes for Public Health Nurse Supervisor positions, Public Health Nurse I positions, Public Health Nurse II positions, Public Health Nurse Consultant positions and Nursing Education Consultant positions within the Public Health Nursing Program established in the Maine Revised Statutes, Title 22, section 1961 to help ensure the State can fill these vital positions.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$351,789
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$351,789</b>

**Maternal and Child Health 0191**

Initiative: Provides funding for recruitment and retention efforts in accordance with established human resources processes for Public Health Nurse Supervisor positions, Public Health Nurse I positions, Public Health Nurse II positions, Public Health Nurse Consultant positions and Nursing Education Consultant positions within the Public Health Nursing Program established in the Maine Revised Statutes, Title 22, section 1961 to help ensure the State can fill these vital positions.

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$158,026
All Other	\$0	\$4,227
<b>FEDERAL BLOCK GRANT FUND TOTAL</b>	<b>\$0</b>	<b>\$162,253</b>

**Medicaid Services - Developmental Services Z210**

Initiative: Provides funding for individuals with intellectual disabilities to receive services pursuant to the MaineCare Benefits Manual, Chapter II, Section 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, promoting greater independence, employment and community engagement.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$516,000

OTHER SPECIAL REVENUE \$0 \$516,000  
 FUNDS TOTAL

**Medicaid Services - Developmental Services Z210**

Initiative: Provides funding to increase certain rates related to the MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder, and Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder. This funding is intended to be applied to the wages of direct care workers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$152,435

OTHER SPECIAL REVENUE \$0 \$152,435  
 FUNDS TOTAL

**Medicaid Waiver for Brain Injury Residential /Community Serv Z218**

Initiative: Adjusts funding to update rates for services provided under the MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and Community-Based Services for Adults with Brain Injury, and Section 20, Allowances for Home and Community Based Services for Adults with Other Related Conditions. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	(\$11,797)

GENERAL FUND TOTAL \$0 (\$11,797)

**Medicaid Waiver for Other Related Conditions Z217**

Initiative: Adjusts funding to update rates for services provided under the MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and Community-Based Services for Adults with Brain Injury, and Section 20, Allowances for Home and Community Based Services for Adults with Other Related Conditions. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$475,409

GENERAL FUND TOTAL \$0 \$475,409

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for individuals with intellectual disabilities to receive services pursuant to the MaineCare Benefits Manual, Chapter II, Section 29, Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, promoting greater independence, employment and community engagement.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$5,478,350
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$5,478,350</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for an increase in rates and change in payment method for multisystemic and functional family therapies and an increase in rates for trauma-focused cognitive behavioral therapy provided under the MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, based upon a recent rate study.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$334,109
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$334,109</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$586,808
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$586,808</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for an increase in rates for home and community-based behavioral therapy services provided under the MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, to reflect updated pay rate information.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$259,556
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$259,556</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$455,868
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$455,868</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for an increase in the physician rate for psychiatric medication management services provided under the MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, based upon a recent study.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$359,308
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$359,308</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$883,322

<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$883,322</b>
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**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to update pay rates to projected state median benchmarks for personal support services based upon a recent study. This funding is intended to be applied to the wages of direct care workers.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$6,969,111
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$6,969,111</b>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$13,857,245
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$13,857,245</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$920,732
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$920,732</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to increase certain rates related to the MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Benefits for Members with Intellectual Disabilities or Autism Spectrum Disorder, and Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder. This funding is intended to be applied to the wages of direct care workers.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$1,620,889
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$1,620,889</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts funding to update rates for services provided under the MaineCare Benefits Manual, Chapter III, Section 18, Allowances for Home and Community-Based Services for Adults with Brain Injury, and Section 20, Allowances for Home and Community Based Services for Adults with Other Related Conditions. This funding is intended to be applied to the wages of direct care workers.

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$979,711
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$979,711</b>

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$94,203
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$94,203

**Mental Health Services - Community Z198**

Initiative: Provides funding for an increase in the physician rate for psychiatric medication management services provided under the MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, based upon a recent study.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$279,000
GENERAL FUND TOTAL	\$0	\$279,000

**Mental Health Services - Community Medicaid Z201**

Initiative: Provides funding for an increase in the physician rate for psychiatric medication management services provided under the MaineCare Benefits Manual, Chapter III, Section 65, Behavioral Health Services, based upon a recent study.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$79,317
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$79,317

**Office for Family Independence - District 0453**

Initiative: Continues 45 limited-period Customer Representative Associate II - Human Services positions previously established by Financial Order 000106 F9 and continued by Financial Order 000381 F0 through June 19, 2021, funded 62.1% Other Special Revenue Funds and 37.9% General Fund within the same program. This initiative also continues one limited-period Family Independence Unit Supervisor position previously established by Financial Order 000680 F0 through June 19, 2021, funded 62.1% Other Special Revenue Funds and 37.9% General Fund within the same program, and provides funding for related All Other costs for all positions.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$1,156,452
All Other	\$0	\$110,774
GENERAL FUND TOTAL	\$0	\$1,267,226

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$1,894,950
All Other	\$0	\$217,301
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,112,251

**Office for Family Independence - District 0453**

Initiative: Continues 45 limited-period Customer Representative Associate II - Human Services positions and 2 limited-period Family Independence Unit Supervisor positions previously established by financial order through June 19, 2021, funded 62.1% Other Special Revenue Funds and 37.9% General Fund within the same program, and provides funding for related All Other costs to provide support at the eligibility determination call center.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$1,255,840
All Other	\$0	\$133,396
GENERAL FUND TOTAL	\$0	\$1,389,236

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$2,057,760
All Other	\$0	\$287,963

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,345,723
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**Office for Family Independence - District 0453**

Initiative: Transfers and reallocates the costs of 447 positions and adjusts funding for related All Other costs to align positions with additional federal revenue for staff costs associated with MaineCare. Position and allocation detail is on file with the Bureau of the Budget.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	(236.500)
Personal Services	\$0	(\$2,452,741)
All Other	\$0	(\$206,422)
GENERAL FUND TOTAL	\$0	(\$2,659,163)

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	236.500
Personal Services	\$0	\$2,452,741
All Other	\$0	\$277,555

OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$2,730,296
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**Office of Child and Family Services - District 0452**

Initiative: Establishes 16 Child Protective Services Caseworker positions, 2 Customer Representative Associate II - Human Services positions and 2 Child Protective Services Caseworker Supervisor positions, funded 79% General Fund and 21% Other Special Revenue Funds within the same program, and provides funding for related All Other costs to achieve target case load levels.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	20.000
Personal Services	\$0	\$1,467,508
All Other	\$0	\$100,393

GENERAL FUND TOTAL	\$0	\$1,567,901
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$390,066
All Other	\$0	\$37,835
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$427,901

**Special Children's Services 0204**

Initiative: Provides funding for recruitment and retention efforts in accordance with established human resources processes for Public Health Nurse Supervisor positions, Public Health Nurse I positions, Public Health Nurse II positions, Public Health Nurse Consultant positions and Nursing Education Consultant positions within the Public Health Nursing Program established in the Maine Revised Statutes, Title 22, section 1961 to help ensure the State can fill these vital positions.

<b>FEDERAL BLOCK GRANT FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Personal Services	\$0	\$49,393
All Other	\$0	\$1,321
FEDERAL BLOCK GRANT FUND TOTAL	\$0	\$50,714

<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>GENERAL FUND</b>	<b>\$508,750</b>	<b>\$19,922,392</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>\$0</b>	<b>\$23,862,193</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>(\$467,172)</b>	<b>\$9,378,858</b>
<b>FEDERAL BLOCK GRANT FUND</b>	<b>\$0</b>	<b>\$212,967</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$41,578</b>	<b>\$53,376,410</b>

**Sec. A-8. Appropriations and allocations.** The following appropriations and allocations are made.

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**

**Reserve for Indigent Legal Services Z258**

Initiative: Provides one-time additional funding for indigent legal services.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$2,036,206	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$2,036,206	\$0

**Sec. A-9. Appropriations and allocations.** The following appropriations and allocations are made.

**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding for the increase of one Project Manager Associate position from 40 hours bi-weekly to 80 hours biweekly.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.500	0.500
Personal Services	(\$15,099)	\$42,909
GENERAL FUND TOTAL	(\$15,099)	\$42,909

**Sec. A-10. Appropriations and allocations.** The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF**

**Labor Relations Board 0160**

Initiative: Provides funding for contracted court reporter services and reduces the hours of one vacant Office Specialist I position from 80 hours biweekly to 40 hours biweekly.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	(0.500)
Personal Services	(\$10,206)	(\$36,055)
All Other	\$10,206	\$36,055
GENERAL FUND TOTAL	\$0	\$0

**Sec. A-11. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC SAFETY, DEPARTMENT OF**

**State Police 0291**

Initiative: Provides one-time funding for a comparison microscope for the firearms unit of the crime laboratory.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$59,800	\$0
GENERAL FUND TOTAL	\$59,800	\$0

**State Police 0291**

Initiative: Provides one-time funding for the purchase of a gas chromatograph for the examination of fire debris.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
Capital Expenditures	\$48,100	\$0
GENERAL FUND TOTAL	\$48,100	\$0

**PUBLIC SAFETY, DEPARTMENT OF**

DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$107,900	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$107,900</u>	<u>\$0</u>

**Sec. A-12. Appropriations and allocations.** The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF  
Highway and Bridge Capital 0406**

Initiative: Provides funding to support highways and bridges statewide and to support transportation innovation initiatives that reduce greenhouse gas emissions impacting our climate. These funds do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

GENERAL FUND	2019-20	2020-21
Capital Expenditures	\$8,000,000	\$0
GENERAL FUND TOTAL	<u>\$8,000,000</u>	<u>\$0</u>

**Multimodal Transportation Fund Z017**

Initiative: Provides funding to support highways and bridges statewide and to support transportation innovation initiatives that reduce greenhouse gas emissions impacting our climate. These funds do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

GENERAL FUND	2019-20	2020-21
All Other	\$500,000	\$0
Capital Expenditures	\$1,500,000	\$0
GENERAL FUND TOTAL	<u>\$2,000,000</u>	<u>\$0</u>

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2019-20	2020-21
GENERAL FUND	\$10,000,000	\$0
DEPARTMENT TOTAL - ALL FUNDS	<u>\$10,000,000</u>	<u>\$0</u>

**Sec. A-13. Appropriations and allocations.** The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF  
Debt Service - Treasury 0021**

Initiative: Reduces funding for the Debt Service - Treasury program based upon the current debt service schedule and the decrease of anticipated issuance for fiscal year 2019-20 from \$200 million to \$150 million.

GENERAL FUND	2019-20	2020-21
All Other	(\$10,000,000)	(\$3,607,185)
GENERAL FUND TOTAL	<u>(\$10,000,000)</u>	<u>(\$3,607,185)</u>

**PART B**

This Part left blank intentionally.

**PART C**

**Sec. C-1. 20-A MRSA §15671, sub-§7, ¶B,** as amended by PL 2019, c. 343, Pt. C, §1, is further amended to read:

B. The annual targets for the state share percentage of the statewide adjusted total cost of the components of essential programs and services are as follows.

- (1) For fiscal year 2005-06, the target is 52.6%.
- (2) For fiscal year 2006-07, the target is 53.86%.
- (3) For fiscal year 2007-08, the target is 53.51%.
- (4) For fiscal year 2008-09, the target is 52.52%.
- (5) For fiscal year 2009-10, the target is 48.93%.
- (6) For fiscal year 2010-11, the target is 45.84%.
- (7) For fiscal year 2011-12, the target is 46.02%.
- (8) For fiscal year 2012-13, the target is 45.87%.
- (9) For fiscal year 2013-14, the target is 47.29%.
- (10) For fiscal year 2014-15, the target is 46.80%.
- (11) For fiscal year 2015-16, the target is 47.54%.
- (12) For fiscal year 2016-17, the target is 48.14%.
- (13) For fiscal year 2017-18, the target is 49.14%.
- (14) For fiscal year 2018-19, the target is ~~49.58%~~ 49.77%.
- (15) For fiscal year 2019-20, the target is 50.78%.
- (16) For fiscal year 2020-21, the target is 51.78%.

**Sec. C-2. 20-A MRSA §15671, sub-§7, ¶C,** as amended by PL 2019, c. 343, Pt. C, §2, is further amended to read:

C. Beginning in fiscal year 2011-12, the annual targets for the state share percentage of the total cost of funding public education from kindergarten



to grade 12 including the cost of the components of essential programs and services plus the state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teachers' health insurance and retired teachers' life insurance are as follows.

- (1) For fiscal year 2011-12, the target is 49.47%.
- (2) For fiscal year 2012-13, the target is 49.35%.
- (3) For fiscal year 2013-14, the target is 50.44%.
- (4) For fiscal year 2014-15, the target is 50.13%.
- (5) For fiscal year 2015-16, the target is 50.08%.
- (6) For fiscal year 2016-17, the target is 50.82%.
- (7) For fiscal year 2017-18, the target is 52.02%.
- (8) For fiscal year 2018-19, the target is 53.37%.
- (9) For fiscal year 2019-20, and subsequent fiscal years, the target is 55%.

**Sec. C-3. 20-A MRSA §15671-A, sub-§2, ¶B**, as amended by PL 2019, c. 343, Pt. C, §3, is further amended to read:

B. The commissioner shall calculate the full-value education mill rate that is required to raise the statewide total local share. The full-value education mill rate is calculated for each fiscal year by dividing the applicable statewide total local share by the applicable statewide valuation. The full-value education mill rate must be applied according to section 15688, subsection 3-A, paragraph A to determine a municipality's local cost share expectation.

- (1) For the 2005 property tax year, the full-value education mill rate is the amount necessary to result in a 47.4% statewide total local share in fiscal year 2005-06.
- (2) For the 2006 property tax year, the full-value education mill rate is the amount necessary to result in a 46.14% statewide total local share in fiscal year 2006-07.
- (3) For the 2007 property tax year, the full-value education mill rate is the amount necessary to result in a 46.49% statewide total local share in fiscal year 2007-08.

(4) For the 2008 property tax year, the full-value education mill rate is the amount necessary to result in a 47.48% statewide total local share in fiscal year 2008-09.

(4-A) For the 2009 property tax year, the full-value education mill rate is the amount necessary to result in a 51.07% statewide total local share in fiscal year 2009-10.

(4-B) For the 2010 property tax year, the full-value education mill rate is the amount necessary to result in a 54.16% statewide total local share in fiscal year 2010-11.

(4-C) For the 2011 property tax year, the full-value education mill rate is the amount necessary to result in a 53.98% statewide total local share in fiscal year 2011-12.

(5) For the 2012 property tax year, the full-value education mill rate is the amount necessary to result in a 54.13% statewide total local share in fiscal year 2012-13.

(6) For the 2013 property tax year, the full-value education mill rate is the amount necessary to result in a 52.71% statewide total local share in fiscal year 2013-14.

(7) For the 2014 property tax year, the full-value education mill rate is the amount necessary to result in a 53.20% statewide total local share in fiscal year 2014-15.

(8) For the 2015 property tax year, the full-value education mill rate is the amount necessary to result in a 52.46% statewide total local share in fiscal year 2015-16.

(9) For the 2016 property tax year, the full-value education mill rate is the amount necessary to result in a 51.86% statewide total local share in fiscal year 2016-17.

(10) For the 2017 property tax year, the full-value education mill rate is the amount necessary to result in a 50.86% statewide total local share in fiscal year 2017-18.

(11) For the 2018 property tax year, the full-value education mill rate is the amount necessary to result in a ~~50.42%~~ 50.23% statewide total local share in fiscal year 2018-19.

(12) For the 2019 property tax year, the full-value education mill rate is the amount necessary to result in a 49.22% statewide total local share in fiscal year 2019-20.

(13) For the 2020 property tax year ~~and subsequent tax years~~, the full-value education mill rate is the amount necessary to result in a ~~45%~~ 48.22% statewide total local share in fiscal year 2020-21 ~~and after~~.

(14) For the 2021 property tax year and subsequent tax years, the full-value education mill rate is the amount necessary to result in a 45% statewide total local share in fiscal year 2021-22 and after.

**Sec. C-4. 20-A MRSA §15683-C, sub-§1,** as amended by PL 2019, c. 219, §7, is further amended to read:

**1. Calculation of education service center per-pupil rate.** ~~The Beginning in fiscal year 2020-21, the commissioner shall calculate set a per-pupil amount rate for education service center administration of \$94 per pupil. The per-pupil amount for education service center administration is based on the actual General Fund expenditures for school administrative units with 2,500 students or more for the functions of school boards, elections and central offices, as defined in the State's accounting handbook for local school systems for the most recent year available, excluding expenditures for administrative technology related software and less miscellaneous revenues from other local governments, divided by the average of October and April enrollment counts for that fiscal year and set in fiscal year 2020-21 may be annually adjusted by appropriate trends in the Consumer Price Index or other comparable index.~~

**Sec. C-5. 20-A MRSA §15688-A, sub-§1,** as amended by PL 2019, c. 343, Pt. AAAAA, §1, is further amended to read:

**1. Career and technical education program components.** Beginning in fiscal year 2018-19, the allocation for career and technical education centers and career and technical education regions is based upon a model that recognizes program components that have been approved by the department pursuant to chapter 313 for:

A. Direct instruction. The direct instruction component includes personnel costs for teachers, education technicians for programs and clinical supervisors for health care programs. The allocation for direct instruction is the sum of the costs as determined based on the following components, which the commissioner shall determine annually:

- (1) A teacher salary matrix. In determining the teacher salary matrix for each program, the commissioner shall give consideration to the most recent available data regarding years of education experience and years of professional work experience relevant to instructional assignment;
- (2) Student-to-teacher ratios for each program;
- (3) The number of education technicians required for purposes of instructional support,

based on student enrollment and program requirements. The commissioner shall calculate the education technician allocation by multiplying the number of education technicians required by the statewide average salary for full-time education technicians, based on the most recent available salary data, but shall ensure that each career and technical education center or career and technical education region is allocated at least one full-time education technician; and

(4) The clinical supervision staffing level necessary for each program requiring such staffing, based on student enrollment as determined pursuant to paragraph G;

B. Central administration. The central administration component includes personnel costs for directors, assistant directors and clerical staff working in career and technical education centers and career and technical education regions, as well as business managers working in career and technical education regions. The central administration allocation is the sum of:

(1) Costs for personnel for each career and technical education center and career and technical education region, as follows:

- (a) A director, the allocation for which must be for one full-time equivalent;
- (b) An assistant director, the allocation for which must be based on student enrollment as determined pursuant to paragraph G but may not exceed one full-time equivalent;
- (c) Clerical staff, the allocation for which must be for at least one full-time equivalent, with additional clerical staff allocations based on student enrollment as determined pursuant to paragraph G;
- (d) A career and technical education region business manager, the allocation for which must be for one full-time equivalent; and
- (e) Benefit costs for employees in central administration, which must be calculated pursuant to section 15678, subsection 5, paragraph B; and

(2) Nonpersonnel costs, which the commissioner shall calculate annually based upon the relationship of the most recent available career and technical education expenditures for non-personnel costs to personnel costs;

C. Supplies and other expenditures such as purchased services, dues and fees for instructional programs. The allocation for supplies and other expenditures is the sum of:

- (1) A per-program allocation for supplies, as determined by the commissioner based on the most recent available career and technical education expenditures amount, adjusted to the year prior to the allocation year; and
- (2) A per-pupil allocation for each student in each career and technical education center and each career and technical education region, determined by the commissioner based on:
  - (a) The most recent available career and technical education expenditures amount, adjusted for inflation to the year prior to the allocation year; and
  - (b) Student enrollment, as determined pursuant to paragraph G;

D. Plant operation and maintenance, including all costs for operating and maintaining buildings and grounds. The commissioner shall determine the allocation for plant operation and maintenance costs for each career and technical education center and each career and technical education region by multiplying the square footage of the career and technical education center or career and technical education region building by an amount per square foot, as determined by the commissioner;

E. Other student and staff support, which includes costs for student services coordination, career preparation, instructional technology, professional development, student assessment and program safety. The other student and staff support allocation is the sum of the costs for:

- (1) A counselor, the allocation for which must be for one full-time equivalent, to collaborate with sending school guidance counselors in order to maximize student participation at the middle school and high school grade levels;
- (2) Career and technical education center or career and technical education region student services coordinators, the allocation for which must be based on student enrollment, as determined pursuant to paragraph G, but no less than one full-time equivalent;
- (3) Benefit costs for employees under this paragraph, calculated pursuant to section 15678, subsection 5, paragraph B; and
- (4) Instructional technology, staff professional development, student assessment and program safety. The commissioner shall calculate a per-pupil allocation for this allocation based upon student enrollment, as determined

pursuant to paragraph G, and the relationship of the most recent available career and technical education expenditures for these costs to total costs, adjusted to the year prior to the allocation year;

F. Equipment provided pursuant to subsection 6; and

G. Student enrollment, which is determined as follows.

- (1) For each program or plan approved pursuant to chapter 313 that has 3 years of attending student counts on October 1st, student enrollment is a 3-year average of the attending student counts on October 1st for that program or plan.
- (2) For each program or plan approved pursuant to chapter 313 that is not governed by subparagraph (1), including a new program or plan approved pursuant to chapter 313, student enrollment must be based on the estimated attending student count submitted in accordance with the application for the program or plan approval. This estimated attending student count must be used until the program or plan has 3 consecutive years of actual attending student counts on October 1st.

In fiscal year 2019-20, the total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, the career and technical education center or career and technical education region may not receive less than the adjusted expenditure, and if the sum of the components in paragraphs A to E is more than 5% greater than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, then the career and technical education center or career and technical education region may not receive more than the adjusted expenditures plus 5%.

In fiscal year 2020-21, fiscal year 2021-22 and fiscal year 2022-23, the total allocation for a career and technical education center or career and technical education region is the sum of the components in paragraphs A to E, except if the sum of the components in paragraphs A to E is less than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, ~~or more than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year~~, the total allocation must be determined pursuant to subsection 1-A. If the sum of the components in paragraphs A to E is more than 15% greater than the most recent expenditure data, as adjusted for inflation to the year prior to the allocation year, the career and technical

education center or career and technical education region may not receive more than the adjusted expenditures plus 15%.

Beginning in fiscal year 2023-24, the total allocation for a career and technical education center or career and technical education region is the sum of components in paragraphs A to E.

The commissioner shall authorize monthly payment of allocations to career and technical education centers and career and technical education regions in an amount equal to 1/12 of the total allocation. Payments for satellite programs as approved pursuant to chapter 313 must be made within this schedule to the responsible career and technical education center or career and technical education region; it is the responsibility of the career and technical education center or career and technical education region to provide the state support for the approved satellite program to the school administrative unit that operates the approved satellite program.

If a school administrative unit operating a career and technical education center or career and technical education region has any unexpended funds at the end of the fiscal year, these funds must be carried forward for the purposes of career and technical education.

**Sec. C-6. 20-A MRSA §15689, sub-§7-A, ¶B,** as enacted by PL 2019, c. 343, Pt. UU, §3, is amended to read:

B. The commissioner shall allocate the funds appropriated by the Legislature in accordance with the following.

(1) The amount of increased funds provided to qualifying school administrative units under this subsection must be the amount necessary to fund the incremental salary increases specified in this subsection.

(2) The number of teachers eligible for incremental salary increases in a qualifying school administrative unit for a fiscal year must be based on the information supplied to the department pursuant to section 13407 in that fiscal year.

(3) The increased funds provided under this subsection must be issued to qualifying school administrative units as an adjustment to the state school subsidy for distribution to the teachers. Qualifying school administrative units shall use the payments provided under this subsection to provide salary adjustments to those teachers eligible for incremental salary increases. The department shall collect the necessary data to allow the funds to be included in a qualifying school administrative unit's monthly subsidy payments beginning no later than February 1st of each fiscal year.

(4) Funding for incremental salary increases in fiscal year 2020-21 must be based on data submitted to the department and certified by school administrative units as of October 1, 2019.

**Sec. C-7. 20-A MRSA §15689-A, sub-§6,** as enacted by PL 2005, c. 2, Pt. D, §61 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

**Sec. C-8. 20-A MRSA §15689-A, sub-§28** is enacted to read:

**28. Rural schools.** The commissioner may pay costs to provide musical instruments and professional development in rural schools.

**Sec. C-9. 20-A MRSA §15905, sub-§1, ¶A,** as amended by PL 2017, c. 284, Pt. C, §56, is further amended to read:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15672, subsection 2-A, paragraph A and pursuant to Resolve 2007, chapter 223, section 4, to exceed the maximum limits specified in Table 1 and Table 2 in subsequent fiscal years.

Fiscal year	Table 1	
	Major Capital	Integrated, Consolidated Secondary and Postsecondary Project
	Maximum Debt Service Limit	Maximum Debt Service Limit
1990	\$ 48,000,000	
1991	\$ 57,000,000	
1992	\$ 65,000,000	
1993	\$ 67,000,000	
1994	\$ 67,000,000	
1995	\$ 67,000,000	
1996	\$ 67,000,000	
1997	\$ 67,000,000	
1998	\$ 67,000,000	
1999	\$ 69,000,000	
2000	\$ 72,000,000	
2001	\$ 74,000,000	
2002	\$ 74,000,000	
2003	\$ 80,000,000	
2004	\$ 80,000,000	
2005	\$ 84,000,000	
2006	\$ 90,000,000	
2007	\$ 96,000,000	
2008	\$100,000,000	
2009	\$104,000,000	
2010	\$108,000,000	
2011	\$126,000,000	
2012	\$116,000,000	
2013	\$116,000,000	
2014	\$126,000,000	\$10,000,000
2015	\$126,000,000	\$10,000,000
2016	\$126,000,000	\$10,000,000
2017	\$126,000,000	\$10,000,000
2018	\$126,000,000	\$10,000,000
2019	\$126,000,000	\$10,000,000

2020	\$126,000,000	\$20,000,000
2021	\$126,000,000	\$20,000,000
2022	\$126,000,000	\$20,000,000
2023	\$126,000,000	\$20,000,000

Table 2

<u>Fiscal year</u>	<u>Maximum Debt Service Limit</u>
<u>2024</u>	<u>\$150,000,000</u>
<u>2025</u>	<u>\$150,000,000</u>
<u>2026</u>	<u>\$150,000,000</u>
<u>2027</u>	<u>\$150,000,000</u>

**Sec. C-10. 20-A MRSA §15905, sub-§1, ¶A-1**, as amended by PL 2011, c. 1, Pt. E, §1, is further amended to read:

A-1. Beginning with the second regular session of the Legislature in fiscal year 1990 and every other year thereafter, on or before March 1st, the commissioner shall recommend to the Legislature and the Legislature shall establish maximum debt service limits for the next 2 biennia for which debt service limits have not been set for ~~major~~ major capital projects, including major projects and integrated, consolidated secondary and postsecondary projects.

**Sec. C-11. Mill expectation.** The mill expectation pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A for fiscal year 2020-21 is 8.18.

**Sec. C-12. Total cost of funding public education from kindergarten to grade 12.** The total cost of funding public education from kindergarten to grade 12 for fiscal year 2020-21 is as follows:

	<b>2020-21 TOTAL</b>
<b>Total Operating Allocation</b>	
Total operating allocation pursuant to the Maine Revised Statutes, Title 20-A, section 15683	\$1,507,865,971
Total adjustments to state subsidy pursuant to Title 20-A, section 15689 included in subsidizable costs and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$554,973,541
<b>Total Operating Allocation and Subsidizable Costs</b>	
Total operating allocation pursuant to Title 20-A, section 15683 and total other subsidizable costs pursuant to Title 20-A, section 15681-A	\$2,062,839,512
<b>Total Debt Service Allocation</b>	
Total debt service allocation pursuant to Title 20-A, section 15683-A	\$103,428,195

**Total Adjustments and Targeted Education Funds**

Adjustments pursuant to Title 20-A, section 15689	
Audit adjustments pursuant to Title 20-A, section 15689, subsection 4	\$250,000
Educating students in long-term drug treatment center adjustments pursuant to Title 20-A, section 15689, subsection 5	\$460,355
Minimum teacher salary adjustment pursuant to Title 20-A, section 15689, subsection 7-A	\$2,100,000
Regionalization, consolidation and efficiency assistance adjustments pursuant to Title 20-A, section 15689, subsection 9	\$6,161,789
MaineCare seed payments adjustments pursuant to Title 20-A, section 15689, subsection 14	\$1,334,776
Special education budgetary hardship adjustment pursuant to Title 20-A, section 15689, subsection 15	\$1,000,000
Total adjustments to the state share of the total allocation pursuant to Title 20-A, section 15689	\$11,306,920
Targeted education funds pursuant to Title 20-A, section 15689-A	
Special education costs for state agency clients and state wards pursuant to Title 20-A, section 15689-A, subsection 1	\$33,737,998
Essential programs and services components contract pursuant to Title 20-A, section 15689-A, subsection 3	\$300,000
Data management and support services for essential programs and services pursuant to Title 20-A, section 15689-A, subsection 10	\$7,974,245
Postsecondary course payments pursuant to Title 20-A, section 15689-A, subsection 11	\$4,000,000
National board certification salary supplement pursuant to Title 20-A, section 15689-A, subsection 12	\$307,551
Learning through technology program pursuant to Title 20-A, section 15689-A, subsection 12-A	\$16,114,960
Jobs for Maine's Graduates including college pursuant to Title 20-A, section 15689-A, subsection 13	\$3,545,379

Maine School of Science and Mathematics pursuant to Title 20-A, section 15689-A, subsection 14	\$3,615,347	Regional school leadership academy pursuant to Title 20-A, section 15688-A, subsection 9	\$0
Maine Educational Center for the Deaf and Hard of Hearing pursuant to Title 20-A, section 15689-A, subsection 15	\$8,913,765	Total enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D	\$60,374,775
Transportation administration pursuant to Title 20-A, section 15689-A, subsection 16	\$410,111	<b>Total Cost of Funding Public Education from Kindergarten to Grade 12</b>	
Special education for juvenile offenders pursuant to Title 20-A, section 15689-A, subsection 17	\$407,036	Total cost of funding public education from kindergarten to grade 12 for fiscal year 2020-21 pursuant to Title 20-A, chapter 606-B, not including normal retirement costs	\$2,318,658,110
Comprehensive early college programs funding (bridge year program) pursuant to Title 20-A, section 15689-A, subsection 23	\$1,000,000	Total normal cost of teacher retirement	\$50,697,332
Community schools pursuant to Title 20-A, section 15689-A, subsection 25	\$200,000	Total cost of funding public education from kindergarten to grade 12 for fiscal year 2020-21 pursuant to Title 20-A, chapter 606-B, including normal retirement costs	\$2,369,355,442
Maine School for Marine Science, Technology, Transportation and Engineering pursuant to Title 20-A, section 15689-A, subsection 26	\$132,316	Total cost of state contribution to unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2020-21 pursuant to Title 5, chapters 421 and 423, excluding the normal cost of teacher retirement	\$228,931,183
Musical instruments and professional development in rural schools pursuant to Title 20-A, section 15689-A, subsection 28	\$50,000		
Total targeted education funds pursuant to Title 20-A, section 15689-A	\$80,708,708	Total cost of funding public education from kindergarten to grade 12, plus state contributions to the unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, retired teacher health insurance and retired teacher life insurance for fiscal year 2020-21 pursuant to Title 5, chapters 421 and 423	\$2,598,286,625
Enhancing student performance and opportunity pursuant to Title 20-A, section 15688-A and section 15672, subsection 1-D			
Career and technical education costs pursuant to Title 20-A, section 15688-A, subsection 1	\$57,424,775		
Career and technical education middle school costs pursuant to Title 20-A, section 15672, subsection 1-D	\$500,000		
College transitions programs through adult education college readiness programs pursuant to Title 20-A, section 15688-A, subsection 2	\$450,000		
New or expanded public preschool programs pursuant to Title 20-A, section 15688-A, subsection 4	\$0		
National industry standards for career and technical education pursuant to Title 20-A, section 15688-A, subsection 6	\$2,000,000		

**Sec. C-13. Local and state contributions to total cost of funding public education from kindergarten to grade 12.** The local contribution and the state contribution appropriation provided for general purpose aid for local schools for the fiscal year beginning July 1, 2020 and ending June 30, 2021 is calculated as follows:

	2020-21 LOCAL	2020-21 STATE
<b>Local and State Contributions to the Total Cost of Funding Public Education from Kindergarten to Grade 12</b>		

Local and state contributions to the total cost of funding public education from kindergarten to grade 12 pursuant to the Maine Revised Statutes, Title 20-A, section 15683, subject to statewide distributions required by law

\$1,142,503,195    \$1,226,852,247

State contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2020-21 pursuant to Title 5, chapters 421 and 423 excluding the normal cost of teacher retirement

\$228,931,183

State contribution to the total cost of funding public education from kindergarten to grade 12 plus state contribution to the total cost of unfunded actuarial liabilities of the Maine Public Employees Retirement System that are attributable to teachers, teacher retirement health insurance and teacher retirement life insurance for fiscal year 2020-21 pursuant to Title 5, chapters 421 and 423

\$1,455,783,430

**Sec. C-14. Authorization of payments.** If the State's continued obligation for any individual component contained in those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose exceeds the level of funding provided for that component, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual component. Any unexpended balances from this Part may not lapse but must be carried forward for the same purpose.

**Sec. C-15. Limit of State's obligation.** Those sections of this Part that set the total cost of funding public education from kindergarten to grade 12 and the local and state contributions for that purpose may not be construed to require the State to provide payments that exceed the appropriation of funds for general purpose aid for local schools for the fiscal year beginning July 1, 2020 and ending June 30, 2021.

**PART D**

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**PART E**

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**PART F**

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**PART G**

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**PART H**

**Sec. H-1. Transfer from Liquor Operation Revenue Fund.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 6054, subsection 4, or any other provision of law to the contrary, the Maine Municipal Bond Bank shall transfer \$20,000,000 during fiscal year 2019-20 from the Liquor Operation Revenue Fund, established in Title 30-A, section 6054, subsection 1, to the unappropriated surplus of the General Fund.

**PART I**

This Part left blank intentionally.

**PART J**

**Sec. J-1. Transfer from General Fund unappropriated surplus; Maine Budget Stabilization Fund.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$17,431,338 during fiscal year 2019-20 from the General Fund unappropriated surplus to the Maine Budget Stabilization Fund established in the Maine Revised Statutes, Title 5, section 1532.

**PART K**

**Sec. K-1. 12 MRSA §8908, sub-§2,** as enacted by PL 2005, c. 28, §1 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §23, is further amended to read:

**2. Use of fund.** The bureau may use the fund to pay operating expenses and to purchase aerial fire suppression resources, including helicopters, airplanes and spare parts, in accordance with the bureau's plan to diversify and modernize its aerial fire suppression fleet.

**PART L**

This Part left blank intentionally.

**PART M**

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**PART N**

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**PART O**

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**PART P**

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**PART Q**

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**PART R**

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**PART S**

**Sec. S-1. 5 MRSA §1986** is enacted to read:

**§1986. Criminal history record information for employees and contractors**

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

A. "Federal Bureau of Investigation" means the United States Department of Justice, Federal Bureau of Investigation.

B. "State Police" means the Department of Public Safety, Bureau of State Police.

**2. Background investigation requirements.** The office shall perform fingerprint-based criminal history record checks for any person employed by the office, who may be offered employment by the office or who is employed by or may be offered employment by a contractor or subcontractor for the office to satisfy federal statutory and regulatory background investigation requirements, including but not limited to those established by the United States Internal Revenue Service's tax information security guidelines for federal, state and local agencies, and the Federal Bureau of Investigation, Criminal Justice Information Services Division's information security requirements for criminal history record information used for noncriminal justice purposes.

The criminal history record checks must include fingerprinting and obtaining national criminal history record information from the Federal Bureau of Investigation.

**3. Fingerprint-based criminal history obtained.** A person employed by the office or a person who is employed by a contractor or subcontractor for the office shall consent to having and have the person's fingerprints taken. A person who may be offered employment by the office or by a contractor or subcontractor for the office shall consent to having and have the person's fingerprints taken prior to being employed by the office or by a contractor or subcontractor for the office. The State Police shall take or cause to be taken the fingerprints of a person who has consented under this subsection and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the bureau may conduct a state and national criminal history record check on the person. The bureau shall forward the results obtained to the office. The fee

charged to the office by the State Police must be consistent with the fee charged to executive branch agencies receiving similar services. Except for the portion of the payment that constitutes the processing fee charged by the Federal Bureau of Investigation, all money received by the State Police under this subsection must be paid to the Treasurer of State, who shall apply the money to the expenses of administration of this section by the Department of Public Safety.

**4. Updates to information.** The fingerprint-based criminal history record check under subsection 3 must be conducted at least once every 5 years as the office determines appropriate or as required under federal regulations. The office may request continuous notifications of updated criminal history record information if a service providing notifications of updated criminal history record information becomes available.

**5. Confidentiality.** Information obtained pursuant to this section is confidential and may not be disseminated for purposes other than as provided in subsections 6 and 7.

**6. Use of information obtained.** Criminal history record information obtained pursuant to this section may be used by the office for employment purposes only. The information may be used only for making decisions regarding the suitability of a person described in this section for new or continued employment with the office. The subject of any criminal history record check under this section may contest any negative decision made by the office based upon the information received pursuant to the criminal history record check.

**7. Person's access to information obtained.** A person subject to the criminal history record check pursuant to subsection 3 must be notified each time a criminal history record check is performed on the person. A person subject to the criminal history record check under subsection 3 may inspect and review the criminal history record information pursuant to Title 16, section 709 and obtain federal information obtained pursuant to the criminal history record check by following the procedures outlined in 28 Code of Federal Regulations, Sections 16.32 and 16.33.

**8. Right of subject to remove fingerprints from record.** Upon request from a person subject to a criminal history record check pursuant to subsection 3, the Department of Public Safety shall remove the person's fingerprints from the Department of Public Safety's records and provide written confirmation of the removal to the person.

**9. Refusal to consent.** The office may not employ or permit the employment by a contractor or subcontractor of a person who has refused to consent to the background investigation requirements under this section in a position for which such background investigations are required under subsection 2.



**Sec. S-2. 25 MRSA §1542-A, sub-§1, ¶U** is enacted to read:

U. Who is required to have a criminal history record check under Title 5, section 1986.

**Sec. S-3. 25 MRSA §1542-A, sub-§3, ¶T** is enacted to read:

T. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph U, at the request of that person or the Department of Administrative and Financial Services, Office of Information Technology, and upon payment of the fees as provided under Title 5, section 1986.

**PART T**

This Part left blank intentionally.

**PART U**

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**PART V**

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**PART W**

**Sec. W-1. PL 2019, c. 343, Pt. HHH, §2** is amended to read:

**Sec. HHH-2. Transfer of Personal Services balances to All Other; state psychiatric centers.** Notwithstanding any provision of law to the contrary, for fiscal years 2019-20 and 2020-21 only, the Department of Health and Human Services is authorized to transfer available balances of Personal Services appropriations and allocations in the Disproportionate Share - Dorothea Dix Psychiatric Center program, the Disproportionate Share - Riverview Psychiatric Center program ~~and~~, the Riverview Psychiatric Center program and the Dorothea Dix Psychiatric Center program after all salary, benefit and other obligations are met to the All Other line category of those programs. These amounts may be transferred by financial order upon the recommendation of the State Budget Officer and approval of the Governor. These transfers are not considered adjustments to appropriations.

**PART X**

**Sec. X-1. 36 MRSA §111, sub-§1-A**, as amended by PL 2019, c. 233, §1, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~2018~~ 2019.

**Sec. X-2. 36 MRSA §5124-C, sub-§1**, as enacted by PL 2017, c. 474, Pt. B, §2, is amended to read:

**1. Amount; before January 1, 2020.** For tax years beginning on or after January 1, 2018 and before January 1, 2020, the standard deduction of a resident

individual is equal to the standard deduction as determined in accordance with the Code, Section 63, subject to the phase-out under subsection 2.

**Sec. X-3. 36 MRSA §5124-C, sub-§1-A** is enacted to read:

**1-A. Amount; on or after January 1, 2020.** For tax years beginning on or after January 1, 2020, the standard deduction of a resident individual is equal to the federal standard deduction, subject to the phase-out under subsection 2.

**Sec. X-4. Application.** That section of this Part that amends the Maine Revised Statutes, Title 36, section 111, subsection 1-A applies to tax years beginning on or after January 1, 2019 and to any prior tax years as specifically provided by the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, 2019.

**PART Y**

**Sec. Y-1. 36 MRSA §2892, last ¶**, as enacted by PL 2019, c. 343, Pt. EEE, §1, is amended to read:

For state fiscal years beginning on or after July 1, 2019 ~~but before July 1, 2021~~, the hospital's taxable year is the hospital's fiscal year that ended during calendar year 2016.

**PART Z**

This Part left blank intentionally.

**PART AA**

This Part left blank intentionally.

**PART BB**

**Sec. BB-1. Increase to medication passes.** The Department of Health and Human Services shall amend 10-149 C.M.R. Chapter 5, Section 63, In-home and Community Support Services for Elderly and Other Adults, for residents who reside in one of the assisted living facilities that have contracts with the department to increase the number of reimbursable medication passes from 3 reimbursable medication passes per consumer per day to 6 reimbursable medication passes per consumer per day. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

**PART CC**

**Sec. CC-1. Transfer from General Fund; additional funds for indigent legal services.** No later than June 30, 2020, the State Controller shall transfer \$2,036,206 from the unappropriated surplus of the General Fund to the Maine Commission on Indigent Legal Services, Reserve for Indigent Legal Services program, Other Special Revenue Funds. Funds transferred pursuant to this section are in addition to funds transferred pursuant to Public Law 2019, chapter 343, Part PPPP, section 1.

**PART DD**

**Sec. DD-1. Transfer; Inland Fisheries and Wildlife carrying account.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$300,000 by June 30, 2020 from the Inland Fisheries and Wildlife Carrying Balances - General Fund account within the Department of Inland Fisheries and Wildlife to the Enforcement Operations - Inland Fisheries and Wildlife program, General Fund account within the Department of Inland Fisheries and Wildlife. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

**PART EE**

**Sec. EE-1. 26 MRSA §1221, sub-§4-A, ¶A,** as amended by PL 2007, c. 352, Pt. A, §2, is further amended to read:

A. The standard rate of contributions is 5.4%. A contributing employer's rate may not be varied from the standard rate unless the employer's experience rating record has been chargeable with benefits throughout the period of 24 consecutive calendar months ending on the computation date applicable to such a year. A contributing employer newly subject to this chapter shall pay contributions at a rate equal to the greater of the predetermined yield or 1.0% until the employer's experience rating record has been chargeable with benefits throughout the period of 24 consecutive calendar months ending on the computation date applicable to such a year. For rate years thereafter, the employer's contribution rate is determined in accordance with this subsection and subsection 3.

Effective January 1, 2008, the contribution rate must be reduced by the Competitive Skills Scholarship Fund predetermined yield as defined in section 1166, subsection 1, paragraph C, except that a contribution rate under this paragraph may not be reduced below 1%.

Effective January 1, 2021, the contribution rate must also be reduced by the Unemployment Program Administrative Fund predetermined yield as defined in section 1167, subsection 1, paragraph C, except that a contribution rate under this paragraph may not be reduced below 1%.

**Sec. EE-2. 26 MRSA §1221, sub-§4-A, ¶B,** as amended by PL 2017, c. 284, Pt. CCCC, §5, is further amended to read:

B. Subject to paragraph A, an employer's contribution rate for the 12-month period commencing January 1st of each year is based upon the employer's experience rating record and determined from the employer's reserve ratio. The employer's reserve ratio is the percent obtained by dividing the

amount, if any, by which the employer's contributions, credited from the time the employer first or most recently became an employer, whichever date is later, up to and including June 30th of the preceding year, including any part of the employer's contributions due for that year paid on or before July 31st of that year, exceed the employer's benefits charged during the same period, by the employer's average annual payroll for the period of 36 consecutive months ending June 30th of the preceding year. The employer's contribution rate is determined under subparagraphs (1) to (8).

(1) The commissioner shall prepare a schedule listing all employers for whom a reserve ratio has been computed pursuant to this paragraph, in the order of their reserve ratios, beginning with the highest ratio. For each employer, the schedule must show:

- (a) The amount of the employer's reserve ratio;
- (b) The amount of the employer's annual taxable payroll; and
- (c) A cumulative total consisting of the amount of the employer's annual taxable payroll plus the amount of the annual taxable payrolls of all other employers preceding the employer on the list.

(2) The commissioner shall segregate employers into contribution categories in accordance with the cumulative totals under subparagraph (1), division (c). The contribution category is determined by the cumulative payroll percentage limits in column B. Each contribution category is identified by the contribution category number in column A that is opposite the figures in column B, which represent the percentage limits of each contribution category. If an employer's taxable payroll falls in more than one contribution category, the employer must be assigned to the lower-numbered contribution category, except that an employer may not be assigned to a higher contribution category than is assigned any other employer with the same reserve ratio.

A	B		C	D	E
Contribution Category	% of Taxable Payrolls From To		Experience Factors	Phase-in Experience Factors 2002 and 2003	Phase-in Experience Factors 2000 and 2001
1	00.00	05.00	.30	.38750	.4750
2	05.01	10.00	.35	.43125	.5125
3	10.01	15.00	.40	.47500	.5500
4	15.01	20.00	.45	.51875	.5875
5	20.01	25.00	.50	.56250	.6250
6	25.01	30.00	.55	.60625	.6625
7	30.01	35.00	.60	.65000	.7000
8	35.01	40.00	.65	.69375	.7375
9	40.01	45.00	.70	.73750	.7750
10	45.01	50.00	.75	.78125	.8125

11	50.01	55.00	.80	.82500	.8500
12	55.01	60.00	.90	.91250	.9250
13	60.01	65.00	1.00	1.00000	1.0000
14	65.01	70.00	1.10	1.08750	1.0750
15	70.01	75.00	1.25	1.21875	1.1875
16	75.01	80.00	1.40	1.35000	1.3000
17	80.01	85.00	1.60	1.52500	1.4500
18	85.01	90.00	1.90	1.78750	1.6750
19	90.01	95.00	2.20	2.05000	1.9000
20	95.01	100.00	2.60	2.40000	2.2000

(3-A) Beginning January 1, 2008, the commissioner shall compute a reserve multiple to determine the schedule and planned yield in effect for a rate year. The reserve multiple is determined by dividing the fund reserve ratio by the average benefit cost rate. The determination date is October 31st of each calendar year. The schedule and planned yield that apply for the 12-month period commencing on January 1, 2008 and every January 1st thereafter are shown on the line of the following table that corresponds with the applicable reserve multiple in column A.

A Reserve Multiple	B Schedule	C Planned Yield
Over 1.58	A	0.6%
1.50 - 1.57	B	0.7%
1.42 - 1.49	C	0.8%
1.33 - 1.41	D	0.9%
1.25 - 1.32	E	1.0%
.50 - 1.24	F	1.1%
.25 - .49	G	1.2%
Under .25	H	1.3%

(4) The commissioner shall compute the predetermined yield by multiplying the ratio of total wages to taxable wages for the preceding calendar year by the planned yield.

(5) The commissioner shall determine the contribution rates effective for a rate year by multiplying the predetermined yield by the experience factors for each contribution category. Contribution category 20 in the table in subparagraph (2) must be assigned a contribution rate of at least 5.4%. The employer's experience factor is the percentage shown in column C in the table in subparagraph (2) that corresponds with the employer's contribution category in column A, except that the experience factors in column E must be used to determine the contribution rates for rate years 2000 and 2001 and those in column D must be used for rate years 2002 and 2003. Beginning January 1, 2018, for rate years when schedule A is in effect as determined in subparagraph (3-A), the experience factor in subparagraph (2) for contribution category 1 is assigned an experience factor of 0.00 in column C.

(6) If, subsequent to the assignment of contribution rates for a rate year, the reserve ratio of

an employer is recomputed and changed, the employer must be placed in the position on the schedule prepared pursuant to subparagraph (1) that the employer would have occupied had the corrected reserve ratio been shown on the schedule. The altered position on the schedule does not affect the position of any other employer.

(7) In computing the contribution rates, only the wages reported by employers liable for payment of contributions into the fund and net benefits paid that are charged to an employer's experience rating record or to the fund are considered in the computation of the average benefit cost rate and the ratio of total wages to taxable wages.

(8) Beginning January 1, 2008, all contribution rates must be reduced by the Competitive Skills Scholarship Fund predetermined yield as defined in section 1166, subsection 1, paragraph C, except that contribution category 20 under this paragraph may not be reduced below 5.4%.

(9) Beginning January 1, 2021, the contribution rate must also be reduced by the Unemployment Program Administrative Fund predetermined yield as defined in section 1167, subsection 1, paragraph C, except that a contribution rate under this paragraph may not be reduced below 1%.

**PART FF**

**Sec. FF-1. 26 MRSA §1167** is enacted to read:

**§1167. Unemployment Program Administrative Fund**

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

A. "Unemployment Program Administrative Fund contributions" or "fund contributions" means the money payments required by this section to be made into the Unemployment Program Administrative Fund by an employer as a percentage of the employer's taxable payroll based on the Unemployment Program Administrative Fund predetermined yield in effect for the Unemployment Program Administrative Fund rate year.

B. "Unemployment Program Administrative Fund planned yield" means the percentage of wages, as defined in section 1043, subsection 19, equal to .04% of the total wages for each contributing employer subject to this chapter.

C. "Unemployment Program Administrative Fund predetermined yield" means the amount determined by multiplying the ratio of total wages to

taxable wages, as defined by section 1221, subsection 6, paragraph L, by the Unemployment Program Administrative Fund planned yield. The Unemployment Program Administrative Fund predetermined yield is rounded to the nearest .01%.

D. "Unemployment Program Administrative Fund rate year" has the same meaning as "rate year" under section 1221, subsection 6, paragraph F.

**2. Established.** The Unemployment Program Administrative Fund, referred to in this section as "the fund," is established as a special fund in the State Treasury. All receipts, including interest, fines and penalties collected from the Unemployment Program Administrative Fund contributions, must be paid into the fund. Income from the investment of the fund must be deposited to the credit of the fund. All money in the fund must be deposited, administered and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds.

**3. Administered.** The money in the fund must be administered by the commissioner exclusively for the purpose of administering this chapter and for the costs of administering the fund.

**4. Employers liable for fund contribution.** Each employer, as defined in section 1043, subsection 9, other than an employer liable for a payment in lieu of a contribution, shall pay a fund contribution. Beginning January 1, 2021, fund contributions are payable in the same manner as described under section 1221, subsection 1 and in accordance with section 1221, subsection 4-A.

**5. Receipts.** All receipts collected from fund contributions, including interest, fines and penalties on fund contributions not paid when due, must be paid into the fund.

**6. Experience rating records.** Fund contributions may not be credited to an employer's experience rating record as described in section 1221, subsection 3.

**7. Relationship to unemployment insurance contributions.** Fund contributions may not be considered as part of the employer's unemployment insurance contribution rate pursuant to section 1221. Unemployment insurance contributions for all employers subject to the contribution provisions of this chapter must be reduced by a percentage equal to the total fund contribution assessment as in section 1221, subsection 4-A. Exceptions pertaining to new employer rates and contribution rate category 20 are described in section 1221, subsection 4-A, paragraphs A and B.

**8. Other provisions of this chapter.** All provisions of this chapter and rules adopted under this chapter regarding payments, time limits, dates of payment, reports, interest and penalties on amounts not paid by

employers when due, fines, liens and warrants that apply to the collection of contributions also apply to the collection of fund contributions.

**9. Maximum fund balance.** The Department of Labor shall transfer any cash balance that exceeds 180 days working capital as of December 31, 2023, and every year thereafter, from the Unemployment Program Administrative Fund to the Unemployment Compensation Fund within 30 days.

## PART GG

**Sec. GG-1. Money credited to State of Maine account in Unemployment Trust Fund under Section 903(f) of federal Social Security Act.** Money credited to the account of the State of Maine in the federal Unemployment Trust Fund by the United States Secretary of the Treasury on July 29, 2009 pursuant to Section 903(f) of the federal Social Security Act may not be requisitioned from the State's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices. Money used for the payment of benefits is requisitioned as defined in the Maine Revised Statutes, Title 26, section 1162. Money requisitioned and used for the payment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices requires a specific appropriation by the Legislature as provided in section 2. That use is only permissible if the expenses are incurred and the money is requisitioned after the effective date of a law making an appropriation and specifying the purposes for which the money is appropriated and the amounts appropriated for those purposes. Any amount that may be obligated under such an appropriation is limited to an amount that does not exceed the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(f) of the federal Social Security Act exceeds the aggregate of the amounts used by the State pursuant to this Act and charged against the amounts transferred to the account of the State of Maine.

For purposes of this section, the amounts obligated under an appropriation for administrative purposes must be charged against transferred amounts at the exact time the obligation is entered into. The appropriation, obligation and expenditure or other disposition of money appropriated under this section must be accounted for in accordance with standards established by the United States Secretary of Labor. Money appropriated as provided in this Act for the payment of administration must be requisitioned as needed for the payment of obligations incurred under the appropriation and, upon requisition, must be deposited in the Employment Security Administration Fund from which payments are made. Money so deposited must, until expended, remain a part of the unemployment fund and, if

it will not be immediately expended, must be returned promptly to the account of the State of Maine in the federal Unemployment Trust Fund.

**Sec. GG-2. Allocation maintaining state unemployment compensation and public employment system.** There is allocated out of funds made available to the State under Section 903(f) of the federal Social Security Act, as amended, the sum of \$27,534,100, in accordance with section 1, to be used under the direction of the Department of Labor for the purpose of maintaining and operating the State's unemployment compensation and public employment system. The uses include both personnel and nonpersonnel administrative costs required to administer the unemployment insurance program, deliver employment assistance services through the Department of Labor's career center system and provide labor market information program services for workers and employers in the State.

The amount obligated pursuant to this Act may not exceed at any time the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(f) of the federal Social Security Act exceeds the aggregate of the amounts obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the account of the State of Maine.

**PART HH**

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**PART II**

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**PART JJ**

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**PART KK**

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**PART LL**

**Sec. LL-1. 10 MRSA §1100-T, sub-§2, ¶A,** as amended by PL 2013, c. 438, §3, is further amended to read:

A. For investments made in tax years beginning before January 1, 2012, a tax credit certificate may be issued in an amount not more than 40% of the amount of cash actually invested in an eligible Maine business in any calendar year or in an amount not more than 60% of the amount of cash actually invested in any one calendar year in an eligible Maine business located in a high-unemployment area, as determined by rule by the authority. For investments made in tax years beginning on or after January 1, 2012, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 60% of the amount of cash actually invested

in an eligible Maine business in any calendar year. For investments made in tax years beginning on or after January 1, 2014, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 50% of the amount of cash actually invested in an eligible Maine business in any calendar year. For investments made on or after April 1, 2020, a tax credit certificate may be issued to an investor other than a private venture capital fund in an amount not more than 40% of the amount of cash actually invested in an eligible Maine business in any calendar year. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. LL-2. 10 MRSA §1100-T, sub-§2, ¶C,** as amended by PL 2003, c. 451, Pt. E, §2, is further amended to read:

C. Aggregate investment eligible for tax credits may not be more than \$5,000,000 for any one business as of the date of issuance of a tax credit certificate. Beginning with investments made on or after April 1, 2020, aggregate investment eligible for tax credits may not be more than \$3,500,000 for any one business as of the date of issuance of a tax credit certificate and not more than \$2,000,000 for any calendar year.

**Sec. LL-3. 10 MRSA §1100-T, sub-§2, ¶I,** as enacted by PL 2001, c. 642, §7 and affected by §12, is amended to read:

I. The business receiving the investment may not be in violation of the requirements of subsection 6 7.

**Sec. LL-4. 10 MRSA §1100-T, sub-§2-A, ¶B,** as amended by PL 2009, c. 470, §3, is further amended to read:

B. As used in this subsection, unless the context otherwise indicates, an "eligible business" means a business located in the State that:

- (1) Is a manufacturer;
- (2) Is engaged in the development or application of advanced technologies;
- (3) Provides a product or service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State;
- (4) Brings capital into the State, as determined by the authority; or
- (5) Is certified as a visual media production company under Title 5, section 13090-L.

**Sec. LL-5. 10 MRSA §1100-T, sub-§2-C, ¶A,** as enacted by PL 2011, c. 454, §6, is amended to read:

A. For investments made in tax years beginning on or after January 1, 2012, a tax credit certificate may be issued to a private venture capital fund in an amount that is not more than 50% of the amount of cash actually invested in an eligible business. For investments made on or after April 1, 2020, a tax credit certificate may be issued to a private venture capital fund in an amount that is not more than 40% of the amount of cash actually invested in an eligible business. The tax credit certificate may be revoked and the credit recaptured pursuant to Title 36, section 5216-B, subsection 5 to the extent that the authority determines that the eligible business for which the tax credit certificate was issued moves substantially all of its operations and assets outside of the State during the period ending 4 years after an investment, except in the case of an arm's length, fair value acquisition approved by the authority. A private venture capital fund that received the 20% credit certificate under subsection 2-A, paragraph A, subparagraph (2) for an investment is not eligible for a tax credit certificate under this subsection for that investment.

**Sec. LL-6. 10 MRSA §1100-T, sub-§2-C,** ¶B, as amended by PL 2013, c. 438, §4, is further amended to read:

B. As used in this subsection, unless the context otherwise indicates, "eligible business" means a business located in the State that has certified that the amount of the investment is necessary to allow the business to create or retain jobs in the State and that, as determined by the authority:

- (1) Is a manufacturer or a value-added natural resource enterprise;
- (2) Is engaged in the development or application of advanced technologies;
- (3) Provides a product or service that is sold or rendered, or is projected to be sold or rendered, predominantly outside of the State; or
- (5) Is certified as a visual media production company under Title 5, section 13090-L.

**Sec. LL-7. 10 MRSA §1100-T, sub-§2-C,** ¶C, as enacted by PL 2011, c. 454, §6, is amended to read:

C. Aggregate investment eligible for tax credit certificates, including investments under this subsection and under subsection 2, may not be more than \$5,000,000 for any one eligible business. Beginning with investments made on or after April 1, 2020, aggregate investment eligible for tax credit certificates, including investments under this subsection and under subsection 2, may not be more than \$3,500,000 for any one eligible business in total and not more than \$2,000,000 for any calendar year.

**Sec. LL-8. 10 MRSA §1100-T, sub-§2-C,** ¶D, as amended by PL 2013, c. 438, §4, is further amended to read:

D. The investment with respect to which any private venture capital fund is applying for a tax credit certificate may not be more than the lesser of an amount equal to \$500,000 times the number of investors in the private venture capital fund and an aggregate of \$4,000,000 in any one eligible business invested in by a private venture capital fund in any 3 consecutive calendar years, ~~except that this.~~ For investments made on or after April 1, 2020, the investment with respect to which any private venture capital fund is applying for a tax credit certificate may not be more than the lesser of an amount equal to \$500,000 times the number of investors in the private venture capital fund and an aggregate of \$3,500,000 in any one eligible business invested in by a private venture capital fund. This paragraph does not limit other investment by an applicant for which that applicant is not applying for a tax credit certificate. A private venture capital fund must certify to the authority that it will be in compliance with these limitations. The tax credit certificate issued to a private venture capital fund may be revoked and any credit taken recaptured pursuant to Title 36, section 5216-B, subsection 5 if the fund is not in compliance with this paragraph.

**Sec. LL-9. 10 MRSA §1100-T, sub-§4,** as amended by PL 2013, c. 438, §5, is further amended to read:

**4. Total of credits authorized.** The authority may issue tax credit certificates to investors eligible pursuant to subsections 2, 2-A and 2-C in an aggregate amount not to exceed \$2,000,000 up to and including calendar year 1996, \$3,000,000 up to and including calendar year 1997, \$5,500,000 up to and including calendar year 1998, \$8,000,000 up to and including calendar year 2001, \$11,000,000 up to and including calendar year 2002, \$14,000,000 up to and including calendar year 2003, \$17,000,000 up to and including calendar year 2004, \$20,000,000 up to and including calendar year 2005, \$23,000,000 up to and including calendar year 2006, \$26,000,000 up to and including calendar year 2007 and \$30,000,000 up to and including calendar year 2013, in addition to which, the authority may issue tax credit certificates to investors eligible pursuant to subsections 2, 2-A and 2-C in an annual amount not to exceed \$675,000 for investments made between January 1, 2014 and December 31, 2014, \$4,000,000 for investments made in calendar year 2015 ~~and~~, \$5,000,000 for investments made in calendar years 2016 to 2019, \$15,000,000 for investments made in calendar years 2020 to 2026 and \$5,000,000 each year for investments made in calendar years beginning with 2016 2027. The authority may provide that investors eligible for a tax credit under this section in a year when there is insufficient credit available are entitled to take the credit when

it becomes available subject to limitations established by the authority by rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. LL-10. 10 MRSA §1100-T, sub-§6**, as amended by PL 2011, c. 454, §8, is repealed.

**Sec. LL-11. 10 MRSA §1100-T, sub-§7** is enacted to read:

**7. Reports.** The following reports are required regarding activities under this section.

A. A business eligible to have investors receive a tax credit under this section shall report to the authority, in a manner determined by the authority, the following information regarding that business's activities in the State over the calendar year in which the investment occurred and for each additional year for which a credit is claimed:

(1) The total amount of private investment received by the eligible business from each investor eligible to receive a tax credit;

(2) The total number of persons employed by the eligible business as of December 31st;

(3) The total number and geographic location of jobs created and retained by the eligible business stated separately for all jobs in the State and for those jobs that would not have been created or retained in the absence of the credit;

(4) Total annual payroll of the eligible business stated separately for all employees in the State and for those employees who would not have been employed in the absence of the credit; and

(5) Total sales revenue of the eligible business stated separately within and outside the State.

B. An investor eligible for a tax credit under this section shall notify the authority when a business that received an investment from that investor eligible for a credit under this section ceases operations and the likely reasons for the cessation of business.

C. The authority shall report annually to the joint standing committee of the Legislature having jurisdiction over taxation matters and to the Office of Program Evaluation and Government Accountability on all activity under this section during the prior calendar year. The authority shall identify in its report businesses receiving investments eligible for a credit under this section and the authority's determination as to whether the investments would have been made in the absence of the credit.

**Sec. LL-12. 36 MRSA §5216-B, sub-§6** is enacted to read:

**6. Evaluation; specific public policy objective; performance measures.** The credit provided under this section is subject to ongoing legislative review in accordance with Title 3, chapter 37. The Office of Program Evaluation and Government Accountability shall submit an evaluation of the credit provided under this section to the joint legislative committee established to oversee program evaluation and government accountability matters and the joint standing committee of the Legislature having jurisdiction over taxation matters. In developing evaluation parameters to perform the review, the office shall consider:

A. That the specific public policy objectives of the credit provided under this section are:

(1) To increase job opportunities for residents of the State in businesses that export products or services from the State;

(2) To increase private investment in small new and existing businesses, especially those that experience significant difficulty in the absence of investment incentives in obtaining equity financing to carry the businesses from start-up through initial development; and

(3) To increase municipal tax bases; and

B. Performance measures, including, but not limited to:

(1) The number and geographic distribution of full-time employees added or retained during a period being reviewed who would not have been added or retained in the absence of the credit;

(2) The amount of qualified investment in eligible businesses during the period being reviewed;

(3) The change in the number of businesses created or retained in the State as a result of the credit;

(4) Measures of fiscal impact and overall economic impact to the State; and

(5) The amount of the tax revenue loss for each year being reviewed divided by the number of jobs created or retained.

## PART MM

**Sec. MM-1. Carrying balances; Department of Health and Human Services web portal upgrade.** Notwithstanding any provision of law to the contrary, at the end of each fiscal year the State Controller shall carry forward, to be used for the same purposes, any unexpended balance of the \$1,700,000 appropriated in Public Law 2019, chapter 343 in the All Other line category in the Office for Family Independence - District program, General Fund account for the purpose of upgrades to the public assistance web portal.

**PART NN**

**Sec. NN-1. Payments to State from Maine Governmental Facilities Authority operating account.** Notwithstanding any provision of law to the contrary, the Maine Governmental Facilities Authority shall transfer \$4,000,000 from the balance in the authority's operating account to the State as undedicated revenue no later than June 30, 2020.

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

Effective March 18, 2020.

**CHAPTER 617**

**S.P. 789 - L.D. 2167**

**An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency**

**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 spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

**Whereas,** COVID-19 is a highly contagious and sometimes fatal disease that has infected more than 138,000 people and caused more than 5,000 deaths worldwide, including more than 1,600 infected and 41 deaths in the United States; and

**Whereas,** in response to this widespread disease, the World Health Organization has declared a pandemic, the President of the United States has declared a national emergency and the Governor of Maine has declared a civil state of emergency; and

**Whereas,** state and federal authorities, including the federal Centers for Disease Control and Prevention, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Governor of Maine have recommended cancellation and postponement of gatherings during the spring of 2020; and

**Whereas,** the most recommended ways of avoiding infection and further spreading the virus that causes the disease are for the authorities to reduce the number of public gatherings and for people to avoid large crowds; and

**Whereas,** in an effort to comply with these recommendations, colleges and universities across the nation have suspended their academic years and closed their campuses; professional and collegiate sports teams have placed their seasons on an indefinite hiatus; concerts, conferences and conventions that attract large crowds have been cancelled; and the United States Congress has barred the public from the grounds of the United States Capitol; and

**Whereas,** municipal leaders seek to ensure public safety by acting in concert with public health guidelines by discouraging large gatherings and also recognize the likelihood of low voter turnout at meetings held, depriving voters of full participation in municipal decisions; and

**Whereas,** there is no procedure in Maine law to postpone a municipal secret ballot election or nomination process already in progress, and delay of municipal budget meetings will deprive municipal authorities of legal authority to spend and continue operations; and

**Whereas,** it is imperative that action be taken at the earliest possible moment to allow for continuity of services by municipalities despite the need to postpone meetings; and

**Whereas,** in addition to the assistance already being provided by the banks and credit unions in Maine, it is imperative that the State respond quickly and in an appropriate manner to the needs of its residents who have experienced a reduction in or loss of income due to the impact of COVID-19; and

**Whereas,** it is in the best interests of the citizens of Maine to temporarily provide authorization to the Governor to waive certain restrictions, deadlines and requirements and take other necessary measures that allow the State to react quickly, efficiently and effectively to the effects of the pandemic on the citizens of Maine; 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:**

**PART A**

**Sec. A-1. 37-B MRSA §742, sub-§1, ¶D** is enacted to read:

D. For the duration of a state of emergency declared by the Governor pursuant to this section due to the outbreak of COVID-19, and for 30 days following the termination of that state of emergency, in addition to any other powers conferred by law, including those specified in paragraph C, notwithstanding any provision of law to the contrary, the



Governor, in consultation with the Commissioner of Education, may implement for elementary and secondary schools a plan to:

- (1) Waive the compulsory attendance requirements of Title 20-A, chapter 211 and any rules regarding compulsory attendance, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and
- (2) Continue to provide nutrition services to students when schools are closed in response to the threat posed by COVID-19.

This paragraph is repealed January 15, 2021.

**PART B**

**Sec. B-1. 26 MRSA §1199** is enacted to read:

**§1199. Provisions under a declared state of emergency**

The provisions of this section apply for the duration of a state of emergency declared by the Governor pursuant to Title 37-B, section 742 due to the outbreak of COVID-19, and for 30 days following the termination of that state of emergency.

**1. Benefits not charged against employer.** Notwithstanding section 1191 or 1221, if an individual is dislocated or temporarily laid off as a result of the state of emergency, benefits paid to that individual under this subchapter may not be charged against the experience rating record of any employer but must be charged to the General Fund.

**2. Eligibility.** An individual is deemed to have met the eligibility requirements under section 1192, subsections 2 and 3 as long as the individual remains able and available to work for, and maintains contact with, the relevant employer and the individual is:

A. Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by the subject condition of the state of emergency and is expected to return to work; or

B. Temporarily laid off due to a partial or full closure of the individual's place of employment as a result of the state of emergency and is expected to return to work once the emergency closure is lifted.

**3. Waiting period waived.** The waiting period requirement under section 1192, subsection 4-A is waived for an individual who is dislocated or temporarily laid off as a result of the state of emergency.

**4. Temporary leave of absence due to COVID-19.** Notwithstanding section 1193, subsection 1, during the state of emergency, an individual who is on a temporary leave of absence due to a medical quarantine or isolation restriction, a demonstrated risk of exposure or

infection or a need to care for a dependent family member as a result of COVID-19 is not disqualified from receiving benefits during this absence as long as the individual continues to remain able and available to work for, and maintains contact with, the relevant employer.

**PART C**

**Sec. C-1. 32 MRSA §83, sub-§16-B**, as amended by PL 2019, c. 370, §12, is further amended to read:

**16-B. Medical Direction and Practices Board.** "Medical Direction and Practices Board" means the board consisting of each regional medical director, an emergency physician representing the Maine Chapter of the American College of Emergency Medicine Physicians, an at-large member, a toxicologist or licensed pharmacist, a person licensed under section 85 to provide basic emergency medical treatment, a person licensed under section 85 to provide advanced emergency medical treatment, a pediatric physician, the statewide associate emergency medical services medical director and the statewide emergency medical services medical director. The Medical Direction and Practices Board is responsible for creation, adoption and maintenance of Maine Emergency Medical Services protocols pursuant to section 88-B.

**Sec. C-2. 32 MRSA §88, sub-§2, ¶H**, as amended by PL 1991, c. 588, §16, is further amended to read:

H. With the approval of the commissioner, the board may enter into contracts, subject to provisions of state law, and delegate this authority to the director. The board may also delegate to ~~staff~~, through rules or emergency action, ~~to staff~~, any provision necessary to carry out this chapter, including the process of hearings. Funds appropriated or allocated to the board to be contracted with the regional councils may be disbursed on a sole-source contract basis, according to guidelines established by the board. Funds must be expended in accordance with standard state contract or grant procedures and guidelines where appropriate.

**Sec. C-3. 32 MRSA §88-B** is enacted to read:

**§88-B. Medical Direction and Practices Board; powers and duties**

**1. Powers and duties.** The Medical Direction and Practices Board has the following powers and duties.

A. The Medical Direction and Practices Board shall create, adopt and maintain the Maine Emergency Medical Services protocols.

B. The Medical Direction and Practices Board may use videoconferencing and other technologies to conduct its business but is not exempt from Title 1, chapter 13, subchapter 1. Members of the Medical Direction and Practices Board and its staff may

participate in a meeting of the Medical Direction and Practices Board or its staff via videoconferencing, conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this paragraph constitutes presence in person at such a meeting.

C. For the duration of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and for 30 days following the termination of that state of emergency, the Medical Direction and Practices Board may, by majority vote, delegate its duties under this chapter to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

#### PART D

**Sec. D-1. Failure to pass municipal budget; deemed approved; tax commitment.** Notwithstanding any law or municipal charter provision to the contrary, if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19, the prior year's approved budget is deemed the budget for the ensuing year until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector pursuant to the Maine Revised Statutes, Title 36, section 709, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved under this section.

**Sec. D-2. Individual authorization of disbursements by municipal treasurer.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5603, subsection 2, paragraph A or any other law or municipal charter provision or ordinance to the contrary, for the duration of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and for 30 days following the termination of that state of emergency, a municipal treasurer may disburse money on the authority of a warrant drawn for that purpose seen and signed individually by a majority of the municipal officers outside of a public meeting.

**Sec. D-3. Postponement of secret ballot election.** Notwithstanding any law or municipal charter provision or ordinance to the contrary, during calendar year 2020, the municipal officers may postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location

at least 2 days prior to the date of the election. The notice must be signed by a majority of the municipal officers and must either:

1. State a specific date and time during which the polls will be open to complete the election; or
2. State that the date of a rescheduled election will be determined by the municipal officers.

The rescheduled election must be noticed by a warrant calling the election that is approved and posted pursuant to the Maine Revised Statutes, Title 30-A, section 2523 at least 7 days prior to the date of the rescheduled election.

If ballots have been printed for the postponed election, the municipality may use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality shall use the ballots printed for the originally scheduled election. The municipal clerk shall safeguard and secure any absentee ballots already returned until the date of the rescheduled election and shall process them as required by Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

A municipal secret ballot referendum election is subject to the same rescheduling, ballot and absentee ballot provisions as set forth in this section.

**Sec. D-4. Retroactivity; repeal.** This Part applies retroactively to March 1, 2020 and is repealed January 15, 2021.

#### PART E

**Sec. E-1. School budget.** Notwithstanding the Maine Revised Statutes, Title 20-A, section 15693, subsection 2, paragraph C or any other law or municipal charter provision or ordinance to the contrary, if, due to a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and 30 days following the termination of that state of emergency, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with Title 20-A, chapter 606-B before June 1, 2020, a school board may delay a school budget meeting otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting under this section, the meeting must be held and the budget approved within 30 days of the date the commissioner notifies the school board of the amount allocated to the school administrative unit under Title 20-A, section 15689-B or the termination of the state of emergency declared by the Governor due to COVID-19. When a school budget meeting is delayed under this section, the school administrative unit may continue operation of the unit at the same budget levels as were approved for the previous year.

Continued operation under the budget for the previous year is limited to the time between July 1, 2020 and the date the new budget goes into effect. As used in this section, "state subsidy" means the total of the state contribution determined under Title 20-A, section 15688, subsection 3-A, paragraph D and any applicable adjustment under Title 20-A, section 15689.

**Sec. E-2. Retroactivity; repeal.** This Part applies retroactively to March 1, 2020 and is repealed January 15, 2021.

## PART F

**Sec. F-1. Registrations issued by a municipality.** This section affects certain registration and licensing performed at the municipal or county level.

**1. Vehicles and trailers.** Notwithstanding the Maine Revised Statutes, Title 29-A, chapter 5 or any other law or municipal charter provision or ordinance to the contrary, a registration, including a temporary registration, of a vehicle, including, without limitation, a motor vehicle, all-terrain vehicle, watercraft or snowmobile, or a trailer required to be registered in this State that expires during the period of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 is deemed extended until 30 days following the termination of the state of emergency.

**2. Renewal of licenses for sale of liquor.** Notwithstanding Title 28-A, section 653, subsection 1 or any other law or municipal charter provision or ordinance to the contrary, during the period of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and 30 days following the termination of that state of emergency, the municipal officers or, in the case of unincorporated places, the county commissioners may grant the request for a renewal of a license issued pursuant to Title 28-A, Part 3 without a hearing; this subsection does not prohibit the municipal officers or county commissioners, as applicable, from denying a renewal of a license issued pursuant to Title 28-A, Part 3 based upon a finding specified in Title 28-A, section 653, subsection 2 or 3.

**3. Dog licenses.** Notwithstanding Title 7, chapter 721 or any other law or municipal charter provision or ordinance to the contrary, a license of a dog required to be licensed in this State that expires during the period of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 is deemed extended until 30 days following the termination of the state of emergency.

**4. Registration or license fees due.** The extensions granted pursuant to subsections 1 and 3 of this section do not change the registration or licensing interval for any vehicle or trailer or dog for which the registration or license period was extended, and all registration or licensing fees that would have been due but for

the extension are due within 30 days of the termination of the state of emergency.

**Sec. F-2. Access to online registration.** The Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife, during the period of a state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19, shall allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft online, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the termination of the state of emergency.

## PART G

**Sec. G-1. 1 MRSA §403-A is enacted to read:**

**§403-A. Public proceedings through remote access during declaration of state of emergency due to COVID-19**

**1. Remote access.** Notwithstanding any provision of law or municipal charter provision or ordinance to the contrary, during a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19, a body subject to this subchapter may conduct a public proceeding through telephonic, video, electronic or other similar means of remote participation under the following conditions:

A. Notice of the public proceeding has been given in accordance with section 406, and the notice includes the method by which the public may attend in accordance with paragraph C;

B. Each member of the body who is participating in the public proceeding is able to hear and speak to all the other members during the public proceeding and members of the public attending the public proceeding in the location identified in the notice given pursuant to paragraph A are able to hear all members participating at other locations;

C. The body determines that participation by the public is through telephonic, video, electronic or other similar means of remote participation; and

D. All votes taken during the public proceeding are taken by roll call vote.

**2. Application to legislative proceedings.** This section does not apply to public proceedings of the Legislature, a legislative committee or the Legislative Council, except that while the state of emergency as set out in subsection 1 is in effect, the Legislature, a legislative committee or the Legislative Council may restrict attendance by the public to remote access by telephonic, video, electronic or other similar means. This section

also does not apply to town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings pursuant to Title 20-A, section 1483.

**3. Repeal.** This section is repealed 30 days after the termination of the state of emergency as set out in subsection 1.

## PART H

**Sec. H-1. 37-B MRSA §742, sub-§1, ¶C,** as amended by PL 2011, c. 626, §2, is further amended to read:

C. After the filing of the emergency proclamation and in addition to any other powers conferred by law, the Governor may:

- (1) Suspend the enforcement of any statute prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of the statute, order or rule would in any way prevent, hinder or delay necessary action in coping with the emergency;
- (2) Utilize all available resources of the State Government and of each political subdivision of the State as reasonably necessary to cope with the disaster emergency;
- (3) Transfer the direction, personnel or functions of state departments and agencies, or units thereof, for the purposes of performing or facilitating emergency services;
- (4) Authorize the obtaining and acquisition of property, supplies and materials pursuant to section 821;
- (5) Enlist the aid of any person to assist in the effort to control, put out or end the emergency or aid in the caring for the safety of persons;
- (6) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the State, if the Governor determines this action necessary for the preservation of life or other disaster mitigation, response or recovery;
- (7) Prescribe routes, modes of transportation and destinations in connection with evacuations;
- (8) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;
- (9) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;
- (10) Make provision for the availability and use of temporary emergency housing;

(11) Order the termination, temporary or permanent, of any process, operation, machine or device which may be causing or is understood to be the cause of the state of emergency for which this proclamation was made; ~~and~~

(12) Take whatever action is necessary to abate, clean up or mitigate whatever danger may exist within the affected area; ~~and~~

(13) During a state of emergency declared by the Governor in accordance with this section due to the outbreak of COVID-19:

(a) Reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate an effect of the emergency;

(b) In consultation with the Public Utilities Commission, suspend the termination of residential electricity and water services during the period of emergency and up to 60 days after the state of emergency is terminated; and

(c) Modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the emergency.

The powers granted in divisions (a) and (c) terminate 30 days following the termination of the state of emergency.

## PART I

**Sec. I-1. 5 MRSA §157** is enacted to read:

### **§157. Loan Guarantee Program Fund established**

**1. Establishment; purpose.** The Loan Guarantee Program Fund, referred to in this section as "the fund," is established as a nonlapsing Other Special Revenue Funds account within the Office of the Treasurer of State. All money received by the fund from any source, including any transfers from the General Fund unappropriated surplus, must be credited to the fund. Money credited to the fund must be used to guarantee the repayment of loans made by a credit union or financial institution to an eligible affected employee pursuant to the Loan Guarantee Program established in Title 10, chapter 110, subchapter 14.

**2. Termination; repeal.** The fund is terminated on June 30, 2022. Upon the termination of the Loan Guarantee Program, the State Controller shall transfer any funds remaining in the fund to the unappropriated surplus of the General Fund.

Sec. I-2. 10 MRSA c. 110, sub-c. 14 is enacted to read:

**SUBCHAPTER 14**  
**LOAN GUARANTEE PROGRAM**

**§1100-BB. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Affected employee.** "Affected employee" means a resident of this State, including a self-employed resident, who has experienced a reduction in income since January 1, 2020 due to circumstances related to COVID-19.

**2. Credit union.** "Credit union" has the same meaning as "credit union authorized to do business in this State" as defined in Title 9-B, section 131, subsection 12-A.

**3. Eligible affected employee.** "Eligible affected employee" means an affected employee who is eligible to receive a loan as determined pursuant to section 1100-DD, subsection 1.

**4. Financial institution.** "Financial institution" has the same meaning as in Title 9-B, section 131, subsection 17-A.

**5. Grace period.** "Grace period" means the 90-day period after an eligible affected employee receives disbursement of a loan under this subchapter.

**6. Loan guarantee payment.** "Loan guarantee payment" means the amount paid by the Treasurer of State in satisfaction of a claim filed by a credit union or financial institution pursuant to section 1100-EE.

**7. Program.** "Program" means the Loan Guarantee Program established in section 1100-CC.

**§1100-CC. Loan Guarantee Program established**

**1. Establishment; purpose.** The Loan Guarantee Program is established within and administered by the authority. The authority shall guarantee the repayment of loans made by a credit union or financial institution to an eligible affected employee pursuant to section 1100-EE. The authority shall submit all approved claims to the Treasurer of State, who shall pay from the Loan Guarantee Program Fund, established in Title 5, section 157, any claims submitted by the authority pursuant to the program.

**2. Notification of loan and borrower information.** Each credit union or financial institution that makes a loan pursuant to section 1100-DD shall notify the authority in writing not later than one business day after making the loan, specifying such information about the borrower as the authority may request.

**§1100-DD. Eligibility of affected employees; loan terms; process**

**1. Determination of eligibility of affected employee.** A credit union or financial institution may make a loan to an affected employee who meets the following eligibility requirements.

**A.** An affected employee shall provide the credit union or financial institution proof that the affected employee has experienced a reduction in income and is a resident of this State. An affected employee may meet the requirements of this paragraph by providing to the credit union or financial institution proof such as a pay stub or bank statement indicating earned income in any 3 months prior to March 1, 2020.

**B.** In addition to the proof required in paragraph A, an affected employee shall submit to the credit union or financial institution a sworn affidavit from the affected employee stating:

(1) The affected employee is currently living in the State;

(2) The affected employee has experienced a reduction in income likely due to circumstances related to COVID-19 and is not receiving a loan from any other credit union or financial institution pursuant to this subchapter; and

(3) The amount of unemployment compensation benefits, if any, pursuant to Title 26, chapter 13:

(a) The affected employee received per week during the period of March 15, 2020 to December 31, 2020; and

(b) The affected employee is eligible to receive per week during the period of March 15, 2020 to December 31, 2020.

**2. Loan amount.** The amount of the loan, after subtracting 4 times the amount, if any, the affected employee has reported to the credit union or financial institution under subsection 1, paragraph B, subparagraph (3), division (a) or (b), whichever is greater, may not exceed the lesser of:

**A.** Five thousand dollars; and

**B.** The affected employee's most recent monthly after-tax pay.

**3. Creditworthiness.** A credit union or financial institution may not use an affected employee's creditworthiness as a factor for the purposes of determining eligibility for a loan under this subchapter.

**4. Terms of loan agreement.** Notwithstanding any provision of law to the contrary, the following terms apply to a loan issued pursuant to this subchapter.

**A.** A loan agreement may not:

(1) Require repayment during the grace period;

(2) Charge interest on the principal amount before or during the grace period or for 180 days after the grace period; or

(3) Contain a fee or penalty for the prepayment or early payment of the loan.

B. The loan agreement must require that the affected employee repay the loan in full not later than 180 days after the end of the grace period by making at least 3 and no more than 6 equal installment payments.

C. After 180 days have elapsed following the grace period, the credit union or financial institution may charge interest or fees in accordance with the credit union's or financial institution's lending policy and the terms of the loan agreement.

**5. Multiple loans to same eligible affected employee.** An eligible affected employee who has received a loan pursuant to this section may apply to the same credit union or financial institution for an additional loan for each 30-day period that the employee remains an eligible affected employee, except that an eligible affected employee may not receive more than 3 loans under the program. An eligible affected employee who applies for an additional loan shall provide the credit union or financial institution with updated information as required under subsection 1, including the amount of unemployment compensation benefits the employee has been determined eligible to receive or has received during the period of March 1, 2020 to December 31, 2020. Each additional loan must be made in accordance with this section.

**6. Treatment of deferred interest.** Notwithstanding any provision of Title 36, Part 8 to the contrary, any interest deferred or not charged related to a loan issued pursuant to this section is exempt from all state taxes that may be applicable to such interest amounts as they relate to an affected employee. A credit union or financial institution shall disclose to eligible affected employee borrowers in the signed affidavit or loan documents that there may be federal tax consequences to the program loans and that loan information may be shared with the authority.

#### **§1100-EE. Loan guarantee**

**1. Claims.** No sooner than the 180th day following the end of the grace period and no later than the 300th day following the end of the grace period, a credit union or financial institution that has made a good faith effort to collect the outstanding principal of a loan issued pursuant to section 1100-DD and has been unsuccessful may make a claim to the authority for recovery of an amount equal to the outstanding principal of that loan.

A credit union or financial institution shall demonstrate, by affidavit or other documentation, to the satisfaction of the authority that the credit union or financial institution has made a good faith effort to collect the outstanding principal from the eligible affected employee substantially in accordance with the credit union's or financial institution's loan servicing and collection policies and has been unsuccessful.

**2. Loan guarantee payment.** The authority, upon receipt of a properly documented claim submitted by a credit union or financial institution pursuant to subsection 1, shall submit the claim immediately to the Treasurer of State for payment. The Treasurer of State immediately shall pay to the authority from the Loan Guarantee Program Fund established in Title 5, section 157 any claims submitted by the authority pursuant to the program. The authority shall distribute the loan guarantee payment to the credit union or financial institution.

**3. Effect of payment of claim.** After payment of a loan guarantee payment to a credit union or financial institution pursuant to subsection 2:

A. The loan must be assigned by the credit union or financial institution to the authority on behalf of the State; and

B. The authority shall continue collection efforts on the loan.

#### **§1100-FF. Duties and powers of authority**

**1. Maintenance and review of records.** The authority shall maintain records in the regular course of administration of the program, including a record of loans issued pursuant to section 1100-DD and loan guarantee payments issued pursuant to section 1100-EE, subsection 2 to honor claims on defaulted loans. The authority shall regularly review these records to monitor all the loans issued and identify duplicative applications.

**2. Termination of loan recovery guarantee based on misrepresentation by credit union or financial institution.** The authority may terminate any agreement to pay the claim of a credit union or financial institution pursuant to section 1100-EE if the credit union or financial institution misrepresents any information pertaining to the loan or fails to comply with any requirements of this section or section 1100-EE in connection with the claim for the loan.

**3. Termination of loan recovery guarantee based on excess claims.** If the amount expended for loan guarantee payments under section 1100-EE equals 10% of the total of all loans issued, the authority shall immediately cease to approve claims and shall notify the Treasurer of State and each credit union or financial institution of the total amount of loan guarantee payments made and that the authority has ceased honoring loan claims. The authority may delay payment of

claims until it has calculated an amount that equals 10% of the total loans issued.

**4. Recovery of defaulted loans.** The authority, on its own or by contracting with a private entity, shall make reasonable efforts to recover the amount of guaranteed loan payments made pursuant to section 1100-EE, subsection 2. Any funds recovered pursuant to this subsection, less reasonable administrative costs, must be deposited in the Loan Guarantee Program Fund established in Title 5, section 157.

**§1100-GG. Termination of program; repeal**

**1. New loans prohibited after December 31, 2020.** An affected employee may not apply for a loan under the program after December 31, 2020. A credit union or financial institution may not approve a loan under the program after December 31, 2020.

**2. Termination.** The program terminates upon the earlier of the:

A. Repayment or discharge of all loans made under the program;

B. Payment of all claims filed pursuant to section 1100-EE that are eligible for loan guarantee payments; and

C. Repayment or discharge of loan guarantee payments.

**3. Repeal.** This subchapter is repealed upon the termination of the program.

**Sec. I-3. Transfer.** Notwithstanding any provision of law to the contrary, the State Controller shall transfer \$500,000 from the General Fund unappropriated surplus to the Loan Guarantee Program Fund established within the Office of the Treasurer of State pursuant to the Maine Revised Statutes, Title 5, section 157 no later than April 1, 2020 to be used to guarantee the repayment of loans made by a credit union or financial institution to an eligible affected employee pursuant to Title 10, chapter 110, subchapter 14.

**Sec. I-4. Additional transfer and allocation.** The Joint Standing Committee on Appropriations and Financial Affairs may report out legislation to the 129th Legislature to address any funding needs of the Loan Guarantee Program established in the Maine Revised Statutes, Title 10, chapter 110, subchapter 14.

**Sec. I-5. Appropriations and allocations.** The following appropriations and allocations are made.

**TREASURER OF STATE, OFFICE OF Administration - Treasury 0022**

Initiative: Creates the Loan Guarantee Program Fund and provides allocations in order to guarantee repayment of loans made by credit unions and financial institutions to eligible affected employees.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$500,000	\$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500,000	\$500,000

**PART J**

**Sec. J-1. 38 MRSA §1611, sub-§3, ¶A,** as enacted by PL 2019, c. 346, §2, is amended to read:

A. ~~Beginning April 22, 2020~~ Beginning January 15, 2021 a retail establishment may use a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.

(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.

(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.

**Sec. J-2. 38 MRSA §1611, sub-§5,** as enacted by PL 2019, c. 346, §2, is amended to read:

**5. Preemption.** To ensure maximum effectiveness through uniform statewide application, the State intends to occupy the whole field of regulation of single-use carry-out bags at retail establishments beginning ~~April 22, 2020~~ March 17, 2020. A local government may not adopt an ordinance regulating single-use carry-out bags at retail establishments and, beginning ~~April 22, 2020~~ January 15, 2021, any ordinance or regulation that violates this subsection is void and has no force or effect.

**PART K**

**Sec. K-1. 22 MRSA §822,** as amended by PL 2009, c. 299, Pt. A, §3, is repealed and the following enacted in its place:

**§822. Reporting**

**1. Notification by physician.** Whenever a physician knows or has reason to believe that a person whom the physician examines or cares for has a disease or condition designated as notifiable, that physician shall notify the department and make such a report as may be required by rules of the department. Reports must be in the form and content prescribed by the department and the department shall provide forms for making required reports.

**2. Reporting by health care facilities.** The department may require a designated health care facility, as defined in section 802, subsection 4-A, paragraph A, to report information about its emergency management plans and operations. The department also may require a designated health care facility to report other information, including, but not limited to, daily reporting of

the number of available beds within that facility providing residential or inpatient services and for the reporting to be done through an online database approved by the department. The department may adopt rules that designate further information required for reporting emergency plans. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

**PART L**

**Sec. L-1. Facilitation of voting for June 9, 2020 elections.** Only for the elections scheduled to be held on June 9, 2020, the Governor may take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19. Pursuant to the Constitution of Maine, Article II, Section 4, these administrative actions may include, but are not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections, as long as those actions are also designed to facilitate participation by all registered voters, protect the rights of those voters and safeguard the integrity of the election.

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

Effective March 18, 2020.

**CHAPTER 618**

**H.P. 1547 - L.D. 2163**

**An Act To Address Funding Needs Related to COVID-19**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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. Transfer; Reserve for General Fund Operating Capital to a COVID-19 response fund.** Notwithstanding any law to the contrary, the State Controller may transfer up to \$11,000,000 from

the balance available in the Reserve for General Fund Operating Capital to a COVID-19 response fund established by the State Controller to address funding needs related to the novel coronavirus, known as COVID-19, through January 15, 2021. Amounts transferred may be expended based on allotment established by financial order approved by the State Budget Officer and the Governor. The amounts transferred are considered adjustments to appropriations. The Governor shall inform the Legislative Council and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs immediately upon such a transfer from the Reserve for General Fund Operating Capital. Any remaining balance in the COVID-19 response fund on January 16, 2021 must be transferred by the State Controller to the Reserve for General Fund Operating Capital.

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

Effective March 18, 2020.

**CHAPTER 619**

**H.P. 310 - L.D. 401**

**An Act To Preserve State Landfill Capacity and Promote Recycling**

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

**Sec. 1. 38 MRSA §1303-C, sub-§6,** as amended by PL 2011, c. 655, Pt. GG, §7 and affected by §70, is further amended to read:

**6. Commercial solid waste disposal facility.** "Commercial solid waste disposal facility" means a solid waste disposal facility except as follows:

A-2. A solid waste facility that is owned by a public waste disposal corporation under section 1304-B, subsection 5:

(1) As long as the public waste disposal corporation controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste ~~that is~~ generated within the State unless the commissioner finds that the acceptance of waste that is not waste generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

B-2. A solid waste facility that is owned by a municipality under section 1305:



(1) As long as the municipality controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste ~~that is~~ generated within the State unless:

(a) The commissioner finds that the acceptance of waste that is not waste generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A; and

(b) Acceptance of waste that is not waste generated within the State is approved by a majority of the voters of the municipality by referendum election;

C-2. A solid waste facility that is owned by a refuse disposal district under chapter 17:

(1) As long as the refuse disposal district controls the decisions regarding the type and source of waste that is accepted, handled, treated and disposed of at the facility; and

(2) If the facility is a solid waste landfill, the facility accepts only waste ~~that is~~ generated within the State unless the commissioner finds that the acceptance of waste that is not waste generated within the State provides a substantial public benefit pursuant to section 1310-AA, subsection 1-A;

D. Beginning January 1, 2007, a solid waste facility owned and controlled by the Department of Administrative and Financial Services, Bureau of General Services under chapter 24;

E. A solid waste facility owned and controlled by a single entity that:

(1) Generates at least 85% of the solid waste disposed of at a facility, except that the facility may accept from other sources, on a nonprofit basis, an amount of solid waste that is no more than 15% of all solid waste accepted on an annual basis; or

(2) Is an owner of a manufacturing facility that has, since January 1, 2006, generated at least 85% of the solid waste disposed of at the solid waste facility, except that one or more integrated industrial processes of the manufacturing facility are no longer in common ownership, and those integrated industrial processes will continue to generate waste that will continue to be disposed of at the solid waste facility. This exemption only applies if the source and type of waste disposed of at the solid waste facility remains the same as that previously disposed of by the single entity.

For the purposes of this paragraph, "single entity" means an individual, partnership, corporation or limited liability corporation that is not engaged primarily in the business of treating or disposing of solid waste or special waste. This paragraph does not apply if an individual partner, shareholder, member or other ownership interest in the single entity disposes of waste in the solid waste facility. A waste facility receiving ash resulting from the combustion of municipal solid waste or refuse-derived fuel is not exempt from this subsection solely by operation of this paragraph.

For purposes of this paragraph, "integrated industrial processes" means manufacturing processes, equipment or components, including, but not limited to, energy generating facilities, that when used in combination produce one or more manufactured products for sale; or

F. A private corporation that accepts material-separated, refuse-derived fuel as a supplemental fuel and does not burn waste other than its own.

~~For purposes of this subsection, "waste that is generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste whether generated within the State or outside of the State if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.~~

**Sec. 2. 38 MRSA §1303-C, sub-§22-A** is enacted to read:

**22-A. Recycling facility.** "Recycling facility" means a facility engaged exclusively in the recycling of materials.

**Sec. 3. 38 MRSA §1303-C, sub-§40-A** is enacted to read:

**40-A. Waste generated within the State.** "Waste generated within the State" means:

A. Waste initially generated within the State;

B. Residue generated by an incineration facility or a recycling facility that is located within the State, regardless of whether the waste incinerated or processed by that facility was initially generated within the State or outside the State;

C. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue is used at a solid waste landfill for daily cover, frost protection or other operational or engineering-related purpose, including, but not limited to, landfill shaping or grading, and such use has been approved by the department under the landfill's license and such

use complies with all applicable rules of the department and all applicable conditions of the landfill's license; and

(2) The use of the residue under subparagraph (1) complies with the requirements of section 1310-N, subsection 5-A, paragraph B, subparagraph (2);

D. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue does not meet the requirements of paragraph C; and

(2) The residue is generated by the facility only as an ancillary result of the facility's processing operations; and

E. Residue generated by a solid waste processing facility that is located within the State, regardless of whether the waste processed by that facility was initially generated within the State or outside the State, as long as:

(1) The residue does not meet the requirements of paragraph C or D;

(2) The residue is not considered recycled under section 1310-N, subsection 5-A, paragraph B, subparagraph (2) and is disposed of at a solid waste landfill; and

(3) The solid waste processing facility is in compliance with the requirements of section 1310-N, subsection 5-A, paragraph B, subparagraph (2).

**Sec. 4. 38 MRSA §1310-N, sub-§5-A, ¶B,** as amended by PL 2009, c. 412, Pt. A, §1, is further amended by amending subparagraph (2) to read:

(2) A solid waste processing facility that generates residue requiring disposal shall recycle or process into fuel for combustion all waste accepted at the facility to the maximum extent practicable, but in no case at a rate less than 50%. For purposes of this subsection, "recycle" includes, but is not limited to, ~~reuse of waste as shaping, grading or alternative daily cover materials at landfills; aggregate material in construction; and boiler fuel substitutes~~ the reuse of waste generated within the State as defined in section 1303-C, subsection 40-A, paragraph C; the recovery of metals from waste; the use of waste or waste-derived product as material substitutes in construction; and the use of waste as boiler fuel substitutes.

At least 50% of the waste that a solid waste processing facility characterizes as recycled

under this subparagraph must have been reused or recycled by the facility through methods other than placement of the waste in a solid waste landfill, except that a solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 shall:

(a) Reuse or recycle at least 15% of such debris through methods other than placement in a solid waste landfill by January 1, 2022; and

(b) Reuse or recycle at least 20% of such debris through methods other than placement in a solid waste landfill by January 1, 2023.

A solid waste processing facility that was in operation during calendar year 2018, that accepts exclusively construction and demolition debris and that accepted more than 200,000 tons of such debris in calendar year 2018 may request and the department may grant a waiver of the applicable provisions of this subparagraph for a specified period of time if the facility is able to demonstrate that compliance with the applicable provisions of this subparagraph would result in an unreasonable adverse impact on the facility. The demonstration may include results of a 3rd-party audit of the facility. In determining whether to grant such a waiver request, the department may consider trends in local, regional, national and international markets; the availability and cost of technologies and services; transportation and handling logistics; and overall costs that may be associated with various waste handling methods.

**Sec. 5. 38 MRSA §1310-N, sub-§11,** as enacted by PL 2007, c. 414, §3, is amended to read:

**11. Waste generated within the State.** ~~Consistent with the Legislature's findings in section 1302, a solid waste disposal facility owned by the State may not be licensed to accept waste that is not waste generated within the State. For purposes of this subsection, "waste generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.~~

**Sec. 6. 38 MRSA §1310-AA, sub-§1-A,** as amended by PL 2011, c. 566, §2, is further amended to read:

**1-A. Public benefit determination for acceptance by publicly owned solid waste landfills of**

**waste generated out of state.** Prior to accepting waste that is not waste generated within the State, a solid waste facility that is subject to this subsection shall apply to the commissioner for a determination of whether the acceptance of the waste provides a substantial public benefit.

A. A facility is subject to this subsection if the facility is a solid waste landfill that is not a commercial solid waste disposal facility pursuant to:

- (1) Section 1303-C, subsection 6, paragraph A-2;
- (2) Section 1303-C, subsection 6, paragraph B-2; or
- (3) Section 1303-C, subsection 6, paragraph C-2.

B. A facility that is subject to this subsection may not accept waste that is not waste generated within the State unless the commissioner determines that the acceptance of the waste provides a substantial public benefit.

C. The commissioner shall make the determination of public benefit in accordance with subsections 2 and 3.

~~D. For purposes of this subsection, "waste that is generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State; waste whether generated within the State or outside of the State used for daily cover, frost protection or stability in accordance with all applicable rules and licenses; and waste generated within 30 miles of the solid waste disposal facility.~~

**Sec. 7. 38 MRSA §1310-AA, sub-§2,** as amended by PL 2011, c. 566, §3, is further amended to read:

**2. Process.** Determinations by the commissioner under this section are not subject to Title 5, chapter 375, subchapter 4. The applicant shall provide public notice of the filing of an application under this section in accordance with department rules. The department shall accept written public comment during the course of processing the application. In making the determination of whether the facility under subsection 1 or the acceptance of waste that is not waste generated within the State under subsection 1-A provides a substantial public benefit, the commissioner shall consider the state plan, written information submitted in support of the application and any other written information the commissioner considers relevant. The commissioner shall hold a public meeting in the vicinity of the proposed facility under subsection 1 or the solid waste landfill under subsection 1-A to take public comments and shall consider those comments in making the determination. The commissioner shall issue a decision on the matter

within 60 days of receipt of the application. The commissioner's decisions under this section may be appealed to the board, but the board is not authorized to assume jurisdiction of a decision under this section.

**Sec. 8. 38 MRSA §1310-AA, sub-§3,** as amended by PL 2011, c. 566, §§4 and 5, is further amended to read:

**3. Standards for determination.** The commissioner shall find that the proposed facility under subsection 1 or the acceptance of waste that is not waste generated within the State under subsection 1-A provides a substantial public benefit if the applicant demonstrates to the commissioner that the proposed facility or the acceptance of waste that is not waste generated within the State:

A. Meets immediate, short-term or long-term capacity needs of the State. For purposes of this paragraph, "immediate" means within the next 3 years, "short-term" means within the next 5 years and "long-term" means within the next 10 years. When evaluating whether a proposed facility meets the capacity needs of the State, the commissioner shall consider relevant local and regional needs as appropriate and the regional nature of the development and use of disposal capacity due to transportation distances and other factors;

B. Except for expansion of a commercial solid waste disposal facility that accepts only special waste for landfilling, is consistent with the state waste management and recycling plan and promotes the solid waste management hierarchy as set out in section 2101;

C. Is not inconsistent with local, regional or state waste collection, storage, transportation, processing or disposal; and

D. For a determination of public benefit under subsection 1-A only, facilitates the operation of a solid waste disposal facility and the operation of that solid waste disposal facility would be precluded or significantly impaired if the waste is not accepted.

**Sec. 9. Department of Environmental Protection; 2024 update to state waste management and recycling plan.** The Department of Environmental Protection shall include in its 2024 update to the state waste management and recycling plan required under the Maine Revised Statutes, Title 38, section 2122 an evaluation of and any recommendations concerning the provisions of Title 38, section 1310-N, subsection 5-A, paragraph B, subparagraph (2) and whether amendments to those provisions are necessary.

See title page for effective date.

**CHAPTER 620  
H.P. 401 - L.D. 544**

**An Act Regarding Tobacco  
Product Waste**

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

**Sec. 1. 17 MRSA §2263, sub-§2**, as amended by PL 1995, c. 667, Pt. A, §37, is further amended to read:

**2. Litter.** "Litter" means all waste materials including, but not limited to, bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, offal, except waste parts or remains resulting from the normal field dressing of lawfully harvested wild game or the lawful use of waste parts or remains of wild game as bait, feathers, except feathers from live birds while being transported, abandoned ice-fishing shacks, old automobiles or parts of automobiles or similar refuse, or disposable packages or containers thrown or deposited as prohibited in this chapter, but not including the wastes of the primary processes of mining, logging, sawmilling, farming or manufacturing. "Litter" includes waste materials resulting from or associated with the use of tobacco products, including, but not limited to, cigarette butts.

For the purposes of this subsection, "tobacco product" has the same meaning as in Title 22, section 1551, subsection 3.

See title page for effective date.

**CHAPTER 621  
H.P. 571 - L.D. 766**

**An Act Regarding the  
Penobscot Nation's and  
Passamaquoddy Tribe's  
Authority To Exercise  
Jurisdiction under the Federal  
Tribal Law and Order Act of  
2010 and the Federal Violence  
Against Women  
Reauthorization Act of 2013**

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

**PART A**

**Sec. A-1. 30 MRSA §6206, sub-§3**, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

**3. Ordinances.** The Passamaquoddy Tribe and the Penobscot Nation each ~~shall have~~ has the right to exercise exclusive jurisdiction within its respective Indian territory over violations by members of either tribe

or nation of tribal ordinances adopted pursuant to this section or section 6207. The decision to exercise or terminate the jurisdiction authorized by this section ~~shall must~~ must be made by each tribal governing body. ~~Should If~~ Should If either tribe or nation ~~choose~~ chooses not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 6207, the State ~~shall have~~ has exclusive jurisdiction over violations of tribal ordinances by members of either tribe or nation within the Indian territory of that tribe or nation. The State ~~shall have~~ has exclusive jurisdiction over violations of tribal ordinances by persons not members of either tribe or nation except as provided in the section or sections referenced in the following:

A. Section 6209-B.

**Sec. A-2. 30 MRSA §6210, sub-§5** is enacted to read:

**5. Reports to the State Bureau of Identification by Penobscot Nation.** Penobscot Nation law enforcement agencies shall submit to the Department of Public Safety, State Bureau of Identification uniform crime reports and other information required by Title 25, section 1544.

**Sec. A-3. Contingent effective date; certification.** This Part does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 129th Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation that the nation has agreed to the provisions of this Part pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no event may this Part become effective until 90 days after the adjournment of the Second Regular Session of the 129th Legislature.

**PART B**

**Sec. B-1. 30 MRSA §6206, sub-§3**, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

**3. Ordinances.** The Passamaquoddy Tribe and the Penobscot Nation each ~~shall have~~ has the right to exercise exclusive jurisdiction within its respective Indian territory over violations by members of either tribe or nation of tribal ordinances adopted pursuant to this section or section 6207. The decision to exercise or terminate the jurisdiction authorized by this section ~~shall must~~ must be made by each tribal governing body. ~~Should If~~ Should If either tribe or nation ~~choose~~ chooses not to exercise, or to terminate its exercise of, jurisdiction as authorized by this section or section 6207, the State ~~shall have~~ has exclusive jurisdiction over violations of tribal ordinances by members of either tribe or nation within the Indian territory of that tribe or nation. The State ~~shall have~~ has exclusive jurisdiction over violations of tribal ordinances by persons not members of either tribe or nation.

except as provided in the section or sections referenced in the following:

A. Section 6209-A.

**Sec. B-2. 30 MRSA §6210, sub-§4-A** is enacted to read:

**4-A. Reports to the State Bureau of Identification by Passamaquoddy Tribe.** Passamaquoddy Tribe law enforcement agencies shall submit to the Department of Public Safety, State Bureau of Identification uniform crime reports and other information required by Title 25, section 1544.

**Sec. B-3. Contingent effective date; certification.** This Part does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 129th Legislature, the Secretary of State receives written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Part pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no event may this Part become effective until 90 days after the adjournment of the Second Regular Session of the 129th Legislature.

## PART C

**Sec. C-1. 30 MRSA §6209-B, sub-§1-A** is enacted to read:

**1-A. Concurrent jurisdiction over certain criminal offenses.** The Penobscot Nation has the right to exercise jurisdiction, concurrently with the State, over the following Class D crimes committed by a person on the Penobscot Indian Reservation or on lands taken into trust by the secretary for the benefit of the Penobscot Nation now or in the future, for which the potential maximum term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000: Title 17-A, sections 207-A, 209-A, 210-B, 210-C and 211-A and Title 19-A, section 4011. The concurrent jurisdiction authorized by this subsection does not include an offense committed by a juvenile or a criminal offense committed by a person who is not a member of any federally recognized Indian tribe, nation, band or other group against the person or property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.

The governing body of the Penobscot Nation shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 2, the Penobscot Nation may not deny to any criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is

necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection moves to suppress statements on the ground that they were made involuntarily, the prosecution has the burden to prove beyond a reasonable doubt that the statements were made voluntarily.

In exercising the concurrent jurisdiction authorized by this subsection, the Penobscot Nation is deemed to be enforcing Penobscot tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Penobscot Nation has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

**Sec. C-2. 30 MRSA §6209-B, sub-§2-A** is enacted to read:

**2-A. Criminal records, juvenile records and fingerprinting.** At the arraignment of a criminal defendant, the Penobscot Nation Tribal Court shall inquire whether fingerprints have been taken or whether arrangements have been made for fingerprinting. If neither has occurred, the Penobscot Nation Tribal Court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard, consistent with Title 25, section 1542-A.

At the conclusion of a criminal or juvenile proceeding within the Penobscot Nation's exclusive or concurrent jurisdiction, except for a violation of Title 12 or Title 29-A that is a Class D or Class E crime other than a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level, the Penobscot Nation Tribal Court shall transmit to the Department of Public Safety, State Bureau of Identification an abstract duly authorized on forms provided by the bureau.

**Sec. C-3. 30 MRSA §6209-B, sub-§4**, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

**4. Double jeopardy, collateral estoppel.** A prosecution for a criminal offense or juvenile crime over which the Penobscot Nation has exclusive jurisdiction under this section does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a criminal offense over which the Penobscot Nation has concurrent jurisdiction under this section does not bar a prosecution for a criminal offense, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a

criminal offense over which the State has concurrent jurisdiction under this section does not bar a prosecution for a criminal offense, arising out of the same conduct, over which the Penobscot Nation has exclusive jurisdiction. A prosecution for a criminal offense or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the Penobscot Nation has exclusive jurisdiction under this section. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a tribal forum does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a state court does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a tribal forum.

**Sec. C-4. Contingent effective date; certification.** This Part does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 129th Legislature, the Secretary of State receives written certification by the Governor and Council of the Penobscot Nation that the nation has agreed to the provisions of this Part pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no event may this Part become effective until 90 days after the adjournment of the Second Regular Session of the 129th Legislature.

#### PART D

**Sec. D-1. 30 MRSA §6209-A, sub-§1, ¶A,** as amended by PL 2009, c. 384, Pt. E, §1 and affected by §3, is further amended to read:

A. Criminal offenses for which the maximum potential term of imprisonment is less than one year and the maximum potential fine does not exceed \$5,000 and that are committed on the Indian reservation of the Passamaquoddy Tribe by a member of ~~the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation~~ any federally recognized Indian tribe, nation, band or other group, except when committed against a person who is not a member of ~~the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation~~ or against the property of a person who is not a member of ~~the Passamaquoddy Tribe, the Houlton Band of Maliseet Indians or the Penobscot Nation~~ any federally recognized Indian tribe, nation, band or other group or against the property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group;

**Sec. D-2. 30 MRSA §6209-A, sub-§1-A** is enacted to read:

**1-A. Concurrent jurisdiction over certain criminal offenses.** The Passamaquoddy Tribe has the right to exercise jurisdiction, concurrently with the State, over the following Class D crimes committed by a person on the Passamaquoddy Indian Reservation or on lands taken into trust by the secretary for the benefit of the Passamaquoddy Tribe, now or in the future, for which the potential maximum term of imprisonment does not exceed one year and the potential fine does not exceed \$2,000: Title 17-A, sections 207-A, 209-A, 210-B, 210-C and 211-A and Title 19-A, section 4011. The concurrent jurisdiction authorized by this subsection does not include an offense committed by a juvenile or a criminal offense committed by a person who is not a member of any federally recognized Indian tribe, nation, band or other group against the person or property of a person who is not a member of any federally recognized Indian tribe, nation, band or other group.

The governing body of the Passamaquoddy Tribe shall decide whether to exercise or terminate the exercise of jurisdiction authorized by this subsection. Notwithstanding subsection 2, the Passamaquoddy Tribe may not deny to any criminal defendant prosecuted under this subsection the right to a jury of 12, the right to a unanimous jury verdict, the rights and protections enumerated in 25 United States Code, Sections 1302(a), 1302(c), 1303 and 1304(d) and all other rights whose protection is necessary under the United States Constitution in order for the State to authorize concurrent jurisdiction under this subsection. If a criminal defendant prosecuted under this subsection moves to suppress statements on the ground that they were made involuntarily, the prosecution has the burden to prove beyond a reasonable doubt that the statements were made voluntarily.

In exercising the concurrent jurisdiction authorized by this subsection, the Passamaquoddy Tribe is deemed to be enforcing Passamaquoddy tribal law. The definitions of the criminal offenses and the punishments applicable to those criminal offenses over which the Passamaquoddy Tribe has concurrent jurisdiction under this subsection are governed by the laws of the State. Issuance and execution of criminal process also are governed by the laws of the State.

**Sec. D-3. 30 MRSA §6209-A, sub-§2-A** is enacted to read:

**2-A. Criminal records, juvenile records and fingerprinting.** At the arraignment of a criminal defendant, the Passamaquoddy Tribal Court shall inquire whether fingerprints have been taken or whether arrangements have been made for fingerprinting. If neither has occurred, the Passamaquoddy Tribal Court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard, consistent with Title 25, section 1542-A.

At the conclusion of a criminal or juvenile proceeding within the Passamaquoddy Tribe's exclusive or concurrent jurisdiction, except for a violation of Title 12 or Title 29-A that is a Class D or Class E crime other than a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a watercraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level, the Passamaquoddy Tribal Court shall transmit to the Department of Public Safety, State Bureau of Identification an abstract duly authorized on forms provided by the bureau.

**Sec. D-4. 30 MRSA §6209-A, sub-§4**, as enacted by PL 1995, c. 388, §6 and affected by §8, is amended to read:

**4. Double jeopardy, collateral estoppel.** A prosecution for a criminal offense or juvenile crime over which the Passamaquoddy Tribe has exclusive jurisdiction under this section does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a criminal offense over which the Passamaquoddy Tribe has concurrent jurisdiction under this section does not bar a prosecution for a criminal offense, arising out of the same conduct, over which the State has exclusive jurisdiction. A prosecution for a criminal offense over which the State has concurrent jurisdiction under this section does not bar a prosecution for a criminal offense, arising out of the same conduct, over which the Passamaquoddy Tribe has exclusive jurisdiction. A prosecution for a criminal offense or juvenile crime over which the State has exclusive jurisdiction does not bar a prosecution for a criminal offense or juvenile crime, arising out of the same conduct, over which the Passamaquoddy Tribe has exclusive jurisdiction under this section. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a Passamaquoddy tribal forum does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a state court. The determination of an issue of fact in a criminal or juvenile proceeding conducted in a state court does not constitute collateral estoppel in a criminal or juvenile proceeding conducted in a Passamaquoddy tribal forum.

**Sec. D-5. Contingent effective date; certification.** This Part does not take effect unless, within 60 days of the adjournment of the Second Regular Session of the 129th Legislature, the Secretary of State receives written certification by the Governor and Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Part pursuant to 25 United States Code, Section 1725(e), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes; except that in no event may this Part become effective until 90 days after

the adjournment of the Second Regular Session of the 129th Legislature.

## PART E

**Sec. E-1. 17-A MRSA §2, sub-§3-B**, as enacted by PL 2007, c. 476, §1, is amended to read:

**3-B.** "Another jurisdiction" means the Federal Government, the United States military, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, federally recognized Indian tribes and each of the several states except Maine. ~~"Another jurisdiction" also means the Passamaquoddy Tribe when that tribe has acted pursuant to Title 30, section 6209 A, subsection 1, paragraph A or B and the Penobscot Nation when that tribe has acted pursuant to Title 30, section 6209 B, subsection 1, paragraph A or B.~~

**Sec. E-2. 25 MRSA §1541, sub-§4-A**, as amended by PL 2009, c. 447, §23, is further amended to read:

**4-A. Responsibility for the collection and maintenance of criminal history record information and juvenile crime information.** The commanding officer shall collect and maintain:

A. Fingerprints and other criminal history record information pertinent to the identification of individuals who have been arrested as fugitives from justice or who have been arrested or charged with any criminal offense under the laws of this State except a violation of Title 12 or 29-A that is a Class D or E crime other than an alcohol-related or drug-related offense. For purposes of this paragraph, an "alcohol-related or drug-related offense" is a Class D crime that involves hunting while under the influence of intoxicating liquor or drugs or with an excessive alcohol level or the operation or attempted operation of a motorcraft, all-terrain vehicle, snowmobile or motor vehicle while under the influence of intoxicating liquor or drugs or with an excessive alcohol level. The commanding officer may collect and maintain fingerprints and other criminal history record information that may be related to other criminal offenses or to the performance of the commanding officer's obligations under state laws and under agreements with agencies of the United States or any other jurisdiction; and

B. Fingerprints and other juvenile crime information pertinent to the identification of individuals who have been taken into custody for juvenile crimes under a uniform interstate compact on juveniles or who have been arrested or charged with juvenile crimes under the laws of this State. The commanding officer may collect and maintain fingerprints and other juvenile crime information that may be related to other juvenile crimes or to the

performance of the commanding officer's obligations under state laws and under agreements with agencies of the United States or any other jurisdiction.

For purposes of this subsection, "laws of this State" includes Passamaquoddy tribal law as described in Title 30, section 6209-A, subsections 1-A and 2 and Penobscot tribal law as described in Title 30, section 6209-B, subsections 1-A and 2.

**Sec. E-3. 25 MRSA §1542-A, sub-§3, ¶A**, as enacted by PL 1987, c. 512, §3, is amended to read:

A. The law enforcement agency having primary responsibility for the criminal investigation and prosecution shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph A. If the offender is subjected to a custodial arrest, fingerprints ~~shall~~ must be taken prior to that ~~person~~ person's being released from custody. If the offender is summonsed to appear or, relative to a Class D or Class E crime, released at the scene by a law enforcement officer ~~after taking~~ who has taken the personal recognizance of any such person for ~~his~~ the person's appearance, fingerprints ~~shall~~ must be taken within 5 days at a time and place specified by the responsible agency. The offender shall appear at the specified time and place and shall submit to the process. To the extent possible, the fingerprinting ~~shall~~ must occur prior to arraignment. At the time of arraignment, the state court or tribal court shall inquire as to whether fingerprints have been taken or as to whether arrangements have been made for fingerprinting. If this has not occurred, the state court or tribal court shall instruct both the responsible law enforcement agency and the person charged as to their respective obligations in this regard.

**Sec. E-4. 25 MRSA §1544, first ¶**, as amended by PL 1985, c. 779, §67, is further amended to read:

It ~~shall be~~ is the duty of all state, county, tribal and municipal law enforcement agencies, including those employees of the University of Maine System appointed to act as ~~police~~ law enforcement officers, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. It ~~shall be~~ is the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and Legislature annual reports based on such reports. ~~A copy~~ The bureau shall furnish copies of such annual reports ~~shall be furnished~~ to all state, county, tribal and municipal law enforcement agencies.

See title page for effective date, unless otherwise indicated.

## CHAPTER 622

### H.P. 776 - L.D. 1053

#### An Act To Reduce the Duration of Execution Liens

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

**Sec. 1. 14 MRSA §4651-A, sub-§9**, as reallocated by RR 2001, c. 1, §17, is amended to read:

**9. Duration of lien created before September 1, 2020; renewal.** A lien created pursuant to this section ~~after the effective date of this subsection September 21, 2001 but before September 1, 2020~~ continues for a period of 20 years from the date of the filing of the writ of execution or of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed once for a period of 20 years from the filing or recording of a renewal, pluries or alias writ of execution in the same manner as the original writ of execution was filed or recorded, with the same notice as required by subsection 5.

A. If the renewal writ is filed or recorded before the expiration of the 20-year period of the original writ of execution, the renewal writ relates back to the date that the original writ of execution was filed or recorded and prevents the expiration of the lien.

B. A lien created pursuant to this section when the date of the recording of the writ of execution in the registry of deeds is more than 18 years prior to ~~the effective date of this subsection September 21, 2001~~ may be renewed as provided in this subsection if the renewal writ is recorded ~~within 2 years of the effective date of this subsection by September 21, 2003.~~

**Sec. 2. 14 MRSA §4651-A, sub-§9-A** is enacted to read:

**9-A. Duration of lien created on or after September 1, 2020; renewal.** A lien created pursuant to this section on or after September 1, 2020 continues for a period of 10 years from the date of the filing of the writ of execution or of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed under this subsection once for a period of 10 years from the filing or recording of a renewal, pluries or alias writ of execution in the same manner as the original writ of execution was filed or recorded, with the same notice as required by subsection 5.



If the renewal writ is filed or recorded before the expiration of the 10-year period of the original writ of execution, the renewal writ relates back to the date that the original writ of execution was filed or recorded and prevents the expiration of the lien.

See title page for effective date.

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**CHAPTER 623**

**S.P. 313 - L.D. 1081**

**An Act Regarding Smoking  
in Vehicles When a Minor Is  
Present**

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

**Sec. 1. 29-A MRSA §2120**, as enacted by PL 2017, c. 165, §9, is amended to read:

**§2120. Smoking in vehicles when minor ~~under 16 years of age~~ is present**

**1. Definition.** As used in this section, unless the context otherwise indicates, "smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance.

**2. Prohibition.** Smoking is prohibited in a motor vehicle by the operator or a passenger when a ~~person who has not attained 16 years of age~~ minor is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

**3. Prohibition on inspection or search.** A motor vehicle, the contents of the motor vehicle or the operator or a passenger in the motor vehicle may not be inspected or searched solely because of a violation of this section.

**4. Penalty.** A person who violates subsection 2 commits a traffic infraction for which a fine of \$50 must be adjudged.

See title page for effective date.

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**CHAPTER 624**

**S.P. 460 - L.D. 1498**

**An Act To Provide Equity for  
Commercial Vehicles on Roads  
and Bridges in Maine**

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

**Sec. 1. 29-A MRSA §2354-C, sub-§1, first ¶**, as amended by PL 2015, c. 119, §§1 and 2, is further amended to read:

**1. Canadian gross vehicle weight limits.** Notwithstanding section 2354, except as provided in subsection 5, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to allow certain commercial vehicles at Canadian gross vehicle weight limits to travel from the United States-Canada border at Calais to Baileyville, from the United States-Canada border at Madawaska to a paper mill at Madawaska and from the United States-Canada border at Van Buren to a rail yard in Van Buren. Vehicles are allowed to travel from the United States-Canada border under the following conditions.

**Sec. 2. 29-A MRSA §2354-C, sub-§4**, as enacted by PL 2009, c. 326, §2, is amended to read:

**4. Monitor; report.** The Department of Transportation shall monitor and evaluate the effects of the allowance under this section on road conditions. The Commissioner of Transportation shall submit ~~an initial~~ a report to the joint standing committee of the Legislature having jurisdiction over transportation matters ~~for presentation to the Second Regular Session of the 126th Legislature and a final report to the First Regular Session of the 129th Legislature~~ by January 1, 2024. The report must include any findings regarding the effects on road conditions and recommendations for continuance, discontinuance or modification of the allowance under this section. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit legislation based on the findings and recommendations in the report to the Second Regular Session of the 131st Legislature.

**Sec. 3. 29-A MRSA §2354-C, sub-§5** is enacted to read:

**5. Exemption for wood.** After December 31, 2025, the department may not authorize under this section the routes identified in subsection 1 for the travel of commercial vehicles transporting wood, as defined in Title 10, section 2361-A, subsection 11, at Canadian gross vehicle weight limits that exceed the gross vehicle weight limits established in this chapter. Nothing in this subsection prevents the department from authorizing an entity to operate a specified commercial motor vehicle configuration on a specified route of travel under section 2354-D.

See title page for effective date.

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**CHAPTER 625**

**S.P. 498 - L.D. 1563**

**An Act To Encourage the  
Development of Broadband  
Coverage in Rural Maine**

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

**Sec. 1. 5 MRSA §12004-G, sub-§33-F**, as enacted by PL 2005, c. 665, §1, is amended to read:

**33-F.**

Technology	<del>ConnectME</del> ConnectMaine Authority	Not Authorized	35-A MRSA §9203
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**Sec. 2. 5 MRSA §12021, sub-§6, ¶B**, as enacted by PL 2011, c. 616, Pt. A, §1, is amended to read:

B. The ~~ConnectME~~ ConnectMaine Authority under Title 35-A, section 9203;

**Sec. 3. 30-A MRSA §5225, sub-§1, ¶C**, as amended by PL 2019, c. 260, §1, is further amended by amending subparagraph (9) to read:

(9) Costs associated with broadband and fiber optics expansion projects, including preparation, planning, engineering and other related costs in addition to the construction costs of those projects. If an area within a municipality or plantation is unserved with respect to broadband service, as defined by the ~~ConnectME~~ ConnectMaine Authority as provided in Title 35-A, section 9204-A, subsection 1, broadband and fiber optics expansion projects may serve residential or other nonbusiness or non-commercial areas in addition to business or commercial areas within the municipality or plantation; and

**Sec. 4. 35-A MRSA §2503, sub-§2**, as amended by PL 2017, c. 344, §1, is further amended to read:

**2. Notice.** The applicant may give public notice of the application by publishing its description of the proposed facility once in a newspaper circulated in the municipality or municipalities encompassing the limits of the proposed location. The applicant shall send a copy of any application filed with the Department of Transportation to the municipal clerk of each municipality in which the facilities are located, or to the clerk of the county commissioners in the case of facilities within an unorganized township, except that the applicant may, without publication of its application, place its facility described in its application on receipt of a permit from the licensing authority as may be otherwise provided. If a proposed facility is located underground and is in excess of 500 feet in length, the applicant shall, within 5 business days of submitting an application to the applicable licensing authority, provide the ~~ConnectME~~ ConnectMaine Authority established in Title 5, section 12004-G, subsection 33-F a notice that includes a description and the location of the proposed facility.

**Sec. 5. 35-A MRSA §7104-B, sub-§5, ¶I**, as enacted by PL 2019, c. 52, §4, is amended to read:

I. To provide, within existing resources, support for qualified libraries in rural areas of the State with

greatest need, as determined in consultation with the State Librarian, the Commissioner of Education and the ~~ConnectME~~ ConnectMaine Authority, to offer portable wireless access points, or hotspots, for mobile Internet access.

**Sec. 6. 35-A MRSA §9202, sub-§2**, as enacted by PL 2005, c. 665, §3, is amended to read:

**2. Authority.** "Authority" means the ~~ConnectME~~ ConnectMaine Authority established in section 9203.

**Sec. 7. 35-A MRSA §9203**, as amended by PL 2019, c. 343, Pt. QQ, §2, is further amended to read:

**§9203. ~~ConnectME~~ ConnectMaine Authority**

**1. Establishment; membership.** The ~~ConnectME~~ ConnectMaine Authority is established to further the goals and policies in section 9202-A. The authority is created as a body corporate and politic and a public instrumentality of the State. The exercise by the authority of powers conferred by this chapter is considered to be the performance of essential governmental functions. The authority consists of the following 7 voting members:

- A. The chair of the Public Utilities Commission or the chair's designee;
- B. The Chief Information Officer of the State or the officer's designee;
- C. One representative of consumers, appointed by the Governor;
- D. Two members with significant knowledge of communications technology, appointed by the Governor;
- E. The Commissioner of Economic and Community Development or the commissioner's designee; and
- F. One member with significant knowledge of telemedicine as defined in Title 24-A, section 4316, subsection 1, appointed by the Governor.

Compensation of members is as provided in Title 5, section 12004-G, subsection 33-F.

**2. Terms; chair; vacancies.** All members are appointed for 3-year terms. The Governor shall appoint a chair from among the 4 members appointed by the Governor. In the event of a vacancy in the membership, the Governor shall appoint a replacement member for the remainder of that vacated term. Each member of the authority serves until that member's successor is appointed and qualified. Any member of the authority is eligible for reappointment.

**3. Officers; quorum.** The authority may elect a secretary and a treasurer, who may, but need not, be members of the authority. Four members of the authority constitute a quorum, and the affirmative vote of 4

members is necessary for any action taken by the authority.

**4. Participation by members.** A member may participate in a meeting of the authority and place a vote electronically or telephonically as long as members of the public have an opportunity to listen to the deliberations of the authority and otherwise participate in or observe the proceedings of the authority consistent with Title 1, section 405.

**5. Indemnification.** Each member of the authority must be indemnified by the authority against expenses actually and necessarily incurred by the member in connection with the defense of any action or proceeding in which the member is made a party by reason of being or having been a member of the authority and against any final judgment rendered against the member in that action or proceeding.

**7. Staff; central broadband planning board.** The Department of Economic and Community Development shall provide staff for the authority. That staff shall serve as the central broadband planning board for the State and shall support the authority in accordance with the provisions of this chapter.

**Sec. 8. 35-A MRSA §9204-A, sub-§7,** as enacted by PL 2015, c. 284, §7, is amended to read:

**7. Administer funds.** The authority shall administer the ~~ConnectME~~ ConnectMaine Fund as established pursuant to section 9211.

**Sec. 9. 35-A MRSA §9207,** as enacted by PL 2005, c. 665, §3, is amended to read:

**§9207. Collection of data**

Subject to the provisions in this section, the authority ~~may~~ shall collect ~~data~~ data annually from communications service providers and any wireless ~~provider providers~~ provider providers that own or operate advanced communications technology infrastructure in the State data concerning infrastructure deployment ~~and costs, revenues and subscriberhip~~ for the purpose of developing mapping information to assist the authority in implementing the provisions of section 9202-A; pricing data for advertised retail pricing for broadband services offered in the State; and revenue data for the purpose of assessing communications service providers subject to section 9211. The authority shall permit providers that have provided data to the authority at a level of detail that the authority has determined acceptable to continue to provide the data in the same format. For mapping data, the authority, whenever possible, shall use data formats consistent with data formats used for mapping at the federal level.

**1. Confidential information.** ~~If the authority, on its own or upon request of any person or entity, determines that public access to specific information about communications service providers in the State could compromise the security of public utility systems to the~~

~~detriment of the public interest or that specific information is of a competitive or proprietary nature, the authority shall issue an order designating that information as confidential. Information that may be designated as confidential pursuant to this subsection includes, but is not limited to, network diagrams. The authority may designate information as confidential under this subsection only to the minimum extent necessary to protect the public interest or the legitimate competitive or proprietary interests of a communications service provider. Data provided to the authority pursuant to this section is confidential. The authority, upon request or on its own motion, may initiate a proceeding to determine whether to remove the confidential designation of specific information provided under this section. The authority shall adopt rules pursuant to section 9205, subsection 3 defining the criteria it will use to satisfy the requirements of this paragraph and the types of information that would satisfy the criteria. The authority may not designate any information as remove the confidential designation under this subsection until those rules are finally adopted.~~

Information designated as confidential under this subsection is not a public record under Title 1, section 402, subsection 3.

**2. Protection of information.** A communications service provider may request that confidential or proprietary information provided to the authority under ~~subsection 4~~ this section not be viewed by those members of the authority who could gain a competitive advantage from viewing the information. Upon such a request, the authority shall ensure that the information provided is viewed only by those members of the authority and staff who do not stand to gain a competitive advantage and that there are adequate safeguards to protect that information from members of the authority who could gain a competitive advantage from viewing the information.

**Sec. 10. 35-A MRSA §9208, sub-§3,** as enacted by PL 2005, c. 665, §3, is amended to read:

**3. Investments.** Contains a listing of any investments of money in the ~~ConnectME~~ ConnectMaine Fund, as established pursuant to section 9211, and a tracking of the infrastructure improvements resulting from the investments; and

**Sec. 11. 35-A MRSA §9211,** as amended by PL 2019, c. 343, Pt. SSSS, §§3 and 4, is further amended to read:

**§9211. ~~ConnectME~~ ConnectMaine Fund**

**1. ~~ConnectME~~ ConnectMaine Fund established.** The ~~ConnectME~~ ConnectMaine Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the authority for the purposes of supporting the activities and projects of the authority under this chapter. The ConnectMaine Fund may also be referred to as "the ConnectME Fund."

**2. Assessment.** After receiving authorization pursuant to Title 5, section 8072 to finally adopt major substantive rules under section 9205, subsection 3 or after January 15, 2007, whichever is later, the authority may require every communications service provider to contribute on a competitively neutral basis to the fund. The assessment may not exceed 0.25% of the revenue received or collected for all communications services provided in this State by the communications service provider. A facilities-based provider of wireless voice or data retail service may voluntarily agree to be assessed by the authority as a communications service provider under this subsection.

**2-A. Surcharge; collection.** Beginning January 1, 2020, in addition to the assessment imposed pursuant to subsection 2, a ConnectME surcharge of 10¢ per line or number is imposed. The assessment imposed pursuant to subsection 2 and the surcharge imposed pursuant to this subsection must be collected from the customer on a monthly basis by each communications service provider. Revenue must be deposited in the fund.

**3. Explicit identification of assessment and surcharge on customer bills.** A communications service provider assessed pursuant to subsection 2 may recover the amount of the assessment from the provider's customers. If a provider recovers the amount from its customers, it must explicitly identify the amount owed by a customer on the customer's bill and indicate that the funds are collected for use in the ConnectME Fund. Beginning January 1, 2020, the ConnectME surcharge imposed pursuant to subsection 2-A must be shown separately from the assessment imposed pursuant to subsection 2 as a statewide ConnectME surcharge on the customer's bill.

**Sec. 12. 35-A MRSA §9216**, as amended by PL 2015, c. 151, §§1 and 2 and c. 284, §10, is repealed.

**Sec. 13. 35-A MRSA §9217, sub-§1**, as enacted by PL 2015, c. 284, §11, is amended to read:

**1. Requirements Elements of plans.** Plans funded through grants under this section ~~must~~ may include:

- A. ~~Define~~ A description of local broadband needs and goals;
- B. ~~Inventory~~ An inventory of existing broadband infrastructure assets within the municipality, municipalities or region;
- C. ~~Include a~~ A gap analysis defining the additional broadband infrastructure necessary to meet identified needs and goals;
- D. ~~Include one~~ One or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers operating within the municipality, municipalities or region and any other parties that submit a network design solution in the course of

developing the plan to address any broadband gaps identified in paragraph C; and

E. ~~Include an~~ An assessment of all municipal procedures, policies, rules and ordinances that have the effect of delaying or increasing the cost of broadband infrastructure deployment.

The authority shall make all plans developed using grant funds under this section available on the authority's publicly accessible website.

**Sec. 14. Transition provisions.** The following provisions govern the transition of the ConnectME Authority to the ConnectMaine Authority.

1. The ConnectMaine Authority is the successor in every way to the powers, duties and functions of the former ConnectME Authority.

2. All existing rules, regulations and procedures in effect, in operation or adopted in or by the ConnectME Authority or any of its administrative units or officers are hereby declared in effect and continue in effect until rescinded, revised or amended by the proper authority.

3. All existing contracts, agreements and compacts currently in effect in the ConnectME Authority continue in effect.

4. Any positions authorized and allocated subject to the personnel laws to the former ConnectME Authority are transferred to the ConnectMaine Authority and may continue to be authorized.

5. All records, property and equipment previously belonging to or allocated for the use of the former ConnectME Authority become, on the effective date of this Act, part of the property of the ConnectMaine Authority.

6. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the "ConnectME Authority" may be utilized by the ConnectMaine Authority until existing supplies of those items are exhausted.

**Sec. 15. Rulemaking.** Within 90 days of the effective date of this Act, the ConnectMaine Authority shall commence rulemaking to implement the provisions of this Act. In adopting rules to implement changes to the Maine Revised Statutes, Title 35-A, section 9207, the authority shall consider permitting providers to submit data in a shapefile format. For the purposes of this section, "shapefile" means a vector data storage format for storing the location, shape and attributes of geographic features. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 626**  
**H.P. 1149 - L.D. 1590**

**An Act To Amend the Laws  
Relating to Harness Racing**

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

**Sec. 1. 8 MRSA §263-A, sub-§1, ¶A**, as enacted by PL 1997, c. 528, §6, is amended to read:

A. The conduct of harness racing and off-track betting facilities, including rules that may reduce the required number of separate live races for a licensee that is associated with an agricultural fair as defined in Title 7, section 81 to qualify as a racing program from 8 separate live races to 7 separate live races if a minimum number of horses is not available;

**Sec. 2. 8 MRSA §267, sub-§1**, as amended by PL 2017, c. 231, §5, is repealed and the following enacted in its place:

**1. Budget.** The department shall develop a recommended operating budget covering All Other account expenses for the biennium for the operating account established in section 267-A. The recommended budget must provide for the conduct of core activities necessary to carry out the provisions of this chapter and may allow for expenditures for discretionary activities, provided those activities are consistent with the purposes of this chapter. The commission shall conduct a hearing, provide notice of the hearing in accordance with Title 5, section 9052 and receive testimony on the recommended operating budget. Notice of the hearing must be provided to persons who receive distributions from the funds established by sections 281, 298, 299 and 300 and Title 7, section 91. The commission shall make findings based on the hearing and submit its recommendations to the commissioner, who may incorporate the recommendations in the final draft of the recommended budget. The commissioner shall transmit the final draft of the recommended budget to the Department of Administrative and Financial Services, Bureau of the Budget as provided in Title 5, section 1665. During the biennium, the commission may conduct additional hearings and receive additional testimony on revisions to the budget, including an expenditure for a discretionary activity. The commission may approve revisions to the budget, including an expenditure for a discretionary activity, if the commission determines that the activity is consistent with the provisions of this chapter and best serves the interest of the harness racing industry.

**Sec. 3. 8 MRSA §270, sub-§5** is amended to read:

**5. If racing plant owned or leased.** Whether or not the racing plant is owned or leased, and if leased,

the name and residence of the fee owner of the real estate, or if a corporation, of the directors and stockholders thereof; who, unless the fee owner is a governmental entity or agricultural fair association, shall provide the following:

A. A current financial statement of the owner showing assets and liabilities;

B. A current operating statement of the owner showing income and expenses relating to the real estate;

C. If the owner is an individual, the residence of the owner;

D. If the owner is a partnership or a corporation whose stock is not publicly traded, the principal address of the partnership or corporation and the name, address and occupation of each partner, officer, director and shareholder of the partnership or corporation; and

E. If the owner is a corporation whose stock is publicly traded, the principal address of the corporation and the name, address and occupation of each officer and director and each shareholder owning or controlling 10% or more of the stock of the corporation and, for a shareholder owning 10% or more of the stock of the corporation that is a partnership or corporation, the principal address of the partnership or corporation and the name, address and occupation of each partner, officer, director and shareholder of the partnership or corporation;

**Sec. 4. 8 MRSA §271, sub-§2, ¶A**, as amended by PL 2007, c. 539, Pt. G, §7 and affected by §15, is further amended to read:

A. The revenues to be generated, consistent with the profitability and financial health of the licensee and the development of revenues from interstate simulcasting of the licensee's race programming, for the operating account pursuant to section 287; the purse supplements pursuant to section 286; the Sire Stakes Fund pursuant to section 281; and the Stipend Fund pursuant to Title 7, section 86;

**Sec. 5. 8 MRSA §271, sub-§2, ¶B**, as amended by PL 1995, c. 408, §2, is further amended to read:

B. The quality of race programming and facilities offered and to be offered by the licensee and the suitability of the applicant's racing facilities for operation at the season for which the race dates are requested and the ability of the applicant to offer racing at night;

**Sec. 6. 8 MRSA §271, sub-§2, ¶C**, as amended by PL 2017, c. 231, §9, is further amended to read:

C. The necessity of having and maintaining proper physical facilities for racing meetings, including the ability to maintain ownership of or a leasehold on the facilities; and consequently, to ensure the

continuance of the facilities, the quality of the licensee's maintenance of its track and plant, the adequacy of its provisions for rehabilitation and capital improvements and the necessity of fair treatment of the economic interests and investments of those who, in good faith, have provided and maintained racing facilities;

**Sec. 7. 8 MRSA §272-B, sub-§1**, as enacted by PL 2007, c. 211, §1 and affected by §2, is amended to read:

**1. Payment from licensee Disbursements to association.** A licensee described in section 271 shall pay The commission shall disburse to an association determined eligible under subsection 2 an amount not to exceed 3% of each of the following:

- A. Disbursements from the Sire Stakes Fund under section 281 for the purpose of supplementing purses;
- B. The purse supplement share calculated under section 286 for distribution under section 290;
- C. The funds designated from the commercial meet account to supplement purses under section 287, subsection 2;
- D. The funds designated from the extended meet account to supplement purses under section 289, subsection 2, paragraph B;
- E. The fund to supplement harness racing purses established under section 298 and receiving payment pursuant to section 1036, subsection 2, paragraph B; and
- F. Disbursements from the Agricultural Fair Support Fund under Title 7, section 91, subsection 2, paragraph A.

**Sec. 8. 8 MRSA §272-B, sub-§4**, as enacted by PL 2007, c. 211, §1 and affected by §2, is amended to read:

**4. Payment Disbursements.** ~~Each year, upon receipt and verification of the information required under subsection 2, the commission shall advise licensees of the maximum amount payable to the association under subsection 1. Total payments disbursements made each year to the association under this section may not exceed the association's budget for that year.~~

**Sec. 9. 8 MRSA §275-A, sub-§1**, as amended by PL 2017, c. 231, §14, is further amended to read:

**1. Commercial track.** "Commercial track" means any harness horse racing track that is a for-profit business and is licensed under this chapter to conduct harness horse racing with pari-mutuel wagering that is not associated with an agricultural fair as defined in Title 7, section 81 and that:

- A. If the population of the region is 300,000 or more, based on the 1990 U.S. Census, conducted

racing on more than 69 days in each of the previous 2 calendar years, ~~except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is 300,000 or more, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 70 days in each of the 2 preceding calendar years year after the track was initially licensed as a commercial track, unless a lesser number of days of racing was conducted in a year due to conditions beyond the control of the racetrack owner or operator as approved by the commission; or~~

B. If the population of the region is less than 300,000, based on the 1990 U.S. Census, conducted racing on more than 34 days in each of the previous 2 calendar years, ~~except that if a racetrack that qualifies as a commercial track under this paragraph ceases operation, a separate racetrack operated by the owner or operator of the racetrack that ceased operation qualifies as a commercial track, and for all purposes is considered the same commercial track as the track that ceased operation, if the population of the region of that separate racetrack is less than 300,000, based on the 1990 U.S. Census, and the sum of the number of days on which racing was conducted at the track that ceased operation and the number of days on which racing was conducted at the separate racetrack equals at least 35 days in each of the 2 preceding calendar years; year after the track was initially licensed as a commercial track, unless a lesser number of days of racing was conducted in a year due to conditions beyond the control of the racetrack owner or operator as approved by the commission.~~

C. ~~Began operation after January 1, 2014 in a region with a population of 300,000 or more, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph A that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a racetrack is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 70 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 70 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial~~

~~track that ceased operation after January 1, 2014 are credited to the replacement commercial track; or~~

~~D. Began operation after January 1, 2014 in a region with a population of less than 300,000, based on the 1990 U.S. Census, to replace a commercial track as defined by paragraph B that ceased operation after January 1, 2014 and for which no separate racetrack has been opened by the owner or operator of that commercial track that ceased operation. For purposes of this paragraph, a racetrack is not required to have conducted racing during the 2 preceding calendar years but is required to conduct racing on at least 35 days during each calendar year after the track is initially licensed as a commercial track. If a commercial track under this paragraph has not been granted 35 race days by the commission for the initial calendar year of operation, race days conducted during that year by the commercial track that ceased operation after January 1, 2014 are credited to the replacement commercial track.~~

For the purposes of this subsection, "region" is determined by measuring a distance of 50 miles from the center of the racing track along the most commonly used roadway, as determined by the Department of Transportation, drawing a circle around the center of the racing track using that 50-mile measurement and excluding those municipalities or unorganized territories that do not have boundaries contained entirely by that circle.

~~For the purpose of determining the number of days a race track conducted racing under this subsection, if a race day is canceled due to a natural or other disaster, or due to a horse supply shortage as verified by the state steward, the track is considered to have conducted racing on that day.~~

**Sec. 10. 8 MRSA §275-D, sub-§1**, as amended by PL 2011, c. 99, §1, is further amended to read:

**1. Off-track betting on simulcast racing.** A person may conduct pari-mutuel wagering at an off-track betting facility that is licensed under this section; ~~if the person facility is licensed to operate located and operated within~~ a hotel, as defined in Title 28-A, section 2, subsection 15, paragraph H, with public dining facilities, a Class A lounge, as defined in Title 28-A, section 2, subsection 15, paragraph L, a Class A restaurant, as defined in Title 28-A, section 2, subsection 15, paragraph R, or a Class A restaurant/lounge, as defined in Title 28-A, section 2, subsection 15, paragraph R-1.

**Sec. 11. 8 MRSA §275-D, sub-§9**, as amended by PL 1997, c. 528, §23, is further amended to read:

**9. Annual report.** The department shall report annually by ~~January~~ March 1st to the joint standing committee of the Legislature having jurisdiction over legal affairs matters and to the joint standing committee of the Legislature having jurisdiction over agricultural

matters on the effect of off-track betting facilities on the local economy, the public interest, the integrity of live racing and other matters the department finds appropriate. The department may include in its report any recommendations for necessary changes in laws governing off-track betting.

**Sec. 12. 8 MRSA §286, sub-§8** is enacted to read:

**8. Payment from Stipend Fund.** Notwithstanding any other provision of law, the amounts payable to the Stipend Fund under this section from an off-track betting facility newly licensed after January 1, 2020 must be divided among all agricultural fair licensees based upon the number of days raced in conjunction with the annual agricultural fairs of the licensees.

**Sec. 13. 8 MRSA §298, sub-§2-A**, as enacted by PL 2007, c. 183, §2 and affected by §3, is amended to read:

**2-A. Distribution.** On April 30th, July 30th, October 30th and January 30th of each year, all amounts credited to the fund established by this section as of the last day of the preceding month and not distributed before that day must be distributed to each commercial track, as defined in section 275-A, subsection 1, to each agricultural fair licensee that conducts live racing on fair dates assigned by the commissioner pursuant to Title 7, section 84 ~~and~~, to each agricultural fair licensee that conducts an extended meet as long as that licensee conducted an extended meet in 2005 and to each agricultural fair licensee awarded live race dates by the commission upon closure of an existing commercial track that is not replaced, with each commercial track and each agricultural fair licensee receiving an amount of money determined by multiplying the amount of money available for distribution by a fraction, the numerator of which is the total number of live race dashes assigned to the commercial track or agricultural fair licensee for the year and the denominator of which is the total number of race dashes assigned to all commercial tracks and agricultural fair licensees for the year. The payment in January must be adjusted so that for the prior year each commercial track or agricultural fair licensee entitled to a distribution receives that portion of the total money distributed for the full year from the fund established by this section that is determined by multiplying the total amount of money by a fraction, the numerator of which is the number of live race dashes conducted by the commercial track or agricultural fair licensee during the calendar year that qualify for a distribution and the denominator of which is the total number of race dashes conducted during that calendar year that qualify for a distribution. For purposes of this subsection, a race dash qualifies for distribution if the dash was conducted by a commercial track or by an agricultural fair licensee on dates assigned under Title 7, sec-

tion 84 or during an extended meet. The funds distributed pursuant to this subsection must be used to supplement harness racing purses.

This subsection takes effect December 31, 2009.

**Sec. 14. 8 MRSA §299, sub-§5, ¶C**, as enacted by PL 2017, c. 231, §25, is amended to read:

C. One additional race day credit is earned for each day raced during the months of March and December. A maximum of ~~12~~ 16 race day credits may be awarded per commercial track for the month of March and a maximum of ~~12~~ 16 race day credits may be awarded per commercial track for the month of December.

**Sec. 15. 8 MRSA §299-A, sub-§1**, as enacted by PL 2017, c. 371, §5, is amended to read:

**1. Fund created.** The Harness Racing Promotional Fund, referred to in this section as "the fund," is established to be used solely for the marketing and promotion of harness racing in the State. The fund consists of any money received through the commission on wagers pursuant to section 286 and any contributions, grants or appropriations from private and public sources. The fund, to be accounted for within the commission, must be held separate and apart from all other money, funds and accounts. Any balance remaining in the fund at the end of a fiscal year does not lapse but must be carried forward to the next fiscal year. The fund may not be charged for indirect costs under a departmental indirect cost allocation plan.

**Sec. 16. Commercial track ceases operation prior to March 1, 2021.** If the State Harness Racing Commission as established by the Maine Revised Statutes, Title 8, section 261-A determines that a commercial track ceased or agreed to cease operation prior to March 1, 2021 following a request from a bona fide statewide organization of horsemen in whole or in part to facilitate the prospect that a modernized commercial track might open, notwithstanding the requirements of Title 8, section 275-D, the commission may grant a license to the operator of the former commercial track or an entity controlled by its owners to operate an off-track betting facility in the same municipality of the commercial track at or after the commercial track ceases operation as a commercial track.

See title page for effective date.

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CHAPTER 627

S.P. 537 - L.D. 1660

An Act To Improve Access to  
Physician Assistant Care

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, it is critically important that this legislation take effect before the expiration of the 90-day period; 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:**

PART A

**Sec. A-1. 24-A MRSA §4306**, as amended by PL 2011, c. 364, §28, is further amended to read:

**§4306. Enrollee choice of primary care provider**

A carrier offering or renewing a managed care plan shall allow enrollees to choose their own primary care providers, as allowed under the managed care plan's rules, from among the panel of participating providers made available to enrollees under the managed care plan's rules. A carrier shall allow physicians, including, but not limited to, pediatricians and physicians who specialize in obstetrics and gynecology, and physician assistants licensed pursuant to Title 32, section 2594-E or section 3270-E and certified nurse practitioners who have been approved by the State Board of Nursing to practice advanced practice registered nursing without the supervision of a physician pursuant to Title 32, section 2102, subsection 2-A to serve as primary care providers for managed care plans. A carrier is not required to contract with certified nurse practitioners, physician assistants or physicians as primary care providers in any manner that exceeds the access and provider network standards required in this chapter or chapter 56, or any rules adopted pursuant to those chapters. A carrier shall allow enrollees in a managed care plan to change primary care providers without good cause at least once annually and to change with good cause as necessary. When an enrollee fails to choose a primary care provider, the carrier may assign the enrollee a primary care provider located in the same geographic area in which the enrollee resides.

**Sec. A-2. 24-A MRSA §4320-O** is enacted to read:

**§4320-O. Coverage for services provided by a physician assistant**

**1. Services provided by a physician assistant.** A carrier offering a health plan in this State shall provide coverage for health care services performed by a physician assistant licensed under Title 32, section 2594-E or 3270-E when those services are covered services under the health plan when performed by any other health care



provider and when those services are within the lawful scope of practice of the physician assistant.

**2. Limits; deductible; copayment; coinsurance.** A carrier may offer a health plan containing a provision for a deductible, copayment or coinsurance requirement for a health care service provided by a physician assistant as long as the deductible, copayment or coinsurance does not exceed the deductible, copayment or coinsurance applicable to the same service provided by other health care providers.

**3. Network participation.** A carrier shall demonstrate that the carrier's provider network includes reasonable access, in accordance with section 4303, to all covered services that are within the lawful scope of practice of a physician assistant. A carrier may not exclude a provider from participation in the carrier's provider network solely because the provider is a physician assistant as long as the provider is willing to meet the same terms and conditions as other participating providers. This subsection does not require a carrier to contract with all physician assistants or require a carrier to provide coverage under a health plan for any service provided by a participating physician assistant that is not within the health plan's scope of coverage.

**4. Billing.** A carrier shall authorize a physician assistant to bill the carrier and receive direct payment for a medically necessary service the physician assistant provides to an enrollee and identify the physician assistant as provider in the billing and claims process for payment of the service. A carrier may not impose on a physician assistant a practice, education or collaboration requirement that is inconsistent with or more restrictive than a requirement of state law or board or agency rules.

**Sec. A-3. Application.** The requirements of this Part apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2021. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**Sec. A-4. Exemption from review.** Notwithstanding the Maine Revised Statutes, Title 24-A, section 2752, section 2 of this Part is enacted without review and evaluation by the Department of Professional and Financial Regulation, Bureau of Insurance.

## PART B

**Sec. B-1. 6 MRS §205, sub-§5,** as amended by PL 2009, c. 447, §4, is further amended to read:

**5. Administration of tests.** Persons conducting analyses of blood, breath or urine for the purpose of determining the alcohol level or drug concentration must be certified for this purpose by the Department of Health and Human Services under certification standards set by that department.

Only a duly licensed physician, ~~registered physician's licensed physician~~ assistant, registered nurse or a person certified by the Department of Health and Human Services under certification standards set by that department, acting at the request of a law enforcement officer, may draw a specimen of blood to determine the alcohol level or drug concentration of a person who is complying with the duty to submit to a chemical test. This limitation does not apply to the taking of breath specimens. When a person draws a specimen of blood at the request of a law enforcement officer, that person may issue a certificate that states that the person is in fact a duly licensed or certified person as required by this subsection and that the person followed the proper procedure for drawing a specimen of blood to determine the alcohol level or drug concentration. That certificate, when duly signed and sworn to by the person, is admissible as evidence in any court of the State. It is prima facie evidence that the person was duly licensed or certified and that the person followed the proper procedure for drawing a specimen for chemical testing, unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify as to licensure or certification, or the procedure for drawing the specimen of blood.

A law enforcement officer may take a sample specimen of the breath or urine of any person whom the officer has probable cause to believe operated or attempted to operate an aircraft while under the influence of intoxicating liquor or drugs and who is complying with the duty to submit to and complete a chemical test. The sample specimen must be submitted to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting chemical tests of the sample specimen to determine the alcohol level or drug concentration of that sample.

Only equipment approved by the Department of Health and Human Services may be used by a law enforcement officer to take a sample specimen of the defendant's breath or urine for submission to the Department of Health and Human Services or a person certified by the Department of Health and Human Services for the purpose of conducting tests of the sample specimen to determine the alcohol level or drug concentration of that sample. Approved equipment must have a stamp of approval affixed by the Department of Health and Human Services. Evidence that the equipment was in a sealed carton bearing the stamp of approval must be accepted in court as prima facie evidence that the equipment was approved by the Department of Health and Human Services for use by the law enforcement officer to take the sample specimen of the defendant's breath or urine.

As an alternative to the method of breath testing described in this subsection, a law enforcement officer may test the breath of any person whom the officer has probable cause to believe operated or attempted to op-

erate an aircraft while under the influence of intoxicating liquor or drugs, by use of a self-contained, breath-alcohol testing apparatus to determine the person's alcohol level, as long as the testing apparatus is reasonably available. The procedures for the operation and testing of self-contained, breath-alcohol testing apparatuses must be as provided by rule adopted by the Department of Health and Human Services. The result of any such test must be accepted as prima facie evidence of the alcohol level of a person in any court.

Approved self-contained, breath-alcohol testing apparatuses must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp of approval is valid for a limited period of no more than one year. Testimony or other evidence that the equipment was bearing the stamp of approval must be accepted in court as prima facie evidence that the equipment was approved by the Department of Health and Human Services for use by the law enforcement officer to collect and analyze a sample specimen of the defendant's breath.

Failure to comply with any provision of this subsection or with any rule adopted under this subsection does not, by itself, result in the exclusion of evidence of alcohol level or drug concentration, unless the evidence is determined to be not sufficiently reliable.

Testimony or other evidence that any materials used in operating or checking the operation of the equipment were bearing a statement of the manufacturer or of the Department of Health and Human Services must be accepted in court as prima facie evidence that the materials were of a composition and quality as stated.

A person certified by the Maine Criminal Justice Academy, under certification standards set by the academy, as qualified to operate approved self-contained, breath-alcohol testing apparatuses may operate those apparatuses to collect and analyze a sample specimen of a defendant's breath.

**Sec. B-2. 12 MRSA §10703, sub-§5, ¶A**, as amended by PL 2019, c. 452, §5, is further amended to read:

A. Only a physician, ~~registered physician's~~ licensed physician assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite. This limitation does not apply to the taking of breath or urine specimens. When a person draws a specimen of blood at the request of a law enforcement officer, that person may issue a certificate that states that the person is in fact a duly licensed or certified person as required by this subsection and that the person followed the proper procedure for drawing a specimen of blood to determine an alcohol level or drug concentration. That

certificate, when duly signed and sworn to by the person, is admissible as evidence in any court of the State. It is prima facie evidence that the person was duly licensed or certified and that the person followed the proper procedure for drawing a specimen of blood for chemical testing, unless, with 10 days' written notice to the prosecution, the defendant requests that the person testify as to licensure or certification, or the procedure for drawing the specimen of blood.

**Sec. B-3. 12 MRSA §10703, sub-§6**, as amended by PL 2019, c. 452, §6, is further amended to read:

**6. Liability.** Only a physician, ~~registered physician's~~ licensed physician assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples or other health care provider in the exercise of due care is not liable in damages or otherwise for any act done or omitted in performing the act of collecting or withdrawing specimens of blood at the request of a law enforcement officer pursuant to this section.

**Sec. B-4. 18-C MRSA §5-306, sub-§1**, as amended by PL 2019, c. 276, §1, is further amended to read:

**1. Evaluation; report.** In every adult guardianship matter, the respondent must be examined by a medical practitioner who is acceptable to the court and who is qualified to evaluate the respondent's alleged cognitive and functional abilities. The individual conducting the evaluation shall file a report in a record with the court at least 10 days before any hearing on the petition. Unless otherwise directed by the court, the report must contain:

- A. A description of the nature, type and extent of the respondent's cognitive and functional abilities and limitations;
- B. An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior and social skills;
- C. A prognosis for improvement and recommendation for the appropriate treatment, support or habilitation plan; and
- D. The date of the examination on which the report is based.

As used in this subsection, "medical practitioner" means a licensed physician, a ~~registered~~ licensed physician assistant, a certified psychiatric clinical nurse specialist, a certified nurse practitioner or a licensed clinical psychologist.

**Sec. B-5. 22 MRSA §1241, sub-§3**, as enacted by PL 2009, c. 533, §1, is amended to read:

**3. Health care professional.** "Health care professional" means an allopathic physician licensed pursuant

to Title 32, chapter 48, an osteopathic physician licensed pursuant to Title 32, chapter 36, a physician assistant ~~who has been delegated the provision of sexually transmitted disease therapy or expedited partner therapy by that physician assistant's supervising physician licensed pursuant to Title 32, chapter 36 or 48,~~ an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that authorizes the provision of sexually transmitted disease therapy or expedited partner therapy or an advanced practice registered nurse who possesses appropriate clinical privileges in accordance with Title 32, chapter 31.

**Sec. B-6. 22 MRSA §1597-A, sub-§1, ¶B,** as amended by PL 1993, c. 600, Pt. B, §21, is further amended by amending subparagraph (5) to read:

- (5) A ~~physician's~~ physician assistant ~~registered licensed~~ by the Board of Licensure in Medicine, Title 32, chapter 48;

**Sec. B-7. 26 MRSA §683, sub-§5, ¶B,** as amended by PL 2017, c. 407, Pt. A, §107, is further amended to read:

B. In the case of an employee, have a blood sample taken from the employee by a licensed physician, ~~registered physician's~~ licensed physician assistant, registered nurse or a person certified by the Department of Health and Human Services to draw blood samples. The employer shall have this sample tested for the presence of alcohol or marijuana metabolites, if those substances are to be tested for under the employer's written policy. If the employee requests that a blood sample be taken as provided in this paragraph, the employer may not test any other sample from the employee for the presence of these substances.

- (1) The Department of Health and Human Services may identify, by rules adopted under section 687, other substances for which an employee may request a blood sample be tested instead of a urine sample if the department determines that a sufficient correlation exists between the presence of the substance in an individual's blood and its effect upon the individual's performance.
- (2) An employer may not require, request or suggest that any employee or applicant provide a blood sample for substance use testing purposes nor may any employer conduct a substance use test upon a blood sample except as provided in this paragraph.
- (3) Applicants do not have the right to require the employer to test a blood sample as provided in this paragraph.

**Sec. B-8. 29-A MRSA §2524, sub-§1,** as amended by PL 2013, c. 459, §11, is further amended to read:

**1. Persons qualified to draw blood for blood tests.** Only a physician, ~~registered physician's~~ licensed physician assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite.

**Sec. B-9. 32 MRSA §86, sub-§2-A, ¶A,** as amended by PL 1993, c. 152, §3, is further amended to read:

A. When a patient is already under the supervision of a personal physician or ~~a physician's~~ physician assistant or a nurse practitioner supervised by ~~that~~ the physician and the physician, ~~physician's~~ physician assistant or nurse practitioner assumes the care of the patient, then for as long as the physician, ~~physician's~~ physician assistant or nurse practitioner remains with the patient, the patient must be cared for as the physician, ~~physician's~~ physician assistant or nurse practitioner directs. The emergency medical services persons shall assist to the extent that their licenses and protocol allow; and

**Sec. B-10. 32 MRSA §2561,** as amended by PL 2013, c. 101, §1, is further amended to read:

**§2561. Membership; qualifications; tenure; vacancies**

The Board of Osteopathic Licensure, as established by Title 5, section 12004-A, subsection 29, and in this chapter called the "board," consists of ~~40~~ 11 members appointed by the Governor. Members must be residents of this State. Six members must be graduates of a school or college of osteopathic medicine approved by the American Osteopathic Association and must ~~be~~ have been, at the time of appointment, actively engaged in the practice of the profession of osteopathic medicine in the State for a continuous period of at least 5 years preceding their appointment to the board. ~~One member~~ Two members must be a ~~physician assistant~~ physician assistant licensed under this chapter who ~~has~~ have been actively engaged in ~~that member's~~ the profession of physician assistant in this State for at least 5 years preceding appointment to the board. Three members must be public members. Consumer groups may submit nominations to the Governor for the members to be appointed to represent the interest of consumers. A full term of appointment is for 5 years. Appointment of members must comply with section 60. A member of the board may be removed from office for cause by the Governor.

**Sec. B-11. 32 MRSA §2594-A,** as amended by PL 2013, c. 33, §1, is further amended to read:

**§2594-A. Assistants; delegating authority**

Nothing contained in this chapter may be construed to prohibit an individual from rendering medical services if these services are rendered under the supervision and control of a physician and if the individual has satisfactorily completed a training program approved by the Board of Osteopathic Licensure. Supervision and control may not be construed as requiring the personal presence of the supervising and controlling physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. Nothing in this This chapter may not be construed as prohibiting a physician from delegating to the physician's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when these activities are under the direct control of the physician. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. Nothing contained in this section may be construed to apply to registered nurses acting pursuant to chapter 31 and licensed physician assistants acting pursuant to this chapter or chapter 48.

When the delegated activities are part of the practice of optometry as defined in chapter 34-A, then the individual to whom these activities are delegated must possess a valid license to practice optometry in Maine or otherwise may perform only as a technician within the established office of a physician and may act solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

**Sec. B-12. 32 MRSA §2594-E**, as amended by PL 2017, c. 288, Pt. A, §33, is further amended to read:

**§2594-E. ~~License and registration~~ Licensure of physician assistants**

**1. ~~License and registration~~ required.** A physician assistant may not render medical services ~~under the supervision of an osteopathic physician or an allopathic physician pursuant to a plan of supervision~~ until the physician assistant has applied for and obtained from either the Board of Osteopathic Licensure or the Board of Licensure in Medicine:

A. A license, which must be renewed biennially with the board that issued the initial license; ~~and~~

~~B. A certificate of registration.~~

~~Applications~~ An application for licensure ~~and certificate of registration~~ as a physician assistant must be made to the board that licenses the physician assistant's primary supervising physician at the time the applications for initial licensure ~~and certificate of registration~~

~~are filed.~~ A physician assistant who applies for licensure without a designated primary supervising physician may submit the application submitted to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. A license granted by either the Board of Osteopathic Licensure or the Board of Licensure in Medicine authorizes the physician assistant to render medical services ~~under the supervision of an osteopathic or allopathic physician regardless of which board issued the license to the physician assistant.~~

**2. Qualification for licensure.** The board may issue to an individual a license to practice as a physician assistant under the following conditions:

A. A license may be issued to an individual who:

- (1) Graduated from a physician assistant program approved by the board;
- (2) Passed a physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants or its successor organization;
- (3) Demonstrates current clinical competency;
- (4) Does not have a license or certificate of registration that is the subject of disciplinary action such as probation, restriction, suspension, revocation or surrender;
- (5) Completes an application approved by the board;
- (6) Pays an application fee of up to ~~\$250~~ \$300; and
- (7) Passes an examination approved by the board; and

B. No grounds exist as set forth in section 2591-A to deny the application.

~~**3. Certificate of registration.** A physician assistant may not render medical services until issued a certificate of registration by the board. The board may issue a certificate of registration to a physician assistant under the following requirements:~~

~~A. The physician assistant shall:~~

- (1) ~~Submit an application on forms approved by the board. The application must include:~~
  - (a) ~~A written statement by the proposed supervising physician taking responsibility for all medical activities of the physician assistant; and~~
  - (b) ~~A written statement by the physician assistant and proposed supervising physician that a written plan of supervision has been established; and~~

(2) ~~Pays an application fee of up to \$50.~~

~~B. A proposed supervising physician must hold an active license to practice medicine in the State and be in good standing.~~

**4. Delegation by physician assistant.** A physician assistant may delegate ~~medical acts to a medical assistant employed by the physician assistant or by an employer of the physician assistant as long as that delegation is permitted in the plan of supervision established by the physician assistant and the supervising physician to the physician assistant's employees or support staff or members of a health care team, including medical assistants, certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician assistant. The physician assistant who delegates an activity permitted under this subsection is legally liable for the activity performed by an employee, a medical assistant, support staff or a member of a health care team.~~

**5. Rules.** The Board of Osteopathic Licensure is authorized to adopt rules regarding the ~~training and licensure and practice of physician assistants and the agency relationship between the physician assistant and the supervising physician.~~ These rules, which must be adopted jointly with the Board of Licensure in Medicine, may pertain to, but are not limited to, the following matters:

- A. Information to be contained in the application for a license ~~and certificate of registration;~~
- ~~B. Information that is required on the application for a certificate of registration filed by the proposed supervising physician;~~
- C. ~~Training and education~~ Education requirements and scope of permissible clinical medical procedures of for the physician assistant and the manner and methods by which the supervising physician must supervise the physician assistant's medical services;
- ~~D. Scope of practice for physician assistants, including prescribing of controlled drugs;~~
- E. Requirements for ~~written plans of supervision collaborative agreements and practice agreements under section 2594-F, including uniform standards and forms;~~
- F. Requirements for a physician assistant to notify the board regarding certain circumstances, including but not limited to any change in address, ~~any change in the identity or address of the physician assistant's employer or in the physician assistant's employment status, any change in the identity or address of the supervising physician, the permanent departure of the physician assistant from the State, any criminal convictions of the physician assistant and any discipline by other jurisdictions of the physician assistant;~~

G. Issuance of temporary physician assistant licenses ~~and temporary registration of physician assistants;~~

H. Appointment of an advisory committee for continuing review of the physician assistant ~~program and rules. The physician assistant member members of the board pursuant to section 2561 must be a member members of the advisory committee;~~

I. Continuing education requirements as a precondition to continued licensure or licensure renewal;

J. Fees for the application for an initial physician assistant license, which may not exceed \$250 ~~\$300; and~~

~~K. Fees for an initial certificate of registration, which may not exceed \$100;~~

~~L. Fees for transfer of the certificate of registration by a physician assistant from one supervising physician to another, which may not exceed \$50; and~~

M. Fees for the biennial renewal of a physician assistant license in an amount not to exceed \$250.

**Sec. B-13. 32 MRSA §2594-F** is enacted to read:

**§2594-F. Physician assistants; scope of practice and agreement requirements**

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

A. "Collaborative agreement" means a document agreed to by a physician assistant and a physician that describes the scope of practice for the physician assistant as determined by practice setting and describes the decision-making process for a health care team, including communication and consultation among health care team members.

B. "Consultation" means engagement in a process in which members of a health care team use their complementary training, skill, knowledge and experience to provide the best care for a patient.

C. "Health care team" means 2 or more health care professionals working in a coordinated, complementary and agreed-upon manner to provide quality, cost-effective, evidence-based care to a patient and may include a physician, physician assistant, advanced practice nurse, nurse, physical therapist, occupational therapist, speech therapist, social worker, nutritionist, psychotherapist, counselor or other licensed professional.

D. "Physician" means a person licensed as a physician under this chapter or chapter 48.

E. "Physician assistant" means a person licensed under section 2594-E or 3270-E.

F. "Practice agreement" means a document agreed to by a physician assistant who is the principal clinical provider in a practice and a physician that states the physician will be available to the physician assistant for collaboration or consultation.

G. "Prescription or legend drug" has the same meaning as "prescription drug" in section 13702-A, subsection 30 and includes schedule II to schedule V drugs or other substances under the federal Controlled Substances Act, 21 United States Code, Section 812.

**2. Scope of practice.** A physician assistant may provide any medical service for which the physician assistant has been prepared by education, training and experience and is competent to perform. The scope of practice of a physician assistant is determined by practice setting, including, but not limited to, a physician employer setting, physician group practice setting or independent private practice setting, or, in a health care facility setting, by a system of credentialing and granting of privileges.

**3. Dispensing drugs.** Except for distributing a professional sample of a prescription or legend drug, a physician assistant who dispenses a prescription or legend drug:

A. Shall comply with all relevant federal and state laws and federal regulations and state rules; and

B. May dispense the prescription or legend drug only when:

- (1) A pharmacy service is not reasonably available;
- (2) Dispensing the drug is in the best interests of the patient; or
- (3) An emergency exists.

**4. Consultation.** A physician assistant shall, as indicated by a patient's condition, the education, competencies and experience of the physician assistant and the standards of care, consult with, collaborate with or refer the patient to an appropriate physician or other health care professional. The level of consultation required under this subsection is determined by the practice setting, including a physician employer, physician group practice or private practice, or by the system of credentialing and granting of privileges of a health care facility. A physician must be accessible to the physician assistant at all times for consultation. Consultation may occur electronically or through telecommunication and includes communication, task sharing and education among all members of a health care team.

**5. Collaborative agreement requirements.** A physician assistant with less than 4,000 hours of clinical practice documented to the board shall work in accordance with a collaborative agreement with an active physician that describes the physician assistant's scope of

practice, except that a physician assistant working in a physician group practice setting or a health care facility setting under a system of credentialing and granting of privileges and scope of practice agreement may use that system of credentialing and granting of privileges and scope of practice agreement in lieu of a collaborative agreement. A physician assistant is legally responsible and assumes legal liability for any medical service provided by the physician assistant in accordance with the physician assistant's scope of practice under subsection 2 and a collaborative agreement under this subsection. Under a collaborative agreement, collaboration may occur through electronic means and does not require the physical presence of the physician at the time or place that the medical services are provided. A physician assistant shall submit the collaborative agreement, or, if appropriate, the scope of practice agreement, to the board for approval and the agreement must be kept on file at the main location of the place of practice and be made available to the board or the board's representative upon request. Upon submission to the board of documentation of 4,000 hours of clinical practice, a physician assistant is no longer subject to the requirements of this subsection.

**6. Practice agreement requirements.** A physician assistant who has more than 4,000 hours of clinical practice may be the principal clinical provider in a practice that does not include a physician partner as long as the physician assistant has a practice agreement with an active physician, and other health care professionals as necessary, that describes the physician assistant's scope of practice. A physician assistant is legally responsible and assumes legal liability for any medical service provided by the physician assistant in accordance with the physician assistant's scope of practice under subsection 2 and a practice agreement under this subsection. A physician assistant shall submit the practice agreement to the board for approval and the agreement must be kept on file at the main location of the physician assistant's practice and be made available to the board or the board's representative upon request. Upon any change in the parties to the practice agreement or other substantive change in the practice agreement, the physician assistant shall submit the revised practice agreement to the board for approval. Under a practice agreement, consultation may occur through electronic means and does not require the physical presence of the physician or other health care providers who are parties to the agreement at the time or place that the medical services are provided.

**7. Construction.** To address the need for affordable, high-quality health care services throughout the State and to expand, in a safe and responsible manner, access to health care providers such as physician assistants, this section must be liberally construed to authorize physician assistants to provide health care services

to the full extent of their education, training and experience in accordance with their scopes of practice as determined by their practice settings.

**Sec. B-14. 32 MRSA §3263, first ¶,** as amended by PL 2013, c. 101, §5, is further amended to read:

The Board of Licensure in Medicine, as established by Title 5, section 12004-A, subsection 24, and in this chapter called the "board," consists of ~~10~~ 11 individuals who are residents of this State, appointed by the Governor. Three individuals must be representatives of the public. Six individuals must be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and must have been actively engaged in the practice of their profession in this State for a continuous period of 5 years preceding their appointments to the board. ~~One individual~~ Two individuals must be a physician assistant licensed under this chapter who ~~has~~ have been actively engaged in the practice of ~~that individual's~~ the profession of physician assistant in this State for a continuous period of 5 years preceding appointment to the board. A full-term appointment is for 6 years. Appointment of members must comply with Title 10, section 8009. A member of the board may be removed from office for cause by the Governor.

**Sec. B-15. 32 MRSA §3270-A,** as amended by PL 2013, c. 33, §2, is further amended to read:

**§3270-A. Assistants; delegating authority**

~~This chapter may not be construed to prohibit an individual from rendering medical services if these services are rendered under the supervision and control of a physician or surgeon and if that individual has satisfactorily completed a training program approved by the Board of Licensure in Medicine and a competency examination determined by this board. Supervision and control may not be construed as requiring the personal presence of the supervising and controlling physician at the place where these services are rendered, unless a physical presence is necessary to provide patient care of the same quality as provided by the physician. This chapter may not be construed as prohibiting a physician or surgeon from delegating to the physician's or surgeon's employees or support staff certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician or surgeon. The physician delegating these activities to employees or support staff, to program graduates or to participants in an approved training program is legally liable for the activities of those individuals, and any individual in this relationship is considered the physician's agent. This section may not be construed to apply to registered nurses acting pursuant to chapter 31 and licensed physician assistants acting pursuant to this chapter and chapter 36.~~

When the delegated activities are part of the practice of optometry as defined in chapter 34-A, then the individual to whom these activities are delegated must possess a valid license to practice optometry in Maine, or otherwise may perform only as a technician within the established office of a physician, and otherwise acting solely on the order of and under the responsibility of a physician skilled in the treatment of eyes as designated by the proper professional board, and without assuming evaluation or interpretation of examination findings by prescribing corrective procedures to preserve, restore or improve vision.

**Sec. B-16. 32 MRSA §3270-E,** as amended by PL 2017, c. 288, Pt. A, §34, is further amended to read:

**§3270-E. ~~License and registration~~ Licensure of physician assistants**

**1. ~~License and registration required.~~** A physician assistant may not render medical services ~~under the supervision of an osteopathic physician or an allopathic physician pursuant to a plan of supervision until the physician assistant has applied for and obtained from either the Board of Licensure in Medicine or the Board of Osteopathic Licensure:~~

- A. A license, which must be renewed biennially with the board that issued the initial license; ~~and,~~
- ~~B. A certificate of registration.~~

~~Applications~~ An application for licensure ~~and certificate of registration~~ as a physician assistant must be made to the board that licenses the physician assistant's primary supervising physician at the time the applications for initial licensure and certificate of registration are filed. A physician assistant who applies for licensure ~~without a designated primary supervising physician~~ may submit the application submitted to either the Board of Osteopathic Licensure or the Board of Licensure in Medicine. A license granted by either the Board of Osteopathic Licensure or the Board of Licensure in Medicine authorizes the physician assistant to render medical services ~~under the supervision of an allopathic or osteopathic physician regardless of which board issued the license to the physician assistant.~~

**2. Qualification for licensure.** The board may issue to an individual a license to practice as a physician assistant under the following conditions:

- A. A license may be issued to an individual who:
  - (1) Graduated from a physician assistant program approved by the board;
  - (2) Passed a physician assistant national certifying examination administered by the National Commission on Certification of Physician Assistants or its successor organization;
  - (3) Demonstrates current clinical competency;

- (4) Does not have a license or certificate of registration that is the subject of disciplinary action such as probation, restriction, suspension, revocation or surrender;
- (5) Completes an application approved by the board;
- (6) Pays an application fee of up to ~~\$250~~ \$300; and
- (7) Passes an examination approved by the board; and

B. No grounds exist as set forth in section 3282-A to deny the application.

~~3. Certificate of registration. A physician assistant may not render medical services until issued a certificate of registration by the board. The board may issue a certificate of registration to a physician assistant under the following requirements:~~

~~A. The physician assistant shall:~~

~~(1) Submit an application on forms approved by the board. The application must include:~~

~~(a) A written statement by the proposed supervising physician taking responsibility for all medical activities of the physician assistant; and~~

~~(b) A written statement by the physician assistant and proposed supervising physician that a written plan of supervision has been established; and~~

~~(2) Pays an application fee of up to \$50.~~

~~B. A proposed supervising physician must hold an active license to practice medicine in the State and be in good standing.~~

~~4. Delegation by physician assistant. A physician assistant may delegate medical acts to a medical assistant employed by the physician assistant or by an employer of the physician assistant as long as that delegation is permitted in the plan of supervision established by the physician assistant and the supervising physician to the physician assistant's employees or support staff or members of a health care team, including medical assistants, certain activities relating to medical care and treatment carried out by custom and usage when the activities are under the control of the physician assistant. The physician assistant who delegates an activity permitted under this subsection is legally liable for the activity performed by an employee, a medical assistant, support staff or a member of a health care team.~~

~~5. Rules. The Board of Licensure in Medicine is authorized to adopt rules regarding the training and licensure and practice of physician assistants and the agency relationship between the physician assistant and the supervising physician. These rules, which must be~~

adopted jointly with the Board of Osteopathic Licensure, may pertain to, but are not limited to, the following matters:

~~A. Information to be contained in the application for a license and certificate of registration;~~

~~B. Information that is required on the application for a certificate of registration filed by the proposed supervising physician;~~

~~C. Training and education. Education requirements and scope of permissible clinical medical procedures of for the physician assistant and the manner and methods by which the supervising physician must supervise the physician assistant's medical services;~~

~~D. Scope of practice for physician assistants, including prescribing of controlled drugs;~~

~~E. Requirements for written plans of supervision collaborative agreements and practice agreements under section 3270-G, including uniform standards and forms;~~

~~F. Requirements for a physician assistant to notify the board regarding certain circumstances, including but not limited to any change in address, any change in the identity or address of the physician assistant's employer or in the physician assistant's employment status, any change in the identity or address of the supervising physician, the permanent departure of the physician assistant from the State, any criminal convictions of the physician assistant and any discipline by other jurisdictions of the physician assistant;~~

~~G. Issuance of temporary physician assistant licenses and temporary registration of physician assistants;~~

~~H. Appointment of an advisory committee for continuing review of the physician assistant program and rules. The physician assistant member members of the board pursuant to section 2561 3263 must be a member members of the advisory committee;~~

~~I. Continuing education requirements as a precondition to continued licensure or licensure renewal;~~

~~J. Fees for the application for an initial physician assistant license, which may not exceed \$250 \$300; and~~

~~K. Fees for an initial certificate of registration, which may not exceed \$100;~~

~~L. Fees for transfer of the certificate of registration by a physician assistant from one supervising physician to another, which may not exceed \$50; and~~

~~M. Fees for the biennial renewal of a physician assistant license in an amount not to exceed \$250.~~



**Sec. B-17. 32 MRSA §3270-G** is enacted to read:

**§3270-G. Physician assistants; scope of practice and agreement requirements**

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

A. "Collaborative agreement" means a document agreed to by a physician assistant and a physician that describes the scope of practice for the physician assistant as determined by practice setting and describes the decision-making process for a health care team, including communication and consultation among health care team members.

B. "Consultation" means engagement in a process in which members of a health care team use their complementary training, skill, knowledge and experience to provide the best care for a patient.

C. "Health care team" means 2 or more health care professionals working in a coordinated, complementary and agreed-upon manner to provide quality, cost-effective, evidence-based care to a patient and may include a physician, physician assistant, advanced practice nurse, nurse, physical therapist, occupational therapist, speech therapist, social worker, nutritionist, psychotherapist, counselor or other licensed professional.

D. "Physician" means a person licensed as a physician under this chapter or chapter 36.

E. "Physician assistant" means a person licensed under section 2594-E or 3270-E.

F. "Practice agreement" means a document agreed to by a physician assistant who is the principal clinical provider in a practice and a physician that states the physician will be available to the physician assistant for collaboration or consultation.

G. "Prescription or legend drug" has the same meaning as "prescription drug" in section 13702-A, subsection 30 and includes schedule II to schedule V drugs or other substances under the federal Controlled Substances Act, 21 United States Code, Section 812.

**2. Scope of practice.** A physician assistant may provide any medical service for which the physician assistant has been prepared by education, training and experience and is competent to perform. The scope of practice of a physician assistant is determined by practice setting, including, but not limited to, a physician employer setting, physician group practice setting or independent private practice setting, or, in a health care facility setting, by a system of credentialing and granting of privileges.

**3. Dispensing drugs.** Except for distributing a professional sample of a prescription or legend drug, a

physician assistant who dispenses a prescription or legend drug:

A. Shall comply with all relevant federal and state laws and federal regulations and state rules; and

B. May dispense the prescription or legend drug only when:

(1) A pharmacy service is not reasonably available;

(2) Dispensing the drug is in the best interests of the patient; or

(3) An emergency exists.

**4. Consultation.** A physician assistant shall, as indicated by a patient's condition, the education, competencies and experience of the physician assistant and the standards of care, consult with, collaborate with or refer the patient to an appropriate physician or other health care professional. The level of consultation required under this subsection is determined by the practice setting, including a physician employer, physician group practice, or private practice, or by the system of credentialing and granting of privileges of a health care facility. A physician must be accessible to the physician assistant at all times for consultation. Consultation may occur electronically or through telecommunication and includes communication, task sharing and education among all members of a health care team.

**5. Collaborative agreement requirements.** A physician assistant with less than 4,000 hours of clinical practice documented to the board shall work in accordance with a collaborative agreement with an active physician that describes the physician assistant's scope of practice, except that a physician assistant working in a physician group practice setting or a health care facility setting under a system of credentialing and granting of privileges and scope of practice agreement may use that system of credentialing and granting of privileges and scope of practice agreement in lieu of a collaborative agreement. A physician assistant is legally responsible and assumes legal liability for any medical service provided by the physician assistant in accordance with the physician assistant's scope of practice under subsection 2 and a collaborative agreement under this subsection. Under a collaborative agreement, collaboration may occur through electronic means and does not require the physical presence of the physician at the time or place that the medical services are provided. A physician assistant shall submit the collaborative agreement, or, if appropriate, the scope of practice agreement, to the board for approval and the agreement must be kept on file at the main location of the place of practice and be made available to the board or the board's representative upon request. Upon submission to the board of documentation of 4,000 hours of clinical practice, a physician assistant is no longer subject to the requirements of this subsection.

**6. Practice agreement requirements.** A physician assistant who has more than 4,000 hours of clinical practice may be the principal clinical provider in a practice that does not include a physician partner as long as the physician assistant has a practice agreement with an active physician, and other health care professionals as necessary, that describes the physician assistant's scope of practice. A physician assistant is legally responsible and assumes legal liability for any medical service provided by the physician assistant in accordance with the physician assistant's scope of practice under subsection 2 and a practice agreement under this subsection. A physician assistant shall submit the practice agreement to the board for approval and the agreement must be kept on file at the main location of the physician assistant's practice and be made available to the board or the board's representative upon request. Upon any change in the parties to the practice agreement or other substantive change in the practice agreement, the physician assistant shall submit the revised practice agreement to the board for approval. Under a practice agreement, consultation may occur through electronic means and does not require the physical presence of the physician or other health care providers who are parties to the agreement at the time or place that the medical services are provided.

**7. Construction.** To address the need for affordable, high-quality health care services throughout the State and to expand, in a safe and responsible manner, access to health care providers such as physician assistants, this section must be liberally construed to authorize physician assistants to provide health care services to the full extent of their education, training and experience in accordance with their scopes of practice as determined by their practice settings.

**Sec. B-18. 32 MRSA §3300-C,** as enacted by PL 2011, c. 477, Pt. J, §1, is repealed.

**Sec. B-19. 32 MRSA §13786, last ¶,** as enacted by PL 1987, c. 710, §5, is amended to read:

This section applies to any ~~physician's assistant or registered nurse~~ who writes a prescription while working under the control or supervision of a physician. ~~In case of the physician's assistant or registered nurse, the name of the physician under whom the assistant or nurse works shall~~ must be printed, stamped or typed on the blank.

**Sec. B-20. 34-B MRSA §3801, sub-§4-B,** as enacted by PL 2009, c. 651, §5, is amended to read:

**4-B. Medical practitioner.** "Medical practitioner" or "practitioner" means a licensed physician, ~~registered licensed~~ physician assistant, certified psychiatric clinical nurse specialist, certified nurse practitioner or licensed clinical psychologist.

**Sec. B-21. 37-B MRSA §185, sub-§1-A,** as amended by PL 2015, c. 242, §6, is further amended to read:

**1-A. Immunity from civil and criminal liability for supervising collaborating or consulting physician.** ~~Subsection 1 applies to the supervising a collaborating or consulting physician of a physician assistant under Title 32, section 2594-E 2594-F or 3270-E 3270-G:~~

A. With regard to any act of the physician assistant in providing services to individuals not on active state service;

B. When the physician assistant is on active state service in the performance of the physician assistant's duty; and

C. When the ~~supervising collaborating or consulting~~ physician is not on active state service.

**Sec. B-22. Transition.** The license of a physician assistant under the Maine Revised Statutes, Title 32, section 2594-E or section 3270-E that is current, active and not under investigation on the effective date of this Act remains valid. A physician assistant holding an active, nonclinical license that is not under investigation on the effective date of this Act and who has not been out of clinical practice for more than 2 years as of the effective date of this Act is deemed to have a valid license. A physician assistant holding an active, nonclinical license who has been out of clinical practice for more than 2 years as of the effective date of this Act is required to meet any requirements established by the board before being issued a license.

**PART C**

**Sec. C-1. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Office of MaineCare Services 0129**

Initiative: Provides one-time appropriation and allocation for technology changes required to allow physician assistants to be reimbursed directly for services.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$26,139	\$0
<b>GENERAL FUND TOTAL</b>	<u>\$26,139</u>	<u>\$0</u>

<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$78,418	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<u>\$78,418</u>	<u>\$0</u>

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

Effective March 18, 2020.

**CHAPTER 628**  
**H.P. 1213 - L.D. 1698**

**An Act To Create Jobs and  
Slow Climate Change by  
Promoting the Production of  
Natural Resources Bioproducts**

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

**Sec. 1. 36 MRSA §191, sub-§2, ¶LLL** is enacted to read:

LLL. The disclosure of information to the Department of Economic and Community Development necessary for administration of the renewable chemicals tax credit pursuant to section 5219-XX.

**Sec. 2. 36 MRSA §5219-X, sub-§5**, as amended by PL 2015, c. 267, Pt. DD, §32, is further amended to read:

**5. Application.** This section applies to tax years beginning on or after January 1, 2004. Except for the credit allowed with respect to the carry-over of unused credit amounts pursuant to subsection 3, the tax credit allowed under this section does not apply to tax years beginning on or after January 1, 2016 and before January 1, 2021.

**Sec. 3. 36 MRSA §5219-XX** is enacted to read:  
**§5219-XX. Renewable chemicals tax credit**

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

A. "Biobased content" means the total mass of organic carbon derived from renewable biomass, expressed as a percentage, determined by testing representative samples using the ASTM International D6866 standard test methods.

B. "Renewable biomass" has the same meaning as in 7 United States Code, Section 8101(13).

C. "Renewable chemical" means a substance, compound or mixture that:

(1) Is the product of, or reliant upon, biological conversion, thermal conversion or a combination of biological and thermal conversion of renewable biomass;

(2) Is sold or used:

(a) For the production of chemical products, polymers, plastics or formulated products; or

(b) As a chemical, polymer, plastic or formulated product;

(3) Is not less than 95% biobased content; and

(4) Is not sold or used for production of any food, feed or fuel, except that "renewable chemical" may include:

(a) Cellulosic sugars used to produce aquaculture feed; and

(b) A food additive, supplement, vitamin, nutraceutical or pharmaceutical that does not provide caloric value and is not considered food or feed.

**2. Credit allowed.** A taxpayer engaged in the production of renewable chemicals in the State is allowed a credit against the tax imposed by this Part on income derived during the taxable year from the production of renewable chemicals in the amount of 8¢ per pound of renewable chemical as long as the taxpayer demonstrates to the Department of Economic and Community Development that at least 75% of the employees of the contractors hired or retained to harvest renewable biomass used in the production of the renewable chemicals meet the eligibility conditions specified in the Employment Security Law.

If the taxpayer does not contract directly with those hired or retained to harvest the renewable biomass, the taxpayer may obtain the necessary documentation under this subsection from the landowner or other entity that contracts directly.

**3. Reporting.** A taxpayer allowed a credit under subsection 2 shall report to the Department of Economic and Community Development, for each tax credit awarded, the dollar amount of the tax credit, the number of direct manufacturing jobs created, the number of related indirect jobs created and the dollar amount of capital investment in manufacturing. Indirect jobs include but are not limited to jobs in logging and support services.

**4. Limitation.** A person entitled to a tax credit under this section for any taxable year may carry over and apply the portion of any unused credits to the tax liability on income derived from the production of renewable chemicals for any one or more of the next succeeding 10 taxable years. The credit allowed, including carryovers, may not reduce the tax otherwise due under this Part to less than zero.

This section applies to tax years beginning on or after January 1, 2021.

**Sec. 4. Report.** By February 1, 2024, the Department of Economic and Community Development shall submit a report relating to the usage of the renewable chemicals tax credit under the Maine Revised Statutes, Title 36, section 5219-XX to the joint standing committees of the Legislature having jurisdiction over taxation and innovation, development, economic advancement and business matters. The report must include:

1. For each tax credit awarded:

- A. The dollar amount of the tax credit;
  - B. The number of direct manufacturing jobs created and the number of related indirect jobs created; and
  - C. The dollar amount of capital investment in manufacturing; and
2. The amount in pounds of renewable chemical produced for which the credit was claimed.
- See title page for effective date.

**CHAPTER 629**

**H.P. 1258 - L.D. 1771**

**An Act To Amend the Law  
Governing Name Changes**

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

**Sec. 1. 18-C MRSA §1-701, sub-§2, ¶A**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is repealed.

See title page for effective date.

**CHAPTER 630**

**S.P. 610 - L.D. 1804**

**An Act Regarding the Baiting  
of Deer**

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

**Sec. 1. 12 MRSA §10659, sub-§2**, as enacted by PL 2017, c. 225, §1, is amended to read:

**2. Penalty.** A person who violates subsection 1 commits a ~~Class E crime~~ a civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged.

**Sec. 2. 12 MRSA §10902, sub-§7-C**, as amended by PL 2017, c. 355, §1, is further amended to read:

**7-C. Hunting deer over bait.** A hunting license of a person ~~convicted~~ adjudicated of placing or hunting over bait in violation of section 11452, subsection 1 must be revoked, and that person is ineligible to obtain a hunting license as follows:

- A. For a first offense, for a period of one year from the date of ~~conviction~~ adjudication; and
- B. For a 2nd offense, for a period of 2 years from the date of ~~conviction~~ adjudication.

**Sec. 3. 12 MRSA §11452, sub-§2**, as enacted by PL 2003, c. 655, Pt. B, §171 and affected by §422, is amended to read:

**2. Penalty.** A person who violates subsection 1 commits a ~~Class E crime~~ civil violation for which a fine of not less than \$500 nor more than \$1,000 may be adjudged.

See title page for effective date.

**CHAPTER 631**

**H.P. 1303 - L.D. 1832**

**An Act To Ensure Adequate  
Funding for the Maine  
Pollutant Discharge  
Elimination System and Waste  
Discharge Licensing Program**

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

**Sec. 1. 38 MRSA §353-B, sub-§2, ¶A**, as corrected by RR 2011, c. 2, §43, is amended to read:

A. The fees for waste discharge license groups are the 2019 bill amounts increased by a factor of 1.4 as follows.

Discharge group	Basis for annual fee	2011 amount	Median fee for discharge group	2019 amount	Water quality improvement surcharge
Publicly owned treatment facilities, 10,000 gallons per day or less	annual fee	2011 amount	\$306	\$543	
Publicly owned treatment facilities, more than 10,000 gallons per day to 0.1 million gallons per day	annual fee	2011 amount	\$400	\$689	

Publicly owned treatment facilities, more than 0.1 million gallons per day to 1.0 million gallons per day	annual fee	Average of 2009, 2010 and 2011 2019 bill amounts amount	<del>\$617</del> <u>\$1,063</u>	Fish-rearing facility over 0.1 million gallons per day	annual fee	<del>2011</del> 2019 bill amount	<del>\$794</del> <u>\$1,368</u>		
Publicly owned treatment facilities, more than 1.0 million gallons per day to 5.0 million gallons per day	annual fee	Average of 2009, 2010 and 2011 2019 bill amounts amount	<del>\$1,300</del> <u>\$2,241</u>	Marine aquaculture facility	annual fee	<del>2011</del> 2019 bill amount	<del>\$308</del> <u>\$529</u>		
Publicly owned treatment facilities, greater than 5 million gallons per day or with significant industrial waste	annual fee	Average of 2009, 2010 and 2011 2019 bill amounts amount	<del>\$4,553</del> <u>\$7,850</u>	Noncontact cooling water	annual fee	<del>2011</del> 2019 bill amount	<del>\$192</del> <u>\$330</u>		
Major industrial facility, process wastewater (based on EPA list of major source discharges)	annual fee	Average of 2009, 2010 and 2011 2019 bill amounts amount	<del>\$19,672</del> <u>\$33,919</u>	Industrial or commercial sources, miscellaneous or incidental nonprocess wastewater	annual fee	<del>2011</del> 2019 bill amount	<del>\$363</del> <u>\$626</u>		
Other industrial facility, process wastewater	annual fee	2011 2019 bill amount	<del>\$1,214</del> <u>\$2,093</u>	Municipal combined sewer overflow	annual fee	<del>2011</del> 2019 bill amount	<del>\$413</del> <u>\$711</u>		
Food handling or packaging wastewater	annual fee	2011 2019 bill amount	<del>\$659</del> <u>\$1,135</u>	Sanitary wastewater, excluding overboard discharge	annual fee	<del>2011</del> 2019 bill amount	<del>\$736</del> <u>\$1,268</u>		
Fish-rearing facility 0.1 million gallons per day or less	annual fee	2011 2019 bill amount	<del>\$312</del> <u>\$538</u>	Sanitary overboard discharge, commercial sources	annual fee	2011 bill amount	\$446	\$75	
				Sanitary overboard discharge, residential sources 600 gallons per day or less	annual fee	2011 bill amount	\$231	\$75	
				Sanitary overboard discharge, residential sources more than 600 gallons per day	annual fee	2011 bill amount	\$313	\$75	
				Sanitary overboard discharge, public sources	annual fee	2011 bill amount	\$315	\$75	

Aquatic pesticide application	annual fee	2011 <u>2019 bill amount</u>	\$644 <u>\$1,110</u>
Snow dumps	annual fee	2011 <u>2019 bill amount</u>	\$319 <u>\$550</u>
Salt and sand storage pile	annual fee	2011 <u>2019 bill amount</u>	\$429 <u>\$738</u>
Log storage permit	annual fee	2011 <u>2019 bill amount</u>	\$422 <u>\$727</u>
General permit coverage for industrial storm water discharges (except construction)	annual fee	2011 <u>2019 bill amount</u>	\$300 <u>\$588</u>
General permit coverage for marine aquaculture facility	annual fee	2011 <u>2019 bill amount</u>	\$134 <u>\$230</u>
General permit coverage (other)	annual fee	2011 <u>2019 bill amount</u>	\$164 <u>\$283</u>
Experimental discharge license	license fee	2011 <u>2019 bill amount</u>	\$899 <u>\$1,550</u>
New or amended mixing zone, in addition to other applicable fees	flat fee	<del>\$5,368</del> <u>\$9,254</u>	---
Formation of sanitary district	flat fee	<del>\$402</del> <u>\$693</u>	---
Transfer of license for residential or commercial sanitary wastewater	flat fee	<del>\$100</del> <u>\$140</u>	---

On an annual basis, municipalities and publicly owned treatment works whose combined sewer overflows have the potential to affect shellfish harvesting areas as determined by the department by virtue of their locations within estuarine or marine waters of the State must be assessed a surcharge on their wastewater discharge licenses in a total amount of \$12,000. This amount must be allocated among the municipalities and publicly owned treatment works according to their prior 3-year average annual flows as reported to the department.

On an annual basis, publicly owned treatment works whose outfalls licensed for the discharge of treated effluent cause adjacent shellfish growing areas to be closed for the purposes of harvesting shellfish must be assessed a license surcharge in a total amount of \$25,000. This amount must be allocated among the publicly owned treatment works according to the acreage that each licensed outfall closes. This acreage must be determined by the Department of Marine Resources in consultation with the department.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF**

**Maine Environmental Protection Fund 0421**

Initiative: Allocates funds for expenditures associated with license or permit activities such as application reviews, public hearings and appeals, the actual license or permit processing activities and associated post-license or post-permit compliance activities and enforcement activities as a result of license or permit noncompliance.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$340,077
OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$0</u>	<u>\$340,077</u>

See title page for effective date.

**CHAPTER 632**

**H.P. 1340 - L.D. 1874**

**An Act To Amend the Laws  
Governing the Subminimum  
Wage**

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

**Sec. 1. 26 MRSA §666**, as amended by PL 2011, c. 483, §1, is further amended to read:

**§666. Workers with disabilities**

~~For any employment to which the minimum wage is applicable, the~~ The director may not issue to an employer for ~~any~~ a person with a disability a special certificate authorizing the employer to pay that person a wage less than the minimum wage, based on the ability of the person to perform the duties required for that employment in comparison to the ability of a person who does not have a disability to perform the same duties. ~~The director may hold hearings and conduct investigations as necessary for the purpose of fixing the special minimum wage for the person. A certificate is valid for 2 years from the date of issue and may be renewed by the director. The director may issue a certificate to cover several employees with disabilities as long as the employer provides documentation justifying the special minimum wage. An employer may not pay less than the minimum wage to a person by virtue of that person's having a mental or physical disability. A special certificate authorizing the payment of less than minimum wage to a person with a mental or physical disability issued pursuant to a law of this State or to a federal law is without effect.~~

See title page for effective date.

**CHAPTER 633**

**H.P. 1355 - L.D. 1889**

**An Act To Protect the Products of Maine Farmers**

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

**Sec. 1. 22 MRSA §2512, sub-§2, ¶O**, as enacted by PL 1999, c. 777, §1, is amended to read:

O. Establish conditions for storage and handling of livestock products and poultry products by persons engaged in the business of buying, selling, freezing, storing or transporting these products in or for intrastate commerce to ensure that these products are not adulterated or misbranded when delivered to the consumer; ~~and~~

**Sec. 2. 22 MRSA §2512, sub-§2, ¶P**, as amended by PL 2003, c. 20, Pt. E, §1, is further amended to read:

P. Establish the method for providing voluntary inspection and withdrawal of inspection of exotic animals, wild game, domesticated deer and domestic rabbits. These rules may also provide for the inspection of meat and meat food products derived from those animals. The commissioner shall provide voluntary inspection of bison, domesticated deer and ratite produced in the State, including the inspection of meat and meat food products derived from bison, domesticated deer and ratite, for which the commissioner shall charge a fee of \$35 per hour. The commissioner shall charge \$35 per hour

per inspection of meat and meat food products processed in the State but derived from bison, domesticated deer and ratite produced outside the State; ~~and~~

**Sec. 3. 22 MRSA §2512, sub-§2, ¶Q** is enacted to read:

Q. Establish procedures for the disposition of inspected meat, meat products, poultry and poultry products that have been found to be misbranded but not found to be adulterated.

See title page for effective date.

**CHAPTER 634**

**S.P. 651 - L.D. 1899**

**An Act To Amend Certain Motor Vehicle Laws**

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

**Sec. 1. 5 MRSA §12004-G, sub-§33-C**, as enacted by PL 1995, c. 376, §1, is repealed.

**Sec. 2. 29-A MRSA §101, sub-§27-B, ¶C**, as enacted by PL 2019, c. 335, §1, is amended to read:

C. Has a manufacturer's gross vehicle weight ~~rating~~ of 70,000 pounds or more;

**Sec. 3. 29-A MRSA §556, first ¶**, as amended by PL 2013, c. 530, §2, is further amended to read:

A motor vehicle is exempt from this subchapter, except sections 555, 555-A, 558-A, ~~and~~ 560 ~~and~~ 562, as follows:

**Sec. 4. 29-A MRSA §562**, as amended by PL 2017, c. 327, §§16 and 17, is repealed.

**Sec. 5. 29-A MRSA §1401, sub-§9**, as amended by PL 2017, c. 27, §3 and affected by §10, is further amended to read:

**9. Use of biometric technology.** The Secretary of State may use biometric technology, including, but not limited to, retinal scanning, facial recognition or fingerprint technology, to produce a license or nondriver identification card and may use facial recognition technology to search its image records to provide information, including digital images, to law enforcement agencies only to aid in emergency circumstances involving an immediate threat to the life of a person or pursuant to rules adopted under this subsection. A person, agency or entity other than the Secretary of State may not use biometric technology to search the Secretary of State's image records.

The Secretary of State may adopt rules establishing additional circumstances in which it will provide infor-

mation, including digital images, produced by searching its records using facial recognition technology to law enforcement agencies. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 6. 29-A MRSA §2458, sub-§2, ¶V**, as enacted by PL 2017, c. 327, §21, is amended to read:

V. Has exceeded the motor carrier adverse safety limits established by the Secretary of State using the methodology developed pursuant to section 562, subsection 3 by the bureau.

**Sec. 7. 29-A MRSA §2458, sub-§6, ¶B**, as enacted by PL 1997, c. 111, §2, is repealed.

**Sec. 8. 29-A MRSA §2458, sub-§6, ¶E**, as enacted by PL 1997, c. 111, §2, is amended to read:

E. Any entity that would have been suspended as a related entity but for the failure or refusal of the suspended person or named entity or its officers, directors or partners to disclose the required information is nevertheless suspended and subject to the same penalties and sanctions as the suspended person or the named entity for violation of the suspension. If an entity becomes a related entity or is created after the Secretary of State has made the decision to suspend or after the Motor Carrier Review Board makes its recommendation to suspend, the Secretary of State may immediately suspend the related entity.

See title page for effective date.

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## CHAPTER 635

### S.P. 654 - L.D. 1902

#### An Act To Define the Term "Caucus Political Action Committee"

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

**Sec. 1. 1 MRSA §1002, sub-§1-A**, as amended by PL 2019, c. 323, §1, is further amended to read:

**1-A. Membership.** The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By December 1, 2001 and as needed after that date, the ~~appointed leader from each political party in the Senate caucus leaders and the appointed leader from each political party in the House of Representatives~~ House caucus leaders jointly shall establish and advertise a 30-day period to allow

members of the public and groups and organizations to propose qualified individuals to be nominated for appointment to the commission.

B. By January 1, 2002 and as needed after that date, the ~~appointed leader from each political party in the Senate caucus leaders and the appointed leader from each political party in the House of Representatives~~ House caucus leaders each shall present a list of 3 qualified individuals to the Governor for appointment of 4 members to the commission. The ~~appointed leadership from each party in both bodies of the Legislature~~ Senate caucus leaders and House caucus leaders jointly shall present a list of 3 qualified individuals to the Governor for appointment of a 5th member to the commission.

C. By March 15, 2002, the Governor shall appoint the members of the commission selecting one member from each of the lists of nominees presented in accordance with paragraph A. These nominees are subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation by the Legislature. No more than 2 commission members may be enrolled in the same party.

D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-year terms and one is appointed for a 3-year term, according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 3-year terms. A person may not serve more than 2 consecutive terms, except that if a person is appointed to fill the unexpired portion of a term to fill a vacancy under paragraph F and that portion is less than 2 years, the person may serve 2 consecutive full terms thereafter.

E. The commission members shall elect one member to serve as chair for at least a 2-year term.

F. Upon a vacancy during an unexpired term, the term must be filled as provided in this paragraph for the unexpired portion of the term only. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the ~~Senate caucus leader or House caucus leader of the party from the body of the Legislature that suggested the appointee who created the vacancy.~~ Senate caucus leaders and House caucus leaders jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the ~~leaders of each party of each body of the Legislature~~ Senate caucus leaders and House caucus leaders. If the list of 3 qualified candidates required by this paragraph to be presented to the



Governor jointly by the leaders of each party from each body of the Legislature Senate caucus leaders and House caucus leaders is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature each Senate caucus leader and House caucus leader shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

G. Upon a vacancy created by an expired term, the vacancy must be filled as provided in this paragraph. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the Senate caucus leader or House caucus leader of the party from the body of the Legislature that suggested the appointee whose term expired. When a vacancy is created by an expired term of the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature Senate caucus leaders and House caucus leaders jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature Senate caucus leaders and House caucus leaders. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor jointly by the leaders of each party from each body of the Legislature Senate caucus leaders and House caucus leaders is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature each Senate caucus leader and House caucus leader shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

H. For the purposes of this subsection, "political party" has the same meaning as "party" as defined by Title 21-A, section 1, subsection 28. "Senate caucus leader" has the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph C and "House caucus leader" has the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph A.

**Sec. 2. 21-A MRSA §1001, sub-§1-A** is enacted to read:

**1-A. Caucus political action committee.** "Caucus political action committee" means a political action committee designated under section 1053-C to promote the election of nominees of a political party to the Senate or the House of Representatives.

**Sec. 3. 21-A MRSA §1018-B, sub-§2,** as amended by PL 2013, c. 334, §14, is further amended to read:

**2. Limitations.** After an election, candidates may receive donations for purposes of a recount. The donations must be within the limitations of section 1015, except that no limitation applies to donations from party committees and caucus campaign political action committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under chapter 14 for recount expenditures.

**Sec. 4. 21-A MRSA §1053-C** is enacted to read:

**§1053-C. Caucus political action committees**

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

A. "House caucus leader" means a member of a political party in the House of Representatives who has been elected the leader of that political party in the House of Representatives. For purposes of this paragraph, if the Speaker of the House of Representatives is a member of a political party, the Speaker of the House of Representatives is deemed the House caucus leader of that political party.

B. "Political party" has the same meaning as "party" as defined by section 1, subsection 28.

C. "Senate caucus leader" means a member of a political party in the Senate who has been elected the leader of that political party in the Senate. For purposes of this paragraph, if the President of the Senate is a member of a political party, the President of the Senate is deemed the Senate caucus leader of that political party.

**2. Designation of caucus political action committee.** Each Senate caucus leader and each House caucus leader may designate one caucus political action committee to promote the election of nominees of the caucus leader's political party to the body of the Legislature of which the caucus leader is a member. The designation must be made in a letter to the commission and remains effective until a new designation is made in a letter to the commission from the caucus leader of the same political party and same body of the Legislature.

**Sec. 5. 21-A MRSA §1122, sub-§1-A** is enacted to read:

1-A. Caucus political action committee. "Caucus political action committee" has the same meaning as in section 1001, subsection 1-A.

**Sec. 6. 21-A MRSA §1125, sub-§6-F**, as enacted by PL 2015, c. 116, §1 and affected by §2, is amended to read:

**6-F. Participation in political action committees.** A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

- A. The date on which the candidate withdraws from a race;
- B. The date of the primary election or general election for a candidate who loses either election; or
- C. January 1st immediately preceding the next general election for a candidate who wins the general election.

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from engaging in fund-raising or decision making for a party caucus political action committee, a ballot question committee or a political action committee formed for the purpose of promoting or opposing a ballot question. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.

See title page for effective date.

**CHAPTER 636**

**S.P. 656 - L.D. 1904**

**An Act To Amend Certain Laws Governing Elections**

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

**Sec. 1. 21-A MRSA §128, sub-§1**, as amended by PL 2005, c. 453, §20, is further amended to read:

**1. Registrar shall review records.** The registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall revise the central voter registration system accordingly.

A. In addition to official records authorized by this subsection, the registrar or the Secretary of State may use the following notices of death as a basis to cancel a voter's record in the central voter registration system as long as the registrar or Secretary of State determines that the record matches the record of that registered voter.

(1) A published obituary may be used if it contains the name of the registered voter along with the date and place of death of that voter.

(2) A notice from an immediate family member of the registered voter may be used if it contains the name of the voter along with the date and place of death of that voter and is signed by the immediate family member. The Secretary of State shall design a form to be used for this purpose;

**Sec. 2. 21-A MRSA §363, first ¶**, as amended by PL 1993, c. 447, §3, is further amended to read:

The meeting of a political committee as required by sections 371, ~~373~~, 374-A, 381, 382 and 393 is governed by the following provisions.

**Sec. 3. 21-A MRSA §363, sub-§4**, as enacted by PL 1985, c. 161, §6, is amended to read:

**4. Changes in ballot.** The Secretary of State shall ~~make the necessary changes in the ballot~~ produce new ballots or amend or supplement ballots already printed in accordance with section 376 or 604.

**Sec. 4. 21-A MRSA §365, first ¶**, as amended by PL 2003, c. 510, Pt. A, §13, is further amended to read:

The political committee that has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 371, ~~373~~, 374-A, 381 and 382 is as follows.

**Sec. 5. 21-A MRSA §367**, as amended by PL 2015, c. 447, §10, is further amended to read:

**§367. Candidate withdrawal**

A candidate who wishes to withdraw from an elective race shall notify the Secretary of State in writing of the candidate's intent to withdraw. This notice must be signed by the candidate. ~~If the reason for the withdrawal is catastrophic illness, condition or injury, the procedures set forth in section 374-A, subsection 1, paragraph B must be complied with if the candidate is to be replaced.~~

**Sec. 6. 21-A MRSA §371**, as amended by PL 2015, c. 447, §11, is repealed and the following enacted in its place:

**§371. Primary election candidates; vacancy**

**3. Vacancy and replacement of candidates in uncontested races.** If a candidate for nomination dies

or becomes disqualified prior to the primary election or withdraws 70 days or more before the primary election, the Secretary of State shall declare the vacancy pursuant to section 362-A if no other candidate from the same political party will appear on the primary election ballot for that office. A political committee may fill the vacancy pursuant to section 363. The Secretary of State shall remove the former candidate's name from the primary election ballot and shall produce new primary election ballots or amend or supplement the primary election ballots already printed in accordance with section 376 or 604.

**4. Removal of candidate's name from ballot in contested races.** The Secretary of State shall remove the name of a candidate for nomination from the primary election ballot but is not required to declare a vacancy if, 70 days or more before the primary election, the candidate dies, becomes disqualified or withdraws and another candidate from the same political party will appear on the ballot for that office.

**5. Death or disqualification of candidates less than 70 days before primary election in contested races.** The Secretary of State is not required to remove the name of a candidate from the primary election ballot or declare a vacancy if a candidate dies or becomes disqualified less than 70 days before the primary election and another candidate from the same political party will appear on the ballot for that office. Upon receipt of information that the candidate has died or become disqualified, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or become disqualified and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or become disqualified must also be posted on the Secretary of State's publicly accessible website.

**6. Withdrawal of candidates less than 70 days before primary election in contested and uncontested races.** When a candidate for nomination withdraws less than 70 days before the primary election, the candidate's name may not be removed from the primary election ballot and a vacancy may not be declared. Upon receipt of the notice of withdrawal, the Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth.

Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.

**Sec. 7. 21-A MRSA §372**, as enacted by PL 1985, c. 161, §6, is repealed.

**Sec. 8. 21-A MRSA §373**, as amended by PL 2001, c. 310, §23, is repealed.

**Sec. 9. 21-A MRSA §374-A**, as amended by PL 2015, c. 447, §§12 and 13, is further amended to read:

**§374-A. ~~Withdrawal of candidates for certain state offices~~ General election candidates; vacancy**

**1. Withdrawal Vacancy and replacement of nominees.** The Secretary of State shall declare the vacancy as provided in section 362-A and a political committee may make a replacement nomination following a candidate's withdrawal for the general election only if a person nominated for an office, other than United States Senator, Representative to Congress or Governor, at a primary election or by a political committee:

A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general election in accordance with section 367;

B. Withdraws because of a catastrophic illness, condition or injury that has permanently and continuously incapacitated the candidate and would prevent performance of the duties of the office sought, as long as the candidate or a member of the candidate's immediate family files with the Secretary of State a certificate accompanying the withdrawal request that describes the illness, condition or injury and is signed by a licensed physician; or

C. Dies prior to the general election.

**2. Deadline for replacement of nominee.** A political committee may make a replacement nomination for the general election:

A. No later than 5 p.m. of the 4th Monday in July preceding the general election for a candidate who has withdrawn in accordance with subsection 1, paragraph A; or

B. As soon as practicable for a candidate who withdraws or is withdrawn in accordance with subsection 1, paragraph B or C.

**2-A. Ballot procedure for replacement candidates.** If a political party makes a replacement nomination for the general election by the deadline established in subsection 2, the Secretary of State shall produce new general election ballots or amend or supplement general election ballots already printed in accordance with section 376 or 604.

**3. Deadline for withdrawal removal of candidate's name from general election ballot.** A The name of a candidate for an office on the general election

ballot ~~must withdraw at least who withdraws for any reason 70 days or more before the general election in order for the candidate's name to must be removed from the ballot. Less than 70 days before the general election, a candidate may withdraw from the election by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The~~ If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and meets the criteria of subsection 1, paragraph B or C, the candidate's name must be removed from the general election ballot in accordance with section 376 or the general election ballot must be amended or supplemented in accordance with section 604. If a candidate for an office on the general election ballot withdraws less than 70 days before the general election and does not meet the criteria of subsection 1, paragraph B or C, the candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal required by section 367, the Secretary of State shall ~~instruct the immediately prepare and distribute to the local election officials in the candidate's electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place in the district a notice informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice of the late a candidate's withdrawal less than 70 days before the general election must also be posted on the Secretary of State's publicly accessible website.~~

**Sec. 10. 21-A MRSA §374-B** is enacted to read:

**§374-B. Special election candidates**

If a candidate for an office on a special election ballot dies or withdraws for any reason, the candidate's name will not be removed from the ballot. The Secretary of State shall immediately prepare and distribute to the local election officials in the candidate's electoral district a notice informing voters that the candidate has died or has withdrawn and that a vote for that candidate will not be counted. The notice must be distributed with all absentee ballots requested after the notice is received by the local election officials and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth. Notice that the candidate has died or has withdrawn must also be posted on the Secretary of State's publicly accessible website.

**Sec. 11. 21-A MRSA §376**, as amended by PL 2015, c. 447, §15, is further amended to read:

**§376. Production of new ballots**

**1. Federal or gubernatorial office.** If a candidate or nominee for a federal or gubernatorial office withdraws less than 70 days before any election, the Secretary of State is not required to produce new ballots.

**1-A. Removal of candidate's name from ballots.** The Secretary of State shall remove a candidate's name from the ballot if the candidate withdraws for any reason 70 days or more before any primary or general election.

**2. Certain state offices Production of new ballots listing replacement candidate.** The Secretary of State is required to shall produce new ballots only listing a replacement candidate if a candidate for an office, other than United States Senator, Representative to Congress or Governor, withdraws in accordance with section 374-A, subsection 1, paragraph A, B or C, a replacement candidate is nominated and a notification is filed with the Secretary of State by the appropriate committee of the political party making the nomination no later than 60 days before the election.:

A. A vacancy is declared under section 371, subsection 3 or section 374-A, subsection 1, paragraph B or C, a replacement candidate is selected in accordance with sections 363 and 365 and a notification is filed with the Secretary of State by the committee of the political party that selected the replacement candidate no later than 60 days before the election; or

B. A vacancy is declared under section 374-A, subsection 1, paragraph A, a replacement candidate is selected in accordance with sections 363 and 365 and a notification is filed with the Secretary of State by the committee of the political party that selected the replacement candidate before the deadline established in section 374-A, subsection 2, paragraph A.

**2-A. Procedure when replacement candidates selected less than 60 days before the election.** If a candidate for an office withdraws in accordance with section 371, subsection 3 or section 374-A, subsection 1, paragraph B or C, a replacement candidate is selected in accordance with sections 363 and 365 and a notification is filed with the Secretary of State by the appropriate committee of the political party making the nomination less than 60 days before the election, the Secretary of State must amend or supplement the ballots in accordance with section 604.

**3. List of candidates.** Immediately after the last day for withdrawal, the The Secretary of State shall maintain and periodically update a list of all names to be placed on the ballot for the primary or general election.

**Sec. 12. 21-A MRSA §604**, as amended by PL 1997, c. 436, §78, is further amended to read:

**§604. Emergency ballot procedure**

In an emergency as described in subsection 2, the Secretary of State may prepare new ballots, ~~amend those direct that ballots already printed be amended or supplemented~~ in accordance with subsection 1 or 1-A or ~~authorize any clerk to procure~~ ballots from another municipality or voting district. ~~He may authorize any clerk to do the same.~~

**1. Ballots amended.** Ballots already printed may be amended by having corrective stickers added, or by some other means, as directed by the Secretary of State.

**1-A. Supplemental notice.** The Secretary of State may prepare and distribute to the local election officials in the candidate's electoral district a notice to supplement ballots already printed. The notice may correct an error on the ballot or provide information on a replacement candidate and how voters may vote for the replacement candidate. The notice must be distributed with all absentee ballots issued after the date that the notice is provided to the clerk and, on election day, must be posted outside the guardrail enclosure in accordance with section 651, subsection 2 and in each voting booth.

**2. Emergency described.** An emergency may exist as follows:

- A. If there is a shortage of ballots;
- B. If the ballots are not delivered in time for the election;
- C. If the ballots are missing, defaced or destroyed; ~~or~~
- D. If the Secretary of State receives notification of a replacement ~~of~~ candidate to fill a vacancy less than 60 days before the election in accordance with section 376, subsection 2-A; or the correction of an error in the ballot requires its amendment.
- E. If the ballots contain an error.

**3. ~~Candidate or nominee~~ Replacement candidate to fill vacancy.** When a candidate ~~for nomination or a nominee~~ is chosen to fill a vacancy, the Secretary of State and the clerk of each interested municipality shall perform the duties required by this section as promptly as possible.

**Sec. 13. 21-A MRSA §651, sub-§2, ¶B,** as amended by PL 2017, c. 246, §1, is further amended by enacting sub-~~¶~~(3-A) to read:

(3-A) A supplemental notice correcting an error or providing information on a replacement candidate prepared under section 604 or a notice informing voters that a vote for a candidate will not be counted because the candidate has died or has withdrawn prepared under section 371, subsection 5 or 6 or section 374-A, subsection 3 next to the sample ballots;

**Sec. 14. 21-A MRSA §711, sub-§3,** as amended by PL 2007, c. 455, §39, is further amended to read:

**3. Clerk to ~~record~~ file election return.** The clerk shall ~~record the attested copies~~ file an attested copy of the election return with the Secretary of State within ~~3~~ 2 business days after election day. If an attested copy of an election return is not delivered to the Secretary of State by 5 p.m. on the 2nd business day after an election, the Secretary of State may send a courier to the municipality concerned, and the clerk shall give that courier an attested copy of the return. The municipality shall reimburse the Secretary of State for the costs of the courier service.

**Sec. 15. 21-A MRSA §712,** as amended by PL 2019, c. 371, §25, is repealed.

**Sec. 16. 21-A MRSA §760-B, sub-§2,** as amended by PL 2019, c. 371, §38, is further amended to read:

**2. Notice of early processing.** The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using a notice of early processing form provided by the Secretary of State, stating the days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of early processing to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day. The clerk shall post a copy of the notice of early processing with the notice of election as provided in section 621-A.

**Sec. 17. 21-A MRSA §777-A,** as amended by PL 2015, c. 447, §30, is further amended to read:

**§777-A. Registration and enrollment**

Notwithstanding the registration deadline in section 121-A, uniformed service voters or overseas voters may register or enroll at any time prior to 5 p.m. on the day before election day by completing a federal or state voter registration application form and filing it with the registrar or the Secretary of State in person, by mail or by electronic means authorized by the Secretary of State.

**Sec. 18. 21-A MRSA §781-A,** as amended by PL 2015, c. 447, §31, is further amended to read:

**§781-A. Absentee ballot application; procedure on receipt**

Notwithstanding the absentee ballot application deadline in section 753-B, subsection 2, paragraph D, upon receipt of an application or written request for an absentee ballot prior to 5 p.m. on the day before election day from a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783, the clerk or the Secretary of State shall immediately issue an absentee ballot and return envelope by the authorized means designated by the voter in the application. If the ballot is to be transmitted to the voter by mail, the clerk or the Secretary of State shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The Secretary of State shall provide a return envelope that moves free of postage under federal law.

**Sec. 19. 21-A MRSA §901, first ¶,** as amended by PL 2009, c. 253, §57, is further amended to read:

To initiate proceedings for a people's veto referendum or the direct initiative of legislation, provided in the Constitution of Maine, Article IV, Part Third, Sections 17 and 18, a voter shall submit a written application to the Department of the Secretary of State on a form designed by the Secretary of State. The application must contain the names, residence addresses, e-mail addresses, telephone numbers and signatures of 5 voters, in addition to the applicant, who are designated to receive any notices in proceedings under this chapter. The Secretary of State shall provide such notices by e-mail only. For a direct initiative, the application must contain the full text of the proposed law and a summary that explains the purpose and intent of the direct initiative in both electronic and printed formats. The voter submitting the application shall sign the application in the presence of the Secretary of State, the Secretary of State's designee or a notary public.

**Sec. 20. 30-A MRSA §2528, sub-§6, ¶D,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

D. There must be a place on the ballot for the voter to designate the voter's choice.

See title page for effective date.

**CHAPTER 637  
H.P. 1359 - L.D. 1905**

**An Act To Clarify  
Crossbow-related Hunting  
Laws**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to provide for the proper implementation of the legislation for the 2020 hunting season; 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. 12 MRSA §10952, sub-§1,** as amended by PL 2015, c. 301, §7, is further amended to read:

**1. Hunting with a bow and arrow or a crossbow.** A person may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a hand-held bow and arrow during any open season on that bird or animal if the person holds a valid archery hunting license and may, except as otherwise provided in this Part, hunt any wild bird or wild animal with a crossbow during any open season on that bird or animal if the person holds a valid archery license or any hunting license that is not a junior hunting license or an apprenticeship hunter license and a valid crossbow hunting license permit.

**Sec. 2. 12 MRSA §10953, sub-§1, ¶E,** as enacted by PL 2019, c. 98, §1, is amended to read:

E. Notwithstanding the restriction in section 11403 to hunting with bow and arrow only, hunt deer with a crossbow during the 2020, 2021 and 2022 ~~open archery~~ archery-only hunting season on deer established by the commissioner in accordance with rules adopted pursuant to section 11403. A Except as provided in subsection 1-C and section 10853, subsection 11, a person may not take an antlerless deer with a crossbow under this paragraph during an open archery season on deer unless that person possesses an antlerless deer permit in accordance with section 11152. A person 65 years of age or older who hunts deer with a crossbow pursuant to this paragraph and subsection 1-C and a person who holds a permit under section 10853, subsection 11 and hunts deer with a crossbow pursuant to this paragraph may not take an antlerless deer in a wildlife management district for which antlerless deer permits have not been issued.

This paragraph is repealed January 1, 2023; and

**Sec. 3. 12 MRSA §10953, sub-§1-C**, as amended by PL 2019, c. 325, §3, is further amended to read:

**1-C. Hunting with a crossbow; 65 years of age or older.** A person 65 years of age or older who meets the eligibility requirements of sections 11105, 11106 and 11162 may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to this Part; and may take an antlerless deer with a crossbow during the regular archery-only deer hunting season without an antlerless deer permit issued in accordance with section 11152.

**Sec. 4. 12 MRSA §11162, sub-§1**, as reallocated by RR 2015, c. 1, §8, is amended to read:

**1. Hunting or archery license.** A resident or non-resident 16 years of age or older who has satisfied the requirements of subsection 3 3-A or who is exempt under subsection 4 and who holds a valid hunting or archery hunting license or an apprenticeship hunter license or archery hunting license may obtain a crossbow permit to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

**Sec. 5. 12 MRSA §11162, sub-§3**, as reallocated by RR 2015, c. 1, §8, is repealed.

**Sec. 6. 12 MRSA §11162, sub-§3-A** is enacted to read:

**3-A. Crossbow hunter education requirements.** Except as provided in subsection 3-B, a person, other than a person holding a junior hunting license or an apprenticeship hunter license, who applies for a crossbow permit must submit:

A. Satisfactory evidence of the following:

(1) Successful completion of an archery hunting education program or other hunter safety course under section 10108;

(2) Successful completion of a crossbow hunting education program under section 10108 or equivalent archery hunting education program as determined by the commissioner; or

(3) Having previously held a valid adult archery hunting license or any valid hunting license that is not a junior hunting license or an apprenticeship hunter license and a valid crossbow permit issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required completed archery hunting education program or hunter safety course and crossbow hunting

education program or has previously held a valid archery hunting license or any valid hunting license that is not a junior hunting license or an apprenticeship hunter license and a valid crossbow permit in accordance with this section.

**Sec. 7. 12 MRSA §11162, sub-§3-B** is enacted to read:

**3-B. Requirements exemption.** A person who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs who presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person is an enrolled member of a federally recognized nation, band or tribe listed in this subsection is exempt from the requirements of subsection 3-A.

**Sec. 8. 12 MRSA §11162, sub-§4**, as reallocated by RR 2015, c. 1, §8, is amended to read:

**4. Crossbow hunter education course exemption for members of armed forces domiciled in State.** A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from crossbow hunter education course requirements under subsection 3 3-A if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the requirements of this subsection must satisfy the conditions for exemption under subsection 3 3-A.

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

Effective March 18, 2020.

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CHAPTER 638

H.P. 1368 - L.D. 1920

**An Act To Amend Maine's Fish and Wildlife Licensing and Registration Laws**

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

**Sec. 1. 12 MRSA §10853, sub-§3**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

**3. Paraplegics.** A resident paraplegic or a nonresident paraplegic who is a resident of another state may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and

who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. The commissioner shall issue all fishing, trapping and hunting licenses and permits applied for under this subsection if the commissioner determines the applicant meets the requirements of this subsection and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "paraplegic" means a person who has lost, or who has permanently lost the use of, both lower extremities.

A license issued to a resident paraplegic under this subsection remains valid for the life of the license holder if the license holder continues to be a resident as that term is defined under section 10001, subsection 53 and the license is not revoked or suspended. A nonresident paraplegic may apply for and be qualified to be issued the complimentary licenses and permits referred to in this subsection as long as the state where the person resides provides a reciprocal privilege for resident paraplegics of this State.

**Sec. 2. 12 MRSA §11154, sub-§17** is enacted to read:

**17. Moose permit deferment; significant medical illness.** The commissioner may authorize a person who holds a valid moose permit to defer the permit until the next moose hunting season in circumstances in which the permit holder or an immediate family member, as defined in subsection 15, of the permit holder has a significant medical illness that would prevent the permit holder from participating in the moose hunt.

**Sec. 3. 12 MRSA §13058, sub-§4** is enacted to read:

**4. Exemption.** A motorboat, personal watercraft or seaplane operating on interstate waters shared with the State of New Hampshire is exempt from subsection 3 if it is displaying a lake and river protection sticker issued by the State of New Hampshire that is equivalent to the lake and river protection sticker issued by the State as long as the State of New Hampshire enacts legislation with substantially the same lake and river protection sticker requirements under this section giving a reciprocal exemption to a motorboat, personal watercraft or seaplane displaying the State's lake and river protection sticker.

See title page for effective date.

**CHAPTER 639  
H.P. 1369 - L.D. 1921**

**An Act To Clarify and  
Enhance Maine's Fish and  
Wildlife Laws**

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

**Sec. 1. 12 MRSA §10151, sub-§5**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**5. Meetings.** All regular and special meetings of the advisory council must be public meetings and must be held in a public meeting place convenient for the public. Public comment must be accepted at regular and special meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act. Public notice of all regular and special advisory council meetings must be published in a daily newspaper of general circulation in the geographic area where the meeting is scheduled at least 7 days and not more than 21 days prior to the meeting except in circumstances when emergency rulemaking is necessary. That notice must include an agenda or statement of purpose of the meeting. That notice may be combined with any other notice of the meeting required by law.

**Sec. 2. 12 MRSA §11108-B, sub-§1**, as amended by PL 2019, c. 324, §1, is further amended to read:

**1. ~~Youth hunter~~ Apprentice supervisor required.** A holder of an apprentice hunter license may not hunt other than in the presence of a youth hunter ~~an apprentice supervisor~~.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$1,000 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 3. 12 MRSA §11108-B, sub-§1-A, ¶A-1** is enacted to read:

A-1. "Apprentice supervisor" means a person who is 18 years of age or older and holds a valid adult hunting license under this subchapter.



**Sec. 4. 12 MRSA §11108-B, sub-§1-A, ¶C,** as enacted by PL 2019, c. 324, §1, is repealed.

**Sec. 5. 12 MRSA §11108-B, sub-§2,** as amended by PL 2019, c. 324, §1, is further amended to read:

**2. Youth hunter Apprentice supervisor responsibility.** ~~A youth hunter~~ An apprentice supervisor must have held a valid hunting license for the prior 3 consecutive years to be qualified to supervise a holder of an apprentice hunter license. ~~A youth hunter~~ An apprentice supervisor shall ensure that the holder of an apprentice hunter license follows safe and ethical hunting protocol and adheres to the laws under this Part. ~~A youth hunter~~ An apprentice supervisor may not intentionally permit a person hunting under an apprentice hunter license with that ~~youth hunter~~ apprentice supervisor to violate subsection 1.

A. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$500 must be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 6. 12 MRSA §11108-C,** as amended by PL 2015, c. 281, Pt. D, §2, is further amended to read:

**§11108-C. Eligibility and restrictions for a junior hunting license**

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

A. "~~Adult~~ Junior hunter supervisor" means:

(1) The parent or guardian of the junior hunter who holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105; or

(2) A person 18 years of age or older who:  
 (a) Is approved by the parent or guardian of the junior hunter; and  
 (b) Holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105.

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

**2. Eligibility Junior hunter eligibility.** A resident or nonresident who is under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

**3. Supervision of junior hunters Junior hunter supervisor required.** A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor. A hunter who is under 10 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor who remains at all times within 20 feet of that hunter.

**4. Supervision of junior hunters 16 years of age.** A hunter 16 years of age who obtained a junior hunting license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of and under the effective control of ~~an adult~~ a junior hunter supervisor or the person has successfully completed a hunter safety course ~~acceptable under section 11105~~ established under section 10108 specific to the method of hunting authorized by the license. The following penalties apply to a violation of this subsection:

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and

B. A person who violates paragraph A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**5. Expiration of junior hunting license issued to person 15 years of age.** A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. Beginning January 1, 2016, for those persons who obtain a junior hunting license and turn 16 years of age during the same calendar year, a pheasant hunting permit, an archery hunting license and a migratory waterfowl permit are included even after the person has turned 16 years of age as long as that person is hunting on that person's valid junior hunting license and not longer than the remainder of the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

**6. Penalties for supervisors of junior hunters.** A person who is the ~~adult~~ junior hunter supervisor of a holder of a valid junior hunting license when that junior

hunter violates any provision of this Part pertaining to hunting:

- A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and
- B. After having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period, commits a Class E crime.

**Sec. 7. 12 MRSA §12152, sub-§3-A, ¶A,** as enacted by PL 2015, c. 374, §7, is amended to read:

- A. Possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross nor does it authorize the permittee to possess, propagate or sell any wild animal taken in accordance with section ~~11601, 11602, 12401, 12402 or 12404~~; or

**Sec. 8. 12 MRSA §12201, sub-§1-B, ¶A,** as enacted by PL 2013, c. 538, §30, is amended to read:

- A. "~~Adult Junior trapper~~ supervisor" means:
  - (1) The parent or guardian of the junior trapper; or
  - (2) A person 18 years of age or older who:
    - (a) Is approved by the parent or guardian of the junior trapper; and
    - (b) Holds or has held a valid Maine trapping license or meets the requirements of subsection 3.

**Sec. 9. 12 MRSA §12201, sub-§5-A** is enacted to read:

**5-A. Junior trapping license requirements.** A trapper 16 years of age who obtained a junior trapping license before that person reached 16 years of age may not trap with that license unless the person is in the presence of and under the effective control of a junior trapper supervisor at all times while trapping or the person has successfully completed a trapper education course established under section 10108, subsection 7. The following penalties apply to a violation of this subsection:

- A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and
- B. A person who violates paragraph A after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

**Sec. 10. 12 MRSA §12201, sub-§7,** as amended by PL 2013, c. 538, §32, is further amended to read:

**7. Supervision of junior trappers.** The following provisions must be observed.

A. A person under 10 years of age may not trap unless that person is accompanied at all times while trapping by ~~an adult~~ a junior trapper supervisor. A person under 10 years of age may not trap bear.

B. A person over 10 years of age and under 16 years of age may not trap unless that person:

- (1) Holds a junior trapping license; and
- (2) Is in the presence of and under the effective control of ~~an adult~~ a junior trapper supervisor at all times while trapping, unless the holder of the junior trapping license submits proof of having successfully completed a trapper education course of the type described in section 10108, subsection 7.

**Sec. 11. 12 MRSA §12201, sub-§9,** as repealed and replaced by PL 2013, c. 538, §33, is amended to read:

**9. Penalties for supervisors of junior trappers.**

A person who is the ~~adult~~ junior trapper supervisor of a holder of a valid junior trapping license when that junior trapper violates any provision of this Part pertaining to trapping:

- A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and
- B. After having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period, commits a Class E crime.

**Sec. 12. 12 MRSA §12204, sub-§1, ¶B,** as amended by PL 2015, c. 301, §30, is further amended to read:

B. "~~Adult Apprentice trapper~~ supervisor" means a person who is 18 years of age or older and has held a valid adult trapping license under this subchapter for the prior 3 consecutive years.

**Sec. 13. 12 MRSA §12204, sub-§2,** as amended by PL 2013, c. 538, §34, is further amended to read:

**2. ~~Adult Apprentice trapper~~ supervisor required.** A holder of an apprentice trapper license may not trap other than in the presence of an ~~adult~~ apprentice trapper supervisor.

**Sec. 14. 12 MRSA §12204, sub-§3,** as amended by PL 2013, c. 538, §34, is further amended to read:

**3. ~~Adult Apprentice trapper~~ supervisor responsibility.** An ~~adult~~ apprentice trapper supervisor shall ensure that the holder of an apprentice trapper license follows safe and ethical trapping protocol and adheres to the laws under this Part. An ~~adult~~ apprentice trapper

supervisor may not intentionally permit a person trapping under an apprentice trapper license with that ~~adult~~ apprentice trapper supervisor to violate subsection 2.

See title page for effective date.

**CHAPTER 640**

**H.P. 1370 - L.D. 1922**

**An Act To Create a Menhaden Fishing License**

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

**Sec. 1. 12 MRSA §6041, sub-§2**, as amended by PL 2019, c. 332, §1 and affected by §3, is further amended to read:

**2. Sources of revenue.** The fund is capitalized by surcharges assessed under section 6502-A, subsection 7 and section 6502-C, subsection 5 and fees collected pursuant to section 6502-B, subsection 4. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

**Sec. 2. 12 MRSA §6302-A, sub-§1**, as amended by PL 2013, c. 254, §1, is further amended to read:

**1. Tribal exemption; commercial harvesting licenses.** A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

**Sec. 3. 12 MRSA §6502-A, sub-§1**, as amended by PL 2011, c. 598, §22, is further amended to read:

**1. Definition.** As used in this section, "pelagic or anadromous fish" means Atlantic herring, ~~Atlantic menhaden~~, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

**Sec. 4. 12 MRSA §6502-C** is enacted to read:

**§6502-C. Menhaden fishing license**

**1. License required.** A person may not engage in the activities authorized under this section without a current:

- A. Resident commercial menhaden fishing license;
- B. Nonresident commercial menhaden fishing license; or
- C. Noncommercial menhaden fishing license.

**2. Licensed activity; commercial license.** The holder of a commercial menhaden fishing license may fish for, take, possess, ship, transport or sell menhaden that the holder has taken. A commercial menhaden fishing license also authorizes the crew members aboard the vessel named on the license to fish for, take, possess, ship or transport menhaden when the license holder is aboard the vessel.

**3. Licensed activity; noncommercial license.** The holder of a noncommercial menhaden fishing license may fish for, take or possess menhaden that the holder has taken. A noncommercial menhaden fishing license authorizes the crew members aboard the vessel named on the license to fish for, take or possess menhaden when the license holder is aboard the vessel.

**4. Eligibility.** A noncommercial menhaden fishing license may be issued only to an individual who is a resident. An individual is eligible to hold only one license described in subsection 1 per calendar year.

**5. Fees and surcharges.** Fees and surcharges for menhaden fishing licenses are as follows:

- A. For a resident commercial menhaden fishing license, \$128, plus a \$200 surcharge;

B. For a nonresident commercial menhaden fishing license, \$500, plus a \$400 surcharge; and

C. For a noncommercial menhaden fishing license, \$48, plus a \$50 surcharge.

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

6. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports menhaden that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

7. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

8. Rules. The commissioner shall adopt rules to implement this section including provisions that provide limitations on the holder of a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9. Effective date. This section takes effect January 1, 2021.

See title page for effective date.

**CHAPTER 641**

**S.P. 666 - L.D. 1924**

**An Act To Amend the Real Estate Appraisal Management Company Laws**

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

**Sec. 1. 32 MRSA §14049-G, sub-§1, ¶M,** as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

M. Allow the removal of an appraiser from an appraiser panel without prior written notice in accordance with section 14049-I to the appraiser;

**Sec. 2. 32 MRSA §14049-I,** as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

**§14049-I. Appraiser panel management**

~~Except within the first 30 days after an appraiser is added to an appraiser panel, an~~ An appraisal management company may not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without notifying the appraiser in writing and identifying the reasons why the appraiser is being removed from the

appraiser panel and providing an opportunity for the appraiser to respond to the notification.

See title page for effective date.

**CHAPTER 642**

**S.P. 667 - L.D. 1925**

**An Act To Make Technical Changes to Maine's Marine Resources Laws**

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

**Sec. 1. 12 MRSA §6302-B, sub-§2, ¶A,** as enacted by PL 2015, c. 391, §6, is amended by amending subparagraph (4) to read:

(4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. The commissioner may use the data collected from the elver transaction cards issued under subparagraph (1) to determine whether the overall annual quota established under subsection 1 has been reached. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A.

**Sec. 2. 12 MRSA §6409,** as amended by PL 2009, c. 561, §14, is further amended to read:

**§6409. Suspension of license for failure to appear, answer or pay**

If a license is suspended pursuant to Title 14, section 3142, the suspension remains in effect and that person is ineligible to obtain or hold a license until the person pays the fine. ~~On~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of the fine and on condition of payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license is reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the fine is paid. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1.

**Sec. 3. 12 MRSA §6410**, as amended by PL 2009, c. 561, §15, is further amended to read:

**§6410. Suspension of license for failure to comply with court order of support**

If a person's eligibility to obtain or hold a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with a court order of support. ~~On condition of~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is in compliance with the court order of support.

**Sec. 4. 12 MRSA §6411**, as enacted by PL 2009, c. 561, §16, is amended to read:

**§6411. Refusal to renew or reissue license for failure to file or failure to pay state tax obligations**

If a person's eligibility to obtain a license is suspended pursuant to Title 36, section 175, the suspension is in effect until the State Tax Assessor issues a certificate of good standing. ~~On condition of~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain a license reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the person is issued a certificate of good standing.

**Sec. 5. 12 MRSA §6505-A, sub-§1-C**, as amended by PL 2017, c. 250, §2, is further amended to read:

**1-C. Elver transaction card issued.** The department may issue an elver transaction card to each license holder under this section and to each license holder under section 6302-A, subsection 3, paragraphs E, E-1, F and G in accordance with section 6302-B. The department may charge each license holder an annual fee for the elver transaction card that may not exceed \$35. Fees collected under this subsection must be deposited in the Eel and Elver Management Fund under section 6505-D. The license holder shall use the elver transaction card to meet electronic reporting requirements established by rule pursuant to section 6173. The elver transaction

card must include the license holder's name and ~~license~~ landings number.

**Sec. 6. 12 MRSA §6575-K, sub-§1**, as amended by PL 2015, c. 131, §2, is further amended to read:

**1. Prohibition on possession or sale of elvers in excess of elver individual fishing quota.** A person may not possess or sell ~~a weight of elvers that exceeds~~ in excess of the elver individual fishing quota that person has been allocated for the fishing season pursuant to section 6505-A, subsection 3-A, plus any additional quota the person may be authorized to take under section 6575-L. After a person's elver transaction card is issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not possess or sell elvers.

**Sec. 7. 12 MRSA §6575-K, sub-§2**, as amended by PL 2015, c. 131, §2, is further amended to read:

**2. Prohibition on fishing after elver individual fishing quota has been reached.** Except as provided in section 6575-L, this section applies to fishing after a person's elver individual fishing quota has been reached. A person who has sold ~~a weight of elvers that meets or exceeds~~ equal to or in excess of that person's elver individual fishing quota may not fish for or possess elvers for the remainder of the season, except that such a person who has been issued a license to fish for elvers may in accordance with section 6575-D assist another person who has been issued a license to fish for elvers who has not met or exceeded that person's elver individual fishing quota as provided in section 6505-A, subsection 3-A. After a person's elver transaction card issued pursuant to section 6505-A, subsection 1-C has been used to record transactions equal to or in excess of the elver quota allocated to that person, that person may not fish for elvers. All gear tagged by a license holder who has met or exceeded that person's elver individual fishing quota must be removed. A marine patrol officer may seize the elver transaction card of a license holder who has met or exceeded that person's elver individual fishing quota.

**Sec. 8. 12 MRSA §6851, sub-§2-A**, as amended by PL 2009, c. 523, §8, is further amended to read:

**2-A. Wholesale seafood license with lobster permit.** At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit. A person holding a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process or ship lobster or properly licensed or lawfully imported lobster meat or parts. A person holding a wholesale seafood license with a lobster permit may transport lobster or properly

licensed or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to possess or transport lobster that person has taken unless that person is in possession of a license issued under section 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a license under section 6851-B or 6857 is held.

See title page for effective date.

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## CHAPTER 643

### S.P. 670 - L.D. 1928

#### **An Act To Prohibit Health Insurance Carriers from Retroactively Reducing Payment on Clean Claims Submitted by Pharmacies**

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

**Sec. 1. 24-A MRSA §4317, sub-§2**, as enacted by PL 2009, c. 519, §1 and affected by §2, is amended to read:

**2. Prompt payment of claims.** Notwithstanding section 2436, the following provisions apply to the payment of claims submitted to a carrier by a pharmacy provider.

A. For purposes of this subsection, the following terms have the following meanings.

- (1) "Applicable number of calendar days" means:
  - (a) With respect to claims submitted electronically, 21 days; and
  - (b) With respect to claims submitted otherwise, 30 days.
- (2) "Clean claim" means a claim that has no defect or impropriety, including any lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under this section.

B. A contract entered into by a carrier with a pharmacy provider with respect to a prescription drug plan offered by a carrier must provide that payment is issued, mailed or otherwise transmitted with respect to all clean claims submitted by a pharmacy provider, other than a pharmacy that dispenses drugs by mail order only or a pharmacy located in, or under contract with, a long-term care facility, within the applicable number of calendar days after

the date on which the claim is received. For purposes of this subsection, a claim is considered to have been received:

- (1) With respect to claims submitted electronically, on the date on which the claim is transferred; and
- (2) With respect to claims submitted otherwise, on the 5th day after the postmark date of the claim or the date specified in the time stamp of the transmission of the claim.

C. If payment is not issued, mailed or otherwise transmitted by the carrier within the applicable number of calendar days after a clean claim is received, the carrier shall pay interest to the pharmacy provider at the rate of 18% per annum.

D. A claim is considered to be a clean claim if the carrier involved does not provide notice to the pharmacy provider of any deficiency in the claim within 10 days after the date on which an electronically submitted claim is received or within 15 days after the date on which a claim submitted otherwise is received.

E. If a carrier determines that a submitted claim is not a clean claim, the carrier shall immediately notify the pharmacy provider of the determination. The notice must specify all defects or improprieties in the claim and list all additional information or documents necessary for the proper processing and payment of the claim. If a pharmacy provider receives notice from a carrier that a claim has been determined to not be a clean claim, the pharmacy provider shall take steps to correct that claim and then resubmit the claim to the carrier for payment.

F. A claim resubmitted to a carrier with additional information pursuant to paragraph E is considered to be a clean claim if the carrier does not provide notice to the pharmacy provider of any defect or impropriety in the claim within 10 days of the date on which additional information is received if the claim is resubmitted electronically or within 15 days of the date on which additional information is received if the claim is resubmitted otherwise.

G. A claim submitted to a carrier that is not paid by the carrier or contested by the plan sponsor within the applicable number of calendar days after the date on which the claim is received by the carrier is considered to be a clean claim and must be paid by the carrier.

H. Payment of a clean claim under this subsection is considered to have been made on the date on which the payment is transferred with respect to claims paid electronically and on the date on which the payment is submitted to the United States Postal Service or common carrier for delivery with respect to claims paid otherwise.

I. A carrier shall pay all clean claims submitted electronically by electronic transfer of funds if the pharmacy provider so requests or has so requested previously. In the case when the payment is made electronically, remittance may be made by the carrier electronically.

J. For a contract entered into or renewed on or after January 1, 2021, the contract entered into by a carrier with a pharmacy provider with respect to a prescription drug plan offered by a carrier may not contain a provision that purports to directly or indirectly charge the pharmacy provider or hold the pharmacy provider responsible for any fee related to a clean claim:

- (1) That is not apparent at the time the carrier processes the claim;
- (2) That is not reported on the remittance advice of a claim adjudicated by the carrier; or
- (3) After the initial claim is adjudicated by the carrier.

For purposes of this subsection, a contract entered into by a carrier with a pharmacy provider with respect to a prescription drug plan offered by a carrier includes any contract with respect to a prescription drug plan offered by the carrier under which a pharmacy provider is legally obligated, either directly or through an intermediary.

See title page for effective date.

**CHAPTER 644**

**H.P. 1375 - L.D. 1931**

**An Act To Require Background Investigations for Certain Individuals To Receive Federal Tax Information in Accordance with Federal Standards**

**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 Department of Labor is currently under a security compliance audit by the United States Internal Revenue Service; and

**Whereas,** loss of access to federal tax information by the department could cause irreparable damage to the enforcement efforts of the department; 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. 25 MRSA §1542-A, sub-§1, ¶U** is enacted to read:

U. Who is an affected person, as defined in Title 26, section 1085, subsection 1, paragraph A, whose fingerprints have been required by the department pursuant to Title 26, section 1085.

**Sec. 2. 25 MRSA §1542-A, sub-§3, ¶T** is enacted to read:

T. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph U at the request of that person and upon payment of the expenses by the Department of Labor, Bureau of Unemployment Compensation as specified under Title 26, section 1085, subsection 3.

**Sec. 3. 25 MRSA §1542-A, sub-§4-A** is enacted to read:

**4-A. Duty to submit fingerprints to State Bureau of Identification; affected persons under Title 26, section 1085.** Fingerprints taken pursuant to subsection 1, paragraph U must be transmitted immediately to the State Bureau of Identification to enable the bureau to conduct state and national criminal history record checks for the Department of Labor.

**Sec. 4. 26 MRSA §1085** is enacted to read:

**§1085. Access to federal tax information; background investigation requirements**

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

A. "Affected person" means a person who is:

- (1) An applicant for employment with the bureau who will have access to federal tax information as part of that employment;
- (2) A contractor for the bureau who provides or is assigned to provide services to the bureau under an identified contract. For the purposes of this subparagraph, "identified contract" means a contract that the Director of Unemployment Compensation determines involves access, or the substantial possibility of access, to the bureau's information technology systems that contain federal tax information;
- (3) An employee of the bureau who has or will be given access to federal tax information as part of that employee's employment with the bureau and has not undergone a federal background investigation within the past 10 years;  
or

(4) An employee or contractor of another state agency, if the bureau determines the duties of that employee or contractor involve access or the substantial possibility of access through the bureau to federal tax information obtained from the United States Internal Revenue Service or the Department of Administrative and Financial Services, Bureau of Revenue Services.

B. "Contractor" includes a contractor's employees and subcontractors and employees of those subcontractors.

C. "Federal tax information" means returns and return information as defined in the United States Internal Revenue Code of 1986, Section 6103(b) that are received directly from the United States Internal Revenue Service or obtained through a secondary source authorized by the Internal Revenue Service and that are subject to the confidentiality protections and safeguarding requirements of the United States Internal Revenue Code of 1986 and corresponding federal regulations and guidance. "Federal tax information" also includes information received as part of the treasury offset program under the authority of the United States Internal Revenue Code of 1986, Section 6103(l)(10) from the United States Department of the Treasury, Bureau of the Fiscal Service. "Federal tax information" does not include information in the possession of the State that is obtained by means wholly from sources independent from the Internal Revenue Service.

**2. Federal background investigation requirements.** The Bureau of Unemployment Compensation shall perform background investigations for affected persons in accordance with this subsection. A federal background investigation conducted pursuant to this subsection 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.

A. As part of the process of evaluating an affected person for employment with the bureau involving access to federal tax information, a federal background investigation must be conducted before an offer of employment is extended.

B. A federal 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 10 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 federal background investigation must be conducted at least once every 10 years. If an affected person has not been subject to a federal background investigation within 10 years prior to the effective date of this section, a federal background investigation must be conducted within one year of the effective date of this section.

D. A federal background investigation for an affected person who is 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 10 years as long as the affected person continues to have such access, except that, if the bureau 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 10 years, no further investigations are required under this paragraph for the 10-year period commencing at the time of the federal background investigation.

**3. Fingerprinting.** An affected person must consent to having fingerprints taken for use in background investigations in accordance with this subsection. The State Police shall take or cause to be taken the affected person's fingerprints and shall forward the fingerprints to the Department of Public Safety, State Bureau of Identification so that the State Bureau of Identification can conduct state and national criminal history record checks for the Bureau of Unemployment Compensation. The State Police may charge the Bureau of Unemployment Compensation for the expenses incurred in processing state and national criminal history record checks. The full fee charged under this subsection must be deposited in a dedicated revenue account for the State Bureau of Identification with the purpose of paying costs associated with the maintenance and replacement of the criminal history record systems.

**4. Confidentiality.** All information obtained by the bureau pursuant to this section is confidential and not a public record as defined in Title 1, section 402, subsection 3. The information may be used only for making decisions regarding the suitability of an affected person for new or continued employment with the bureau, to provide services to the bureau under an identified contract or to access federal tax information obtained from the bureau.

**5. Affected person's access to criminal history record information.** The bureau shall provide an affected person with access to information obtained pursuant to this section, if requested, by providing a paper copy of the criminal history record information directly



to the affected person, but only after the bureau confirms that the affected person is the subject of the record. In addition, the bureau shall publish guidance on requesting such information from the Federal Bureau of Investigation.

**6. Disqualifying offenses; refusal to consent.** The Director of Unemployment Compensation shall review the information obtained under this section and determine whether an affected person has a disqualifying offense that would prohibit authorizing that individual to access federal tax information. Refusal by the affected person to consent to the background investigation requirements under this section is deemed a disqualifying offense.

The following applies to an affected person who has a disqualifying offense:

A. The bureau may not employ or utilize that affected person in a position for which access to federal tax information is required;

B. If the affected person is an employee of the bureau or is assigned to provide services to the bureau under an identified contract and the director of the bureau has authorized the affected person to access federal tax information, the bureau shall terminate that affected person's access and may remove that affected person from any position that involves access, or the substantial possibility of access, to federal tax information. If the affected person is an employee of the bureau, the bureau shall make a reasonable effort to retain that person as an employee in another position within the bureau that does not require access to federal tax information; and

C. If the affected person is an employee or contractor of another state agency, the bureau shall notify the other agency and the agency shall terminate the affected person's access, or substantial possibility of access, to federal tax information and may remove that affected person from any position that involves such access. If the affected person is an employee of the other agency, the agency shall make a reasonable effort to retain that person as an employee in another position that does not require access to federal tax information.

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

Effective March 18, 2020.

**CHAPTER 645  
H.P. 1378 - L.D. 1934**

**An Act Regarding Prior Authorization for Treatment for Opioid Use Disorder under the MaineCare Program**

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

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

**§3174-EEE. Prior authorization of treatment for opioid use disorder**

**1. Medication-assisted treatment.** For the purposes of this section, "medication-assisted treatment" means an evidence-based practice that combines pharmacological interventions with substance use disorder counseling.

**2. Prior authorization limitation.** The department may not require under the MaineCare program prior authorization for the following:

A. The prescription of at least one drug for each therapeutic class of medication used for medication-assisted treatment for opioid use disorder; or

B. Intensive outpatient therapy services for a diagnosis of opioid use disorder.

**3. Prior authorization for pregnant women.** In addition to the prior authorization limits imposed in subsection 2, the department may not require under the MaineCare program any prior authorization requirements with respect to a pregnant woman for medication-assisted treatment for opioid use disorder or for intensive outpatient therapy services for a diagnosis of opioid use disorder.

**4. Dosage increases.** Notwithstanding subsections 2 and 3, the department may impose prior authorization requirements under the MaineCare program for dosage increases that exceed the department's dosing criteria as identified on the department's MaineCare preferred drug list.

**5. Rulemaking.** The department may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The requirements of this section must be applied in a manner that is not inconsistent with the requirements of the Medicaid drug rebate program.

See title page for effective date.

**CHAPTER 646  
H.P. 1386 - L.D. 1942**

**An Act To Protect Water  
Quality by Requiring  
Additional Disclosures to  
Purchasers of Consumer  
Fireworks Regarding Safe and  
Proper Use**

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

**Sec. 1. 8 MRSA §223-A, sub-§10**, as enacted by PL 2011, c. 416, §5 and affected by §9, is amended to read:

**10. Disclosures to customers.** A person authorized to sell consumer fireworks shall provide to the purchaser at the point of sale written guidelines describing the safe and proper use of consumer fireworks, which must include, but are not limited to, guidelines regarding the safe and proper use of consumer fireworks around bodies of water; guidelines regarding the prevention of littering in the use of consumer fireworks; and guidelines regarding the effects from the use of consumer fireworks on wildlife, livestock and domesticated animals. The guidelines must also include the following statements in a conspicuous location: "MAINE LAW EXPRESSLY PROHIBITS PERSONS UNDER 21 YEARS OF AGE FROM PURCHASING, POSSESSING OR USING CONSUMER FIREWORKS" and "FURNISHING CONSUMER FIREWORKS TO PERSONS UNDER 21 YEARS OF AGE IS A CRIMINAL OFFENSE IN MAINE." Such guidelines must be published or approved by the commissioner prior to distribution.

See title page for effective date.

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**CHAPTER 647  
H.P. 1407 - L.D. 1963**

**An Act To Preserve the Value  
of Abandoned Properties by  
Allowing Entry by Mortgagees**

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

**Sec. 1. 14 MRSA §6327** is enacted to read:

**§6327. Abatement of nuisance and preservation of property by mortgage loan servicer**

**1. Actions to abate nuisance and preserve property.** After the commencement of an action for foreclosure, a mortgage loan servicer, as defined in Title 9-A, section 1-301, subsection 24-C, may file an affidavit attesting to the conditions described in subsection 2 and any other facts evidencing abandonment with the court

and served on the parties to the foreclosure action pursuant to the Maine Rules of Civil Procedure, Rule 5. The affidavit must be based on the personal knowledge of the affiant, must state the basis for that personal knowledge and must include a statement that a municipal, county or state official, code enforcement officer or law enforcement official was present on the date when any conditions of abandonment described in subsection 2, paragraph B and included in the affidavit were observed by the affiant. Once the affidavit is filed with the court, the mortgage loan servicer or its designee may enter the property for the purpose of abating any identified nuisance, preserving property or preventing waste and may take steps to secure the property, including but not limited to:

- A. Installing missing locks on exterior doors. If any locks are changed, the mortgage loan servicer shall provide a lockbox. Working locks may not be removed or replaced unless all doors are secured and there is no means of entry, in which case only one working lock may be removed and replaced;
- B. Replacing or boarding up broken or missing windows;
- C. Winterizing, including draining pipes and disconnecting or turning on utilities;
- D. Eliminating building code or other violations;
- E. Securing exterior pools and spas;
- F. Performing routine yard maintenance on the exterior of the residence; and
- G. Performing pest and insect control services.

**2. Presumption of abandonment.** Mortgaged premises are presumed to be abandoned property, for purposes of this section only, if:

- A. A code enforcement officer or other public official determines that the mortgaged premises are abandoned;
- B. Three or more of the following subparagraphs apply to the mortgaged premises:
  - (1) There are:
    - (a) One or more doors on the mortgaged premises that are boarded up, broken off or continuously unlocked;
    - (b) Multiple windows that are boarded up or closed off; or
    - (c) Multiple windowpanes that are broken;
  - (2) Gas, electric or water service to the mortgaged premises has been terminated or utility consumption is so low that it indicates the mortgaged premises are not regularly occupied;

(3) Rubbish, trash or debris has accumulated on the mortgaged premises;

(4) Newspapers, flyers or mail has accumulated on the mortgaged premises;

(5) Furnishings and personal property are absent from the mortgaged premises;

(6) A mortgagee has changed the locks on the mortgaged premises and neither the mortgagor nor anyone on the mortgagor's behalf has requested entrance to, or taken other steps to gain entrance to, the mortgaged premises;

(7) A law enforcement agency has received reports of at least 2 separate incidents of trespass, vandalism or other illegal acts being committed on the mortgaged premises in the 180 days before determination of abandonment is sought;

(8) The mortgagor is deceased and there is no evidence that an heir or personal representative has taken possession of the mortgaged premises; and

(9) There are other reasonable indicia of abandonment; or

C. One or more written statements signed by the homeowner indicate a clear intent to abandon the mortgaged premises.

3. Record of entry. The mortgage loan servicer or its designee shall make a record of entry pursuant to this section by means of dated and time-stamped photographs showing the manner of entry and personal items visible within the residence upon entry.

4. Removal of personal items. Neither the mortgage loan servicer nor its designee may remove personal items from the property unless the items are hazardous or perishable. The mortgage loan servicer or its designee shall create a written inventory of items removed.

5. Notice before entry. Prior to each entry pursuant to this section, a mortgage loan servicer or its designee shall ensure that a notice is posted on the front door of each property that includes the following:

A. A statement that until foreclosure and sale is complete the property owner or occupant authorized by the owner has the right to possession;

B. A statement that the property owner or occupant authorized by the owner has the right to request any locks installed by the mortgage loan servicer or its designee be removed within 24 hours and replaced with new locks accessible by only the property owner or the occupant authorized by the owner;

C. A toll-free, 24-hour telephone number that the property owner or occupant authorized by the owner may call in order to gain timely entry.

Timely entry must be provided no later than the next business day; and

D. The telephone number of the Department of Professional and Financial Regulation, Bureau of Consumer Credit Protection's foreclosure hotline with a statement that the property owner may have the right to participate in foreclosure mediation.

6. Maintenance of records. The mortgage loan servicer or its designee shall maintain records of entry onto the property pursuant to this section for at least 4 years from the date of entry.

7. Occupied property. If, upon entry pursuant to this section, the property is found to be occupied or there exist other reasonable indicia of occupancy, the mortgage loan servicer or its designee shall leave the property immediately and notify the county or municipality. Neither the mortgage loan servicer nor its designee may enter the occupied property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards. Upon determination that the property is occupied, the mortgage loan servicer shall post a notice advising that entry occurred, take all steps necessary to remedy any damage caused by the entry and secure the property for the occupants.

8. Notice that property not abandoned. If a mortgage loan servicer is contacted by the mortgagor and notified that the property is not abandoned, the mortgage loan servicer shall notify the county or municipality and thereafter neither the mortgage loan servicer nor its designee may enter the property regardless of whether the property constitutes a nuisance or complies with local code enforcement standards.

9. County and municipality liability. A county or municipality is not liable for any damages caused by an act or omission of the mortgage loan servicer or its designee pursuant to this section.

10. Prohibition on harassment. Regardless of any contractual rights granted to a mortgagee, it is unlawful for a mortgagee, its mortgage loan servicer or a 3rd-party agent or other person acting on behalf of a mortgagee to enter residential property that is not abandoned for the purpose of forcing, intimidating, harassing or coercing a lawful occupant of the residential property to vacate that property in order to render the property vacant and abandoned or to otherwise force, intimidate, harass or coerce a lawful occupant of the residential property to vacate that property so that it may be considered abandoned.

11. Penalties. A violation of this section is deemed to be a violation of section 6113 for entities not exempt from the provisions of section 6113. The remedies provided in this section are in addition to any other rights and remedies conferred by law.

12. Contractual rights. The provisions of this section do not preempt, supersede or otherwise render

inapplicable any rights granted to a mortgagee under the mortgage.

See title page for effective date.

**CHAPTER 648**

**H.P. 1410 - L.D. 1966**

**An Act To Amend the Laws Regarding Parking for Vehicles with Disability Placards and Plates**

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

**Sec. 1. 29-A MRSA §521, sub-§12**, as enacted by PL 2001, c. 151, §1, is amended to read:

**12. Parking at meters without charge.** Pursuant to Title 30-A, section 3009, subsection 1, paragraph C, ~~subparagraph (4), a~~ A vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate may park at a parking area ~~with a meter that is not a parking facility as defined in Title 30-A, section 5401, subsection 5~~ without a charge and may park a length of time that does not exceed twice the limit otherwise allowed.

**Sec. 2. 30-A MRSA §3009, sub-§1, ¶C**, as amended by PL 2001, c. 151, §2, is further amended by amending subparagraph (4) to read:

(4) A vehicle that exhibits a permanent placard, a temporary placard or a disability registration plate issued under Title 29-A, section 521 may park ~~at a parking area with a meter without a charge and may park a length of time that does not exceed twice the time limit otherwise allowed in accordance with Title 29-A, section 521, subsection 12.~~

See title page for effective date.

**CHAPTER 649**

**S.P. 676 - L.D. 1974**

**An Act To Promote Telehealth**

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

**Whereas**, case management services are an essential component of serving Medicaid members; and

**Whereas**, the emerging spread of COVID-19 may make it unsafe to provide in-person case management services to Medicaid members; 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. 22 MRSA §3173-H**, as enacted by PL 2017, c. 307, §2, is amended to read:

**§3173-H. Services delivered through telehealth**

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

A. "Asynchronous encounters" means the interaction or consultation between a patient and ~~a health professional the patient's provider or between health professionals regarding the patient~~ through a system with the ability to store digital information, including, but not limited to, still images, video, audio and text files, and other relevant data in one location and subsequently transmit such information for interpretation at a remote site by health professionals without requiring the simultaneous presence of the patient or the ~~patient's provider~~ health professionals.

A-1. "Health professional" means a provider or an individual, facility or organization with whom a provider consults in order to provide care to a patient.

A-2. "Patient" means a MaineCare member.

A-3. "Provider" means an individual, a facility or an organization that provides services under the MaineCare program.

B. "Store and forward transfers" means transmission of a patient's recorded health history through a secure electronic system to a ~~provider~~ health professional.

C. "Synchronous encounters" means a real-time interaction conducted with interactive audio or video connection between a patient and the patient's provider or between ~~providers~~ health professionals regarding the patient.

D. "Telehealth," as it pertains to the delivery of ~~health care~~ MaineCare services, means the use of interactive ~~real-time~~ visual and audio or other electronic media for the purpose of consultation and education concerning and diagnosis, treatment, care management and self-management of a patient's physical and mental health and includes real-time interaction between the patient and the ~~telehealth~~ patient's provider, electronic consultation between health professionals regarding the patient, synchronous encounters, asynchronous encounters, store and forward transfers and remote patient

monitoring. "Telehealth" includes telephonic services when interactive telehealth services are unavailable or when a telephonic service is medically appropriate for the underlying covered service.

E. "Telemonitoring," as it pertains to the delivery of ~~health care~~ MaineCare services, means the use of information technology to remotely monitor a patient's health status via electronic means through the use of clinical data while the patient remains in a residential setting, allowing the provider to track the patient's health data over time. Telemonitoring may or may not take place in real time.

**2. Grants.** The department may solicit, apply for and receive grants that support the development of the technology infrastructure necessary to support the delivery of ~~health care~~ MaineCare services through telehealth and that support access to equipment, technical support and education related to telehealth for ~~health care~~ providers.

**3. Annual report.** Beginning January 1, 2018 and annually thereafter, the department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the use of telehealth in the MaineCare program, including the number of ~~telehealth and telemonitoring~~ providers providing telehealth and telemonitoring services, the number of patients served by telehealth and telemonitoring services and a summary of grants applied for and received related to telehealth and telemonitoring.

**4. Education.** The department shall conduct educational outreach to providers and MaineCare members on telehealth and telemonitoring services.

**5. Rules.** The department shall adopt routine technical rules as defined by Title 5, chapter 375, subchapter 2-A to carry out the provisions of this section. Rules adopted by the department:

A. May not include any requirement that a patient have a certain number of emergency room visits or hospitalizations related to the patient's diagnosis in the criteria for a patient's eligibility for telemonitoring services;

B. ~~Must~~ Except as provided in paragraph E, must include qualifying criteria for a patient's eligibility for telemonitoring services that include documentation in a patient's medical record that the patient is at risk of hospitalization or admission to an emergency room;

C. Must provide that group therapy for behavioral health or addiction services covered by the MaineCare program may be delivered through telehealth; ~~and~~

D. Must include requirements for ~~individual providers and the facility or organization in which the provider works for~~ providing telehealth and telemonitoring services; ~~and~~

E. Must allow at least some portion of case management services covered by the MaineCare program to be delivered through telehealth, without requiring qualifying criteria regarding a patient's risk of hospitalization or admission to an emergency room.

**Sec. 2. 22 MRSA §3173-I, sub-§2,** as enacted by PL 2017, c. 307, §3, is amended to read:

**2. Meetings.** The advisory group shall hold at least one regular meeting ~~and no more than 4 meetings~~ each year.

**Sec. 3. 24-A MRSA §4316, sub-§1, ¶A-1** is enacted to read:

A-1. "Medicare" means the "Health Insurance for the Aged Act," Title XVIII of the Social Security Amendments of 1965, as amended.

**Sec. 4. 24-A MRSA §4316, sub-§9** is enacted to read:

**9. Medicare coverage policy.** A carrier may provide coverage for health care services delivered through telehealth that is consistent with the Medicare coverage policy for interprofessional Internet consultations. If a carrier provides coverage consistent with the Medicare coverage policy for interprofessional Internet consultations, the carrier may also provide coverage for interprofessional Internet consultations that are provided by a federally qualified health center or rural health clinic as defined in 42 United States Code, Section 1395x, subsection (aa)(1993).

**Sec. 5. Department of Health and Human Services to reimburse targeted case management services delivered through telehealth.** The Department of Health and Human Services shall, no later than September 30, 2020, amend its rule Chapter 101: MaineCare Benefits Manual, Chapter I, Section 4, Telehealth and Chapter 101: MaineCare Benefits Manual, Chapter II, Section 13, Targeted Case Management Services to provide for reimbursement of case management services delivered through telehealth to targeted populations.

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

Effective March 18, 2020.

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**CHAPTER 650**

**S.P. 683 - L.D. 1981**

**An Act Regarding the Regulation of Tiny Homes**

**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 Secretary of State, industry and individuals have an urgent need to clarify the regulatory landscape so that tiny homes can be registered and titled and the industry may resume production; 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. 29-A MRSA §101, sub-§80-C** is enacted to read:

**80-C. Tiny home.** "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;

B. Does not exceed 400 square feet in size;

C. Does not exceed any dimension allowed for operation on a public way under this Title; and

D. Is a vehicle without motive power.

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

**Sec. 2. 29-A MRSA §501, sub-§7**, as amended by PL 2011, c. 556, §4, is further amended to read:

**7. Temporary registration permit.** The Secretary of State may issue a temporary registration permit for the purpose of moving certain vehicles otherwise required to be registered or for a tiny home as follows.

A. A temporary registration permit is ~~for one trip only~~ limited in use for transportation of a vehicle after sale, transportation necessary for service or repairs of a vehicle, occasional seasonal relocation of a vehicle or transportation necessary for the relocation of a tiny home:

(1) Between the points of origin and destination and intermediate points, as set forth in the permit; or

(2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit.

B. A temporary registration permit is for the transit of the vehicle only. The vehicle may not be used

for the transportation of passengers or property, for compensation or otherwise, unless specifically authorized on the temporary registration permit. If the vehicle is a chartered bus that is not covered by a reciprocity agreement with the state or country of registration, the Secretary of State may authorize transportation of passengers.

C. The Secretary of State may not issue a temporary registration permit that is valid for longer than 10 days from the effective date of the registration.

D. The fee for a temporary registration permit issued under paragraph A, subparagraph (1) is \$12. The fee for a temporary registration permit issued under paragraph A, subparagraph (2) is \$25.

E. The temporary registration permit must be carried in the vehicle at all times.

F. A person who operates or moves a vehicle outside the routes specified in the temporary registration permit commits a traffic infraction and may not be fined less than \$25 nor more than \$200.

G. The Secretary of State may issue unassigned temporary registration permits to a vehicle auction business licensed under section 1051 to allow the movement of a vehicle sold to a dealer.

**Sec. 3. 29-A MRSA §603, sub-§1-A** is enacted to read:

**1-A. Fee of \$100.** A fee of \$100 must be paid to the Secretary of State for the following:

A. A certificate of title for a tiny home; or

B. A certificate of title for manufactured housing.

**Sec. 4. 29-A MRSA §651, sub-§7** is enacted to read:

**7. Tiny homes.** The Secretary of State shall issue certificates of title for new tiny homes beginning with model year 2020. The Secretary of State shall issue a certificate of title for a used tiny home of any model year that was previously issued a State of Maine certificate of title. A certificate of title issued pursuant to this subsection remains in effect unless cancelled pursuant to section 669.

**Sec. 5. 29-A MRSA §652, sub-§9-A** is enacted to read:

**9-A. Tiny homes.** A tiny home that is:

A. Sold before January 1, 2020; or

B. Model year 2019 or older;

**Sec. 6. 29-A MRSA §654, sub-§6** is enacted to read:

**6. Tiny homes.** The following provisions govern application for a certificate of title for a tiny home.

A. An application for a tiny home must be submitted to the Secretary of State by the retail seller. If the tiny home is purchased new out of state, the application must be submitted by the lien holder or the owner. The application must be accompanied by the manufacturer's certificate of origin.

B. An application for a used tiny home must be submitted by the retail seller. In the absence of a retail seller located in this State, the application must be submitted by the lienholder. In the absence of a retail seller and a lienholder, the application must be submitted by the owner. The application must be accompanied by any previous State of Maine certificate of title.

**Sec. 7. 29-A MRSA §667, sub-§7**, as enacted by PL 2005, c. 678, §9 and affected by §13, is amended to read:

**7. Exemption.** Certificates of title issued for manufactured housing and tiny homes are exempt from this section.

**Sec. 8. 29-A MRSA §669**, as enacted by PL 2005, c. 678, §10 and affected by §13, is amended to read:

**§669. Cancellation of certificate of title to manufactured housing and tiny homes**

**1. Real property transactions.** This section governs cancellation of a certificate of title to manufactured housing or a tiny home by the owner of the manufactured housing or tiny home when the manufactured housing or tiny home becomes affixed to real property owned by the owner of the manufactured housing or tiny home.

**2. Cancellation.** A certificate of title to manufactured housing or a tiny home may be cancelled by the Secretary of State if the owner of the real property records the following documents in the registry of deeds for the county in which the real property is located:

A. The original certificate of title to the manufactured housing or tiny home;

B. A description of the manufactured housing or tiny home, including model year, make, width, length and identification number, and a statement by any recorded lienholder on the certificate of title that the security interest has been released or that such security interest will be released upon cancellation of the certificate of title as set forth in this section;

C. The legal description of the real property; and

D. A sworn statement by the owner of the real property, as shown on the real property deed, that the owner of the real property is the owner of the manufactured housing or tiny home and that the manufactured housing or tiny home is permanently

affixed to the real property in accordance with state law.

**3. Recording.** The register of deeds, upon receipt of the documents set forth in subsection 2, shall record the documents.

**4. Request for cancellation.** An owner of manufactured housing or a tiny home shall file a written request with the Secretary of State for cancellation of the certificate of title to the manufactured housing or tiny home after completion of the requirements in subsections 2 and 3 and by returning the recorded certificate of title. The Secretary of State shall cancel the certificate of title upon receipt of the written request from the owner of the manufactured housing or tiny home requesting cancellation of the certificate of title, accompanied by the certificate of title and documents listed in subsection 2 that have been recorded pursuant to subsection 3. Upon cancellation of the certificate of title, the Secretary of State shall issue a document certifying that the certificate of title has been cancelled.

**5. Liens.** For purposes of perfection, realization and foreclosure of security interests, if a certificate of title has been cancelled pursuant to this section, a separate security interest in the manufactured housing or tiny home does not exist, and the manufactured housing or tiny home may be secured only as part of the real property through a mortgage under Title 33.

**6. Applicability.** This section applies to manufactured housing or tiny homes required to be titled under section 651 and to any person who voluntarily elects to cancel a certificate of title to manufactured housing or a tiny home pursuant to this section.

**7. Taxation not affected.** Nothing in this section may be construed to affect the taxation of manufactured housing or tiny homes.

**8. No change to common law.** Nothing in this section may be construed to modify or change existing common law.

**Sec. 9. 29-A MRSA §705, sub-§5**, as enacted by PL 2009, c. 435, §13, is amended to read:

**5. Manufactured housing or tiny home.** This subsection governs satisfaction of a security interest in manufactured housing or a tiny home.

A. Upon satisfaction of a security interest in manufactured housing or a tiny home, the lienholder whose security interest is satisfied shall execute, within 60 days, a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive that release. The lienholder shall also within 60 days of satisfaction of its security interest notify the Secretary of State in the form the Secretary of State prescribes that the lien has been satisfied.

B. The owner and subordinate lienholder, if any, may each recover \$1,000 from a lienholder who fails to release the security interest and notify the Secretary of State that the lien has been satisfied within the 60-day time period under paragraph A.

**Sec. 10. 29-A MRSA §708**, as amended by PL 2013, c. 125, §4, is further amended to read:

**§708. Manufactured housing or tiny home**

This subchapter applies to perfection of security interests in manufactured housing or a tiny home that is not permanently affixed to real property that is owned by the owner of the manufactured housing or tiny home.

**Sec. 11. 29-A MRSA §954, sub-§6**, as enacted by PL 2019, c. 397, §15, is amended to read:

**6. Trailer transit plate.** A business that delivers or services mobile homes or tiny homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit plate may not be loaned, used in place of registration plates on another vehicle, used for personal reasons or used on the towing vehicle. Issuance of a trailer transit license and plate does not exempt the holder from compliance with any state law or municipal ordinance governing the movement of mobile homes, tiny homes, storage trailers, modular homes or frames for transporting modular homes or light trailers over the highways of this State and does not exempt the holder from required permits or certificates prior to moving the vehicles. Trailer transit plates issued pursuant to this subsection may be used only subject to the following conditions.

- A. A storage trailer must be empty during transportation.
- B. A light trailer may be transported with a load appropriate for the light trailer, as long as the load is owned by or in the custody of the transporting business.
- C. A light trailer may be transported with a trailer transit plate only if the business owner or an employee of the business accompanies the vehicle transporting the light trailer.

Fees for trailer transit licenses and plates are established in section 852. Trailer transit licenses are exempt from section 951, subsection 6.

For purposes of this subsection, "business" means a corporation, firm, partnership, joint venture, sole proprietorship or other commercial entity. For the purposes of this subsection, "modular home" has the same meaning as in Title 30-A, section 4358, subsection 1, paragraph A, subparagraph (2).

A person who violates this subsection commits a traffic infraction.

**Sec. 12. 29-A MRSA §1902, sub-§4**, as amended by PL 1999, c. 183, §5, is further amended to read:

**4. Trucks; specific requirements.** Special mobile equipment or a truck, truck tractor, tiny home, trailer or semitrailer must be equipped with adequate brakes acting on all wheels of all axles, except that the following need not meet this requirement:

- A. A trailer or semitrailer not exceeding a gross weight of 3,000 pounds;
- B. A vehicle towed by use of a wrecker;
- C. A vehicle meeting braking requirements of the motor carrier safety regulations of the United States Department of Transportation;
- D. A semitrailer with a gross weight of semitrailer and load not to exceed 12,000 pounds, designed and used exclusively:
  - (1) For the dispensing of cable from attached reels, commonly called a reel trailer; or
  - (2) To support the end of poles while being transported, commonly called a pole dolly; and
- F. A dolly axle, so-called, on a farm truck transporting agricultural products and supplies.

A dolly axle may not be considered in determining the gross weight or axle limits permitted on the vehicle.

A 2-axle or 3-axle farm truck equipped with a dolly axle is considered a 2-axle or 3-axle vehicle.

**Sec. 13. 29-A MRSA §1905, sub-§1**, as amended by PL 2005, c. 314, §10, is further amended to read:

**1. Requirement.** Except as provided in subsection 3, a motor vehicle with 3 or more wheels or a tiny home, trailer or semitrailer must have on the rear 2 lights, one on each side of the axis, each capable of displaying a red light visible for a distance of at least 100 feet behind the vehicle.

**Sec. 14. 29-A MRSA §1905-A, sub-§1**, as enacted by PL 1995, c. 584, Pt. A, §2, is amended to read:

**1. Requirement.** Except as provided in subsection 3, a motor vehicle, tiny home, trailer or semitrailer must be equipped with electric flashing turn signal lamps. A motor vehicle must emit white or amber light from the turn signals to the front of the vehicle and a motor vehicle, trailer or semitrailer must emit amber or red light from the turn signals to the rear of the vehicle.

**Sec. 15. 29-A MRSA §1905-B, sub-§1**, as enacted by PL 2015, c. 176, §2, is amended to read:

**1. Requirement.** All factory-installed brake lights or equivalent replacements on a motor vehicle, tiny



home, trailer or semitrailer must be present and operating properly and must emit a steady red light when a slight pressure is placed on the brake pedal, and the light emitted must be visible for a distance of at least 100 feet behind the vehicle. For purposes of this section, "steady red light" means a red light that is either immediately constant and not pulsating or that pulsates for a short period and then becomes constant.

**Sec. 16. 29-A MRSA §1917, sub-§2**, as amended by PL 2013, c. 30, §1, is further amended to read:

**2. Safe tires required.** A motor vehicle or tiny home may not be operated on a public way unless it is equipped with tires in safe operating condition. A tire mounted on a motor vehicle or tiny home is not considered to be in safe operating condition unless it meets the visual and tread depth requirements set forth in subsections 3 and 4 and the vehicle is in compliance with the frame height requirements provided in section 1920.

**Sec. 17. 29-A MRSA §2061, sub-§1**, as amended by PL 2015, c. 176, §4, is further amended to read:

**1. Prohibition.** A person commits a traffic infraction if that person occupies a camp trailer, mobile home, tiny home, semitrailer or trailer while it is being moved on a public way.

**Sec. 18. 29-A MRSA §2385, sub-§4**, as amended by PL 1999, c. 468, §4, is further amended to read:

**4. Trailers and tiny homes.** A trailer, tiny home or semitrailer that is wider than the vehicle towing it must be equipped with reflective material or a lamp on each front corner that is visible to oncoming traffic.

**Sec. 19. 29-A MRSA §2389, sub-§1**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**1. Limitation on drawn trailers and tiny homes.** Only one tiny home, trailer or semitrailer may be drawn by a motor vehicle, except that a combination of a truck tractor, semitrailer and full trailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411. "Driveaway" and "towaway" operations, as defined by the Secretary of State, may include a combination of saddlemount vehicles not to exceed 3 units in contact with the road.

**Sec. 20. 29-A MRSA §2390, sub-§1**, as amended by PL 2017, c. 165, §10 and c. 229, §34, is further amended by amending the first paragraph to read:

**1. ~~Trucks~~ Tiny homes, trucks, trailers and recreational vehicles.** The following maximum length limits apply to tiny homes, trucks, trailers and recreational vehicles and include permanent or temporary structural parts of the vehicle and load, but do not include refrigeration units or other nonload-carrying appurtenances permitted by federal regulation.

A. A vehicle may not exceed 45 feet, except as provided in this section.

B. The maximum overall length of a combination of vehicles may not exceed 65 feet unless otherwise permitted by law.

C. A trailer or semitrailer may be greater than 45 feet but not more than 48 feet in structural length only if the distance between the center of the rearmost axle of the truck tractor and the center of the rearmost axle of the trailer or semitrailer does not exceed 38 feet.

The overall length of the combination of truck tractor and trailer or semitrailer in this paragraph may not exceed 69 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, including any rear overhang.

The interaxle distance and overall combination vehicle length maximum limits required by this paragraph do not apply on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

D. The load on a combination vehicle transporting tree-length logs exclusively may extend rearward beyond the body of the vehicle by no more than 8 1/2 feet, as long as no more than 25% of the length of the logs extends beyond the body and the total length of the vehicle and load does not exceed 74 feet.

E. A combination of truck tractor and full trailer or semitrailer may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if the trailer or semitrailer length does not exceed 48 feet.

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid

primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet. This vehicle combination may also operate on other highways designated by the Commissioner of Transportation.

G. A stinger-steered autotransporter may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length not to exceed 80 feet.

H. A combination vehicle designed for and transporting automobiles may be operated with an additional front overhang of not more than 4 feet and rear overhang of not more than 6 feet.

I. Drive-away saddlemount vehicle transporter combinations with an overall length not exceeding 97 feet may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411.

J. Notwithstanding any other provision of this subsection, a single semitrailer whose total structural length exceeds 48 feet but does not exceed 53 feet may be operated in combination with a truck tractor on a highway network if the following conditions are met.

- (1) The wheelbase of the semitrailer, measured as the distance from the kingpin to the center of the rearmost axle of the semitrailer, may not exceed 43 feet.
- (2) The kingpin setback of the semitrailer, measured as the distance from the kingpin to the front of the semitrailer, may not exceed 3 1/2 feet in length.
- (3) The rear overhang of the semitrailer, measured as the distance from the center of the rear tandem axles of the semitrailer to the rear of the semitrailer, may not exceed 35% of the wheelbase of the semitrailer.
- (4) The semitrailer must be equipped with a rear underride guard that is of sufficient strength to prevent a motor vehicle from penetrating underneath the semitrailer, extends across the rear of the semitrailer to within an

average distance of 4 inches of the lateral extremities of the semitrailer, exclusive of safety bumper appurtenances, and is placed at a height not exceeding 22 inches from the surface of the ground as measured when the semitrailer is empty and is on a level surface.

(5) The semitrailer must be equipped with vehicle lights that comply with or exceed federal standards and reflective material approved by the Commissioner of Transportation that must be located on the semitrailer in a manner prescribed by the commissioner. The semitrailer must display a conspicuous warning on the rear of the semitrailer indicating that the vehicle combination has a wide turning radius.

(8) Except as provided in subparagraph (10), the overall length of the truck tractor and semitrailer combination of vehicles traveling beyond the national network may not exceed 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle. For the purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(9) Notwithstanding section 2380, the width of the semitrailer must be 102 inches, except that the width of the rear safety bumper and appurtenances to the safety bumper may not exceed 103 inches and except that the width of a flatbed or lowboy semitrailer, measured as the distance between the outer surface edges of the semitrailer's tires, must be at least 96 inches but no more than 102 inches.

(10) For vehicles whose overall length exceeds 74 feet, including all structural parts of the vehicle, permanent or temporary, and any load carried on or in the vehicle, access is permitted to service facilities or terminals within one mile of the national network. For purposes of this subparagraph, "national network" means those highways in the State identified under 23 Code of Federal Regulations, Appendix A to Part 658.

(12) This vehicle combination may not transport cargo that has been prohibited for this vehicle combination by the Commissioner of Transportation.

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

Nothing in this paragraph limits the authority of the department under Title 23, section 52 to adopt rules

prohibiting or limiting access by semitrailers or other vehicles to a highway or portion of a highway or other segment of the transportation infrastructure in order to ensure public safety.

K. A tow-away transporter combination may be operated with an overall length not exceeding 82 feet on the interstate highway system and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation pursuant to the federal Fixing America's Surface Transportation Act, Public Law 114-94, Section 5523 (2016).

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

Effective March 18, 2020.

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**CHAPTER 651**

**S.P. 685 - L.D. 1983**

**An Act To Amend Certain Record-keeping and Reporting Requirements Imposed on State and Local Law Enforcement Agencies and the Department of Public Safety**

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

**Sec. 1. 15 MRSA §5825**, as corrected by RR 2017, c. 1, §9, is amended to read:

**§5825. Records; reports**

**1. Records of forfeited property.** Any officer, to whom or department or agency having custody of to which property subject to forfeiture under section 5821 or having disposed of the property has been ordered forfeited shall maintain complete records showing:

- A. ~~From whom it received the~~ The name of the court that ordered each item of property to be forfeited to the officer, department or agency;
- B. ~~Under what authority it held, received or disposed of the property;~~
- C. ~~To whom it delivered the property;~~
- D. ~~The date and manner of destruction or disposition of the on which each item of property was ordered forfeited to the officer, department or agency; and~~
- E. ~~The exact kinds, quantities and forms of the~~ A description of each item of property forfeited to the officer, department or agency.

The records must be open to inspection by all federal and state officers responsible for enforcing federal and

state drug control laws. Persons making final disposition or destruction of the property under court order shall report, under oath, to the court the exact circumstances of the disposition or destruction.

**2. Department of Public Safety; centralized record.** ~~The Department of Public Safety shall maintain a centralized record of property seized, held by and ordered to the department. A report of the disposition transfer of property previously held by the department Department of Public Safety and then ordered by the a court to any be forfeited to another governmental entity must be provided at least quarterly upon request to the Commissioner of Administrative and Financial Services and the Office of Fiscal and Program Review for review. These records must include an estimate as to the fair market value of items seized. The report must account for any such transfer that occurred during the 12 months preceding such a request.~~

See title page for effective date.

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**CHAPTER 652**

**S.P. 705 - L.D. 2003**

**An Act Regarding Permits To Possess Wildlife in Captivity**

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

**Sec. 1. 12 MRSA §12152, sub-§3-C**, as enacted by PL 2015, c. 374, §7, is amended to read:

**3-C. Issuance for unpermitted wildlife.** The commissioner may issue a permit under this section to a person who possesses wildlife without a permit for which a permit is required if the possession would have been allowed had the person applied for a permit before importing or possessing the wildlife. A person issued a permit under this subsection must pay a fee of \$500 in addition to the applicable application fee and permit fee. A person issued a permit under this subsection may not be charged with a penalty under section 12151. The commissioner may issue a notice of corrective action to a person issued a permit under this subsection informing the person of the requirement to fully comply with application and permit conditions and that failure to comply may result in denial of future permits.

See title page for effective date.

CHAPTER 653  
H.P. 1425 - L.D. 2007

An Act To Enact the Made for  
Maine Health Coverage Act  
and Improve Health Choices in  
Maine

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

PART A

Sec. A-1. 22 MRSA c. 1479 is enacted to read:

CHAPTER 1479

MADE FOR MAINE HEALTH COVERAGE ACT

§5401. Short title

This Act may be known and cited as "the Made for  
Maine Health Coverage Act."

§5402. Definitions

As used in this chapter, unless the context other-  
wise indicates, the following terms have the following  
meanings.

**1. Educated health care consumer.** "Educated  
health care consumer" means an individual who is  
knowledgeable about the health care system, has no fi-  
nancial interest in the delivery of health care services or  
sale of health insurance and has a background or expe-  
rience in making informed decisions regarding health,  
medical or scientific matters.

**2. Federal Affordable Care Act.** "Federal Af-  
fordable Care Act" means the federal Patient Protection  
and Affordable Care Act, Public Law 111-148, as  
amended by the federal Health Care and Education Rec-  
onciliation Act of 2010, Public Law 111-152, and any  
amendments to or regulations or guidance issued under  
those acts.

**3. Marketplace.** "Marketplace" means the Maine  
Health Insurance Marketplace established by this chap-  
ter.

**4. Marketplace trust fund.** "Marketplace trust  
fund" means the Maine Health Insurance Marketplace  
Trust Fund established by this chapter.

**5. Superintendent.** "Superintendent" means the  
Superintendent of Insurance.

§5403. **Maine Health Insurance Marketplace  
established**

The Maine Health Insurance Marketplace is estab-  
lished to conduct the functions defined in 42 United  
States Code, Section 18031(d)(4). The purpose of the  
marketplace is to benefit the State's health insurance  
market and persons enrolling in health insurance poli-  
cies, facilitate the purchase of qualified health plans, re-  
duce the number of uninsured individuals, improve

transparency and conduct consumer education and out-  
reach.

§5404. **Powers and duties of the commissioner**

**1. Powers.** In addition to any other powers speci-  
fied in this chapter and subject to any limitations con-  
tained in this chapter or in any other law, the commis-  
sioner:

A. Has and may exercise powers necessary to carry  
out the purposes for which the marketplace is orga-  
nized or to further the functions in which the mar-  
ketplace may lawfully be engaged, including the  
creation and operation of the marketplace;

B. May charge user fees to health insurance carri-  
ers that offer qualified health plans in the market-  
place or otherwise secure funding necessary to sup-  
port the functions of the marketplace subject to the  
limitations imposed by section 5406;

C. May apply for and receive funds, grants or con-  
tracts from public and private sources to be used  
for marketplace functions;

D. May enter into interagency agreements with  
state or federal entities as considered necessary to  
efficiently and effectively perform marketplace  
functions; and

E. May enter into contracts with qualified 3rd par-  
ties both private and public for any service neces-  
sary to carry out marketplace functions.

**2. Duties.** The commissioner shall:

A. Direct the operations of the marketplace as pro-  
vided in this chapter;

B. Consult with stakeholders regarding the execu-  
tion of the functions of the marketplace required  
under this chapter. Stakeholders include, but are  
not limited to:

(1) Educated health care consumers who are  
enrollees in qualified health plans;

(2) Individuals and entities with experience in  
facilitating enrollment in qualified health  
plans;

(3) Representatives of small businesses and  
self-employed individuals;

(4) Representatives and members of the  
MaineCare program;

(5) Advocates for enrolling hard-to-reach  
populations;

(6) Representatives of the Passamaquoddy  
Tribe, the Penobscot Nation, the Houlton Band  
of Maliseet Indians and the Aroostook Band of  
Micmacs, appointed by the tribes' respective  
chiefs in consultation with their tribal coun-  
cils;

- (7) Representatives of health care providers;
- (8) Representatives of insurance carriers;
- (9) Representatives of insurance producers;  
and
- (10) Any other groups or representatives required by the federal Affordable Care Act and recommended by the commissioner;

C. Accept recommendations from the superintendent on certification of qualified health plans and shall exercise the discretion to delegate to the superintendent authority and duties as appropriate for effective administration of the marketplace, including but not limited to the responsibility for plan management. Authority delegated pursuant to this paragraph is in addition to any other powers or duties of the superintendent established by statute with respect to the marketplace; and

D. Initially and subsequently as needed assess and report to the joint standing committee of the Legislature having jurisdiction over health insurance coverage matters on the feasibility and cost of the State's using the federal platform as described in 45 Code of Federal Regulations, Section 155.200(f) compared to the State's performing all the functions of a state-based marketplace as described in 45 Code of Federal Regulations, Section 155.200. These reports must consider the availability of federal grants, whether existing user fees are sufficient to create and operate state-run functions and whether use of a state-run platform would improve the accessibility and affordability of health insurance in the State

#### **§5405. Maine Health Insurance Marketplace Trust Fund**

1. Establishment. The Maine Health Insurance Marketplace Trust Fund is established as a special fund within the State Treasury for the deposit of any funds generated by user fees, any funds secured by the commissioner for marketplace functions, federal funds and any funds received from any public or private source. The marketplace trust fund must be administered by the commissioner for the purposes set forth in this chapter, including the deposit of money that may be received pursuant to and disbursements permitted by this chapter.

2. Deposit and use of money. Money deposited into the marketplace trust fund must be held solely for the purposes set forth in this chapter as determined by the commissioner, including but not limited to costs of initial start-up and creation of the marketplace, marketplace operations, outreach, enrollment and other functions supporting the marketplace, including any efforts that may increase market stabilization and that may result in a net benefit to the participants in the market-

place. All interest earned from the investment or deposit of money in the marketplace trust fund must be deposited into the marketplace trust fund. All accrued and future earnings from money held by the marketplace trust fund, including but not limited to money obtained from the Federal Government and fees, must be available to the marketplace. Any unexpended balance in the marketplace trust fund at the end of a year may not lapse and must be carried forward to be available for expenditure by the commissioner in the subsequent year for marketplace functions.

#### **§5406. User fees**

The commissioner shall charge a user fee to all carriers that offer qualified health plans in the marketplace. The user fee must be paid monthly by the carrier and deposited into the marketplace trust fund and may be used only for marketplace functions. The user fee must be applied at a rate that is a percentage of the total monthly premium charged by a carrier for each qualified health plan sold in the marketplace and may not exceed the total user fee rate charged by the Federal Government for use of the federally facilitated exchange during plan year 2020. The rate is 0.5% during any period that the State is using the federal platform as described in 45 Code of Federal Regulations, Section 155.200(f) and 3% during any period that the State is performing all the functions of a state-based marketplace as described in 45 Code of Federal Regulations, Section 155.200.

#### **§5407. Rulemaking**

The commissioner may adopt rules as necessary for the proper administration and enforcement of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted pursuant to this section must be consistent with the federal Affordable Care Act and state law.

#### **§5408. Technical assistance from other state agencies**

State agencies, including but not limited to the Department of Professional and Financial Regulation, Bureau of Insurance, the Department of Administrative and Financial Services, Bureau of Revenue Services and the Maine Health Data Organization, shall provide technical assistance and expertise to the marketplace upon request.

#### **§5409. Records**

Except as provided in this section or by other provision of law, information obtained by the marketplace under this chapter is a public record within the meaning of Title 1, chapter 13, subchapter 1.

1. Financial information. Any personally identifiable financial information, supporting data or tax return of any person obtained by the marketplace under

this chapter is confidential and not open to public inspection pursuant to 26 United States Code, Section 6103 and Title 36, section 191.

2. Health information. Health information obtained by the marketplace under this chapter that is covered by the federal Health Insurance Portability and Accountability Act of 1996, Public Law 104-191, or information covered by Title 22, section 1711-C is confidential and not open to public inspection.

**§5410. Relation to other laws**

Nothing in this chapter and no action taken by the marketplace pursuant to this chapter may be construed to preempt or supersede the authority of the superintendent to regulate the business of insurance within this State.

**§5411. Reporting**

Beginning in 2021 and annually thereafter, the marketplace shall submit a report to the Governor and the joint standing committee of the Legislature having jurisdiction over health insurance coverage matters summarizing enrollment, the affordability of health insurance for consumers using the marketplace, marketing activity and operations. This report must be submitted no later than 45 days after the end of the open enrollment period.

**PART B**

Sec. B-1. 24-A MRSA c. 34-A is enacted to read:

**CHAPTER 34-A**

**STATE-FEDERAL HEALTH COVERAGE PARTNERSHIPS**

**§2781. State-federal health coverage partnerships**

1. Partnerships authorized. The State may enter into state-federal health coverage partnerships that support the availability of affordable health coverage in the State in accordance with this section. As used in this chapter, "state-federal health coverage partnership" means a program established or authorized under federal law that provides or reallocates federal funding or that provides for the waiver or modification of otherwise applicable provisions of federal laws governing health insurance. "State-federal health coverage partnership" includes, but is not limited to, innovation waivers under Section 1332 of the federal Affordable Care Act.

2. Application. Unless the applicable federal laws, regulations or administrative guidelines require a different state official to be the applicant, the superintendent may apply to the appropriate federal agency or agencies to establish or participate in a state-federal health coverage partnership or to modify the terms and conditions of an existing partnership if the superintendent determines that the application, if approved, is

likely to improve the affordability, availability or quality of health coverage in this State and the Governor approves the submission of the application.

3. Notice and consultation. The superintendent shall ensure that all federally required notices and opportunities for consultation with respect to a state-federal health coverage partnership or proposed partnership are provided. The superintendent shall take any additional measures that may be necessary to identify persons and constituencies likely to be materially affected by a state-federal health coverage partnership or proposed partnership and to provide such persons and constituencies with reasonable notice and opportunity for input.

4. MaineCare program and Maine Health Insurance Marketplace. A state-federal health coverage partnership may coordinate with the MaineCare program or the Maine Health Insurance Marketplace established in Title 22, chapter 1479 and incorporate provisions affecting these programs, including but not limited to a joint Medicaid Section 1115 demonstration waiver and state innovation waiver, with the approval or joint application of the Commissioner of Health and Human Services.

Sec. B-2. 24-A MRSA c. 34-B is enacted to read:

**CHAPTER 34-B**

**POOLED MARKET AND CLEAR CHOICE DESIGN**

**§2791. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Individual health plan. "Individual health plan" has the same meaning as in section 2736-C, subsection 1, paragraph C.

2. Small group health plan. "Small group health plan" has the same meaning as in section 2808-B, subsection 1, paragraph G.

**§2792. Affordable health coverage for individuals, families and small businesses**

1. Pooled market established. Subject to the requirements of subsection 5, all individual and small group health plans offered in this State with effective dates of coverage on or after January 1, 2022 must be offered through a pooled market. A health insurance carrier offering an individual health plan subject to this section shall make the plan available to all eligible small employers within the plan's approved service area, and a health insurance carrier offering a small group health plan subject to this section shall make the plan available to all eligible individuals residing within the plan's approved service area. This subsection does not require the Maine Health Insurance Marketplace established in

Title 22, chapter 1479 to offer identical choices of health plans to individuals and to small employers under Title 22, chapter 1479.

**2. Premium rates.** Premium rates for a health plan offered in the pooled market described in subsection 1 may not vary based on whether the plan is issued to an individual or to a small employer. Rate filings and review for the pooled market are subject to the provisions of sections 2736 to 2736-C. For health plans that are issued on other than a calendar year basis, rates applicable on and after January 1st of any plan year must be the approved rates for the most similar plan offered during the new calendar year, adjusted by a factor, approved by the superintendent as part of the rating plan, that appropriately accounts for any differences in plan design.

**3. Harmonization of mandated benefit laws.** In addition to the requirements of chapter 56-A, a health plan subject to this section must comply with the applicable mandated benefit provisions in chapter 33 or the corresponding provisions of chapter 35. A health maintenance organization or a nonprofit hospital and medical service organization may offer any health plan approved by the superintendent for sale in the pooled market established pursuant to this section, notwithstanding any provision of chapter 56 or Title 24 to the contrary.

**4. Conforming references.** All references in this Title to the individual health insurance market, the small group health insurance market or any equivalent terminology refer to the pooled market established pursuant to this section.

**5. Preconditions for pooled market.** This section may not be implemented unless routine technical rules as defined in Title 5, chapter 375, subchapter 2-A are adopted to implement this section and the Federal Government approves a state innovation waiver amendment that extends reinsurance under section 3953 to the pooled market established pursuant to this section based on projections by the superintendent that both average individual premium rates and average small group premium rates would be the same or lower than they would have been absent the provisions of this section. If this section is not implemented, the superintendent shall conduct an analysis of alternative proposals to improve the stability and affordability of the small group market.

### **§2793. Clear choice designs**

The superintendent shall develop clear choice designs for the individual and small group health insurance markets in order to reduce consumer confusion and provide meaningful choices for consumers by promoting a level playing field on which carriers compete on the basis of price and quality.

**1. Clear choice design.** For the purposes of this section, "clear choice design" means a set of annual co-

payments, coinsurance and deductibles for all or a designated subset of the essential health benefits. An individual or small group health plan subject to section 2792 must conform to one of the clear choice designs developed pursuant to this section unless an opt-out request is granted under subsection 4.

**2. Development of clear choice designs.** The superintendent shall develop clear choice designs in consultation with working groups consisting of consumers, carriers, health policy experts and other interested persons. The superintendent shall adopt rules for clear choice designs, taking into consideration the ability of plans to conform to actuarial value ranges, consumer needs and promotion of benefits with high value and return on investment. The superintendent shall develop at least one clear choice design for each tier of health insurance plan designated as bronze, silver, gold and platinum in accordance with the federal Affordable Care Act. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Clear choice designs apply to all individual and small group health plans offered in this State with effective dates of coverage on or after January 1, 2022.

**3. Annual review.** The superintendent shall consider annually whether to revise, discontinue or add any clear choice designs for use by carriers in the following calendar year, including but not limited to considering whether deductible and copayment levels should be changed to reflect medical inflation and conform with actuarial value and annual maximum out-of-pocket limits.

**4. Alternative plan designs.** In addition to one or more health plans that include cost-sharing parameters consistent with a clear choice design developed pursuant to this section, a carrier may offer up to 3 health plans that modify one or more specific cost-sharing parameters in a clear choice design if the carrier submits an actuarial certification to the satisfaction of the superintendent that the alternative plan design offers significant consumer benefits and does not result in adverse selection. An alternative plan design may be offered only in a service area where the carrier offers at least one clear choice design plan at the same tier.

**Sec. B-3. 24-A MRSA §2808-B, sub-§2, ¶E,** as amended by PL 2019, c. 96, §1, is repealed and the following enacted in its place:

E. The superintendent may authorize a carrier to establish a separate community rate for an association group organized pursuant to section 2805-A or a trustee group organized pursuant to section 2806 consistent with the provisions of this paragraph and applicable federal law.

(1) Association group membership or eligibility for participation in the trustee group may

not be conditioned on health status, claims experience or other risk selection criteria.

(2) All health plans offered by the carrier through that association or trustee group must be made available on a guaranteed issue basis to all eligible employers that are members of the association or are eligible to participate in the trustee group except that a professional association may require that a minimum percentage of the eligible professionals employed by a subgroup be members of the association in order for the subgroup to be eligible for issuance or renewal of coverage through the association. The minimum percentage must not exceed 90%. For purposes of this subparagraph, "professional association" means an association that:

(a) Serves a single profession that requires a significant amount of education, training or experience or a license or certificate from a state authority to practice that profession;

(b) Has been actively in existence for 5 years;

(c) Has a constitution and bylaws or other analogous governing documents;

(d) Has been formed and maintained in good faith for purposes other than obtaining insurance;

(e) Is not owned or controlled by a carrier or affiliated with a carrier;

(f) Has at least 1,000 members if it is a national association; 200 members if it is a state or local association;

(g) All members and dependents of members are eligible for coverage regardless of health status or claims experience; and

(h) Is governed by a board of directors and sponsors annual meetings of its members.

(3) The aggregate rate charged by the carrier to the association or trustee group is considered a large group rate, and the terms of coverage are considered a large group health plan. Rates for participating employers within the group may vary only as permitted by paragraphs B to D-2.

(4) Producers may only market association memberships, accept applications for membership or sign up members in a professional association in which the individuals are actively engaged in or directly related to the profession represented by the professional association.

(5) Carriers may not be reinsured under section 3958 for coverage issued under this paragraph.

(6) Except for employers with plans that have grandfathered status under the federal Affordable Care Act, this paragraph does not apply to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2014 until December 31, 2019. To the extent permitted under the federal Affordable Care Act, this paragraph applies to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020.

**Sec. B-4. 24-A MRSA §2808-B, sub-§2-A,** ¶B, as amended by PL 2009, c. 439, Pt. D, §1, is further amended to read:

B. A filing and all supporting information, except for protected health information required to be kept confidential by state or federal statute and except for descriptions of the amount and terms or conditions or reimbursement in a contract between an insurer and a 3rd party, are public records notwithstanding Title 1, section 402, subsection 3, paragraph B and become part of the official record of any hearing held pursuant to subsection 2-B, paragraph B or ~~F~~ section 2792, subsection 2.

**Sec. B-5. 24-A MRSA §2808-B, sub-§2-A,** ¶C, as amended by PL 2007, c. 629, Pt. M, §6, is further amended to read:

C. Rates for small group health plans must be filed in accordance with this section and subsections 2-B and 2-C or section 2792, as applicable, for premium rates effective on or after July 1, 2004, except that the ~~filing of~~ rates for small group health plans are not required to account for any payment or any recovery of that payment pursuant to subsection 2-B, paragraph D and former section 6913 for rates effective before July 1, 2005.

**Sec. B-6. 24-A MRSA §2808-B, sub-§2-B,** as amended by PL 2011, c. 364, §15, is further amended to read:

**2-B. Rate review and hearings.** Except as provided in subsection 2-C and section 2792, rate filings are subject to this subsection.

A. Rates subject to this subsection must be filed for approval by the superintendent. The superintendent shall disapprove any premium rates filed by any carrier, whether initial or revised, for a small group health plan unless it is anticipated that the aggregate benefits estimated to be paid under all the small group health plans maintained in force by the carrier for the period for which coverage is to be provided will return to policyholders at least



75% of the aggregate premiums collected for those policies, as determined in accordance with accepted actuarial principles and practices and on the basis of incurred claims experience and earned premiums. For the purposes of this calculation, any payments paid pursuant to former section 6913 must be treated as incurred claims.

B. If at any time the superintendent has reason to believe that a filing does not meet the requirements that rates not be excessive, inadequate or unfairly discriminatory or that the filing violates any of the provisions of chapter 23, the superintendent shall cause a hearing to be held. Hearings held under this subsection must conform to the procedural requirements set forth in Title 5, chapter 375, subchapter 4. The superintendent shall issue an order or decision within 30 days after the close of the hearing or of any rehearing or reargument or within such other period as the superintendent for good cause may require, but not to exceed an additional 30 days. In the order or decision, the superintendent shall either approve or disapprove the rate filing. If the superintendent disapproves the rate filing, the superintendent shall establish the date on which the filing is no longer effective, specify the filing the superintendent would approve and authorize the insurer to submit a new filing in accordance with the terms of the order or decision.

C. When a filing is not accompanied by the information upon which the carrier supports the filing or the superintendent does not have sufficient information to determine whether the filing meets the requirements that rates not be excessive, inadequate or unfairly discriminatory, the superintendent shall require the carrier to furnish the information upon which it supports the filing.

D. A carrier that adjusts its rate shall account for the savings offset payment or any recovery of that savings offset payment in its experience consistent with this section and former section 6913.

**Sec. B-7. 24-A MRSA §2808-B, sub-§2-C,** as amended by PL 2011, c. 364, §16, is further amended to read:

**2-C. Guaranteed loss ratio.** Notwithstanding subsection 2-B, rate filings for a credible block of small group health plans may be filed in accordance with this subsection instead of subsection 2-B, except as otherwise provided in section 2792. Rates filed in accordance with this subsection are filed for informational purposes.

A. A block of small group health plans is considered credible if the anticipated average number of members during the period for which the rates will be in effect meets standards for full or partial credibility pursuant to the federal Affordable Care Act.

The rate filing must state the anticipated average number of members during the period for which the rates will be in effect and the basis for the estimate. If the superintendent determines that the number of members is likely to be less than needed to meet the credibility standard, the filing is subject to subsection 2-B.

**Sec. B-8. 24-A MRSA §3952, sub-§4-A** is enacted to read:

**4-A. Eligible claim.** "Eligible claim" means either:

A. For a high-priced item or service, a claim amount that is no greater than 200% of the allowed charge determined for the item or service under the original Medicare fee-for-service program under Part A and Part B of Title XVIII of the Social Security Act for the applicable year; or

B. For all other items or services, a claim paid by the member insurer in accordance with the terms of the policy.

**Sec. B-9. 24-A MRSA §3952, sub-§5-A** is enacted to read:

**5-A. High-priced item or service.** "High-priced item or service" means an item or service covered under the original Medicare fee-for-service program under Part A and Part B of Title XVIII of the Social Security Act that the board, in consultation with and based on analysis by the Department of Health and Human Services and Maine Health Data Organization, has identified in advance of a plan year that contributes to association costs and offers an opportunity for savings.

**Sec. B-10. 24-A MRSA §3952, sub-§6,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

**6. Insurer.** "Insurer" means an entity that is authorized to write medical insurance or that provides medical insurance in this State. For the purposes of this chapter, "insurer" includes an insurance company, a nonprofit hospital and medical service organization, a fraternal benefit society, a health maintenance organization, a self-insured employer subject to state regulation as described in section 2848-A, a 3rd-party administrator, a multiple-employer welfare arrangement, a reinsurer that reinsures health insurance in this State, or a captive insurance company established pursuant to chapter 83 that insures the health coverage risks of its members, ~~the Dirigo Health Program established in chapter 87 or any other state sponsored health benefit program whether fully insured or self-funded.~~

**Sec. B-11. 24-A MRSA §3952, sub-§9,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

**9. Member insurer.** "Member insurer" means an insurer that offers individual health plans and is actively marketing individual health plans in this State. In any calendar year in which the association reinsures small

group health plans, "member insurer" also includes an insurer that offers small group health plans and is actively marketing small group health plans in this State.

**Sec. B-12. 24-A MRSA §3953, sub-§1,** as amended by PL 2017, c. 124, §1, is further amended to read:

**1. Guaranteed access reinsurance mechanism established.** The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. ~~The Dirigo Health Program established in chapter 87 and any other state sponsored health benefit program shall also participate in the association. Unless an earlier resumption of operations is ordered by the superintendent in accordance with paragraph A, operations of the association are suspended until December 31, 2023 except to the extent provided in section 3962 and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section 3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State. The association may operate a reinsurance program contingent on the approval of, or continued approval of, a state innovation waiver under Section 1332 of the federal Affordable Care Act submitted by the superintendent as provided for in section 2781.~~

~~A. If the board proposes a revised plan of operation that calls for the resumption of operations earlier than December 31, 2023 and the superintendent determines that the revised plan is likely to provide significant benefit to the State's health insurance market, the superintendent may order the association to resume operations in accordance with the revised plan. This paragraph applies only if:~~

- ~~(1) An innovation waiver under Section 1332 of the federal Affordable Care Act as contemplated by paragraphs B and C is granted; or~~
- ~~(2) The federal Affordable Care Act is repealed or amended in a manner that makes the granting of an innovation waiver unnecessary or inapplicable.~~

~~B. After consulting with the board and receiving public comment, the superintendent may develop a proposal for an innovation waiver under Section 1332 of the federal Affordable Care Act that facilitates the resumption of operations of the association in a manner that prevents or minimizes the loss of federal funding to support the affordability of health insurance in the State.~~

~~C. With the approval of the Governor, the superintendent may submit an application on behalf of the State in accordance with the proposal developed under paragraph B for the purposes of resuming operations of the association to the United States Department of Health and Human Services and to the United States Secretary of the Treasury to waive certain provisions of the federal Affordable Care Act as provided in Section 1332. The superintendent may implement any federally approved waiver.~~

**Sec. B-13. 24-A MRSA §3955, sub-§1, ¶D,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

D. Establish procedures for the handling and accounting of association assets; and

**Sec. B-14. 24-A MRSA §3955, sub-§1, ¶E,** as amended by PL 2011, c. 621, §2, is repealed.

**Sec. B-15. 24-A MRSA §3955, sub-§2, ¶H,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

H. ~~Apply for~~ Accept and administer funds or grants from public or private sources, including federal grants, and apply for such funding.

**Sec. B-16. 24-A MRSA §3956, sub-§3, ¶C,** as enacted by PL 2011, c. 90, Pt. B, §8, is amended to read:

C. Following the close of each calendar year in which premiums are collected for reinsurance, determine reinsurance premiums less any administrative expense allowance, the expense of administration pertaining to the reinsurance operations of the association and the incurred losses of the year, and report this information to the superintendent; and

**Sec. B-17. 24-A MRSA §3957, sub-§9,** as enacted by PL 2011, c. 90, Pt. B, §8, is repealed.

**Sec. B-18. 24-A MRSA §3958,** as amended by PL 2011, c. 621, §§4 and 5, is further amended to read:

**§3958. Reinsurance; premium rates**

**1. Reinsurance amount.** A member insurer offering an individual health plan under section 2736-C must be reinsured by the association to the level of coverage provided in this subsection and is liable to the association for the any applicable reinsurance premium at the rate established in accordance with subsection 2. For calendar year 2022 and subsequent calendar years, the association shall also reinsure member insurers for small group health plans issued under section 2808-B, unless otherwise provided in rules adopted by the superintendent pursuant to section 2792, subsection 5.

A. Beginning July 1, 2012, except as otherwise provided in paragraph A-1, the association shall reimburse a member insurer for claims incurred with

respect to a person designated for reinsurance by the member insurer pursuant to section 3959 ~~or 3961~~ after the insurer has incurred an initial level of claims for that person of \$7,500 for covered benefits in a calendar year. In addition, the insurer is responsible for 10% of the next \$25,000 of claims paid during a calendar year. The amount of reimbursement is 90% of the amount incurred between \$7,500 and \$32,500 and 100% of the amount incurred in excess of \$32,500 for claims incurred in that calendar year with respect to that person. For calendar year 2012, only claims incurred on or after July 1st are considered in determining the member insurer's reimbursement. ~~The~~ With the approval of the superintendent, the association may annually adjust the initial level of claims and the maximum limit to be retained by the insurer to reflect ~~increases~~ changes in costs and, utilization ~~within the standard market for individual health plans within the State. The adjustments may not be less than the annual change in the Consumer Price Index for medical care services unless the superintendent approves a lower adjustment factor as requested by, available funding and any other factors affecting the sustainable operation of the association.~~

A-1. In any plan year in which a pooled market is operating in accordance with section 2792, the association shall operate a retrospective reinsurance program providing coverage to member insurers for all individual and small group health plans issued in this State in that plan year. For plan years beginning in 2022, if the pooled market has not been implemented pursuant to section 2792, subsection 5, the association may operate a retrospective reinsurance program for individual health plans, subject to the approval of the superintendent.

(1) The association shall reimburse member insurers based on the total eligible claims paid during a calendar year for a single individual in excess of the attachment point specified by the board. The board may establish multiple layers of coverage with different attachment points and different percentages of claims payments to be reimbursed by the association.

(2) Eligible claims by all individuals enrolled in individual or small group health plans in this State may not be disqualified for reimbursement on the basis of health conditions, predesignation by the member insurer or any other differentiating factor.

(3) The board shall annually review the attachment points and coinsurance percentages and make any adjustments that are necessary to ensure that the retrospective reinsurance program operates on an actuarially sound basis.

(4) The board shall ensure that any surplus in the retrospective reinsurance program at the conclusion of a plan year is used to lower attachment points, increase coinsurance rates or both for that plan year, consistent with its responsibility to ensure that the program operates on an actuarially sound basis.

B. ~~An~~ A member insurer shall apply all managed care, utilization review, case management, preferred provider arrangements, claims processing and other methods of operation without regard to whether claims paid for coverage are reinsured under this subsection. A member insurer shall report for each plan year the name of each high-priced item or service for which its payment exceeded the amount allowed for eligible claims and the name of the provider that received this payment. The association shall annually compile and publish a list of all reported names.

**2. Premium rates.** The association, as part of the plan of operation under section 3953, subsection 3, shall establish a methodology for determining premium rates to be charged member insurers to reinsure persons eligible for coverage under this chapter. The methodology must include a system for classification of persons eligible for coverage that reflects the types of case characteristics used by insurers for individual health plans pursuant to section 2736-C, together with any additional rating factors the association determines to be appropriate. The methodology must provide for the development of base reinsurance premium rates, subject to approval of the superintendent, set at levels that, together with other funds available to the association, will be sufficient to meet the anticipated costs of the association. The association shall periodically review the methodology established under this subsection and may make changes to the methodology as needed with the approval of the superintendent. The association may consider adjustments to the premium rates charged for reinsurance to reflect the use of effective cost containment and managed care arrangements by an insurer. This subsection does not apply to reinsurance with respect to any calendar year for which the association operates a retrospective reinsurance program under subsection 1, paragraph A-1. With the approval of the superintendent, the association's plan of operation for a retrospective reinsurance program may include a provision for charging premium on an equitable basis to all member insurers.

**Sec. B-19. 24-A MRSA §3959, sub-§1, ¶A,** as enacted by PL 2011, c. 621, §6, is amended to read:

A. By using the health statement developed by the board pursuant to section 3955, subsection 1, paragraph E or by using the person's claims history or risk scores or any other reasonable means;

**Sec. B-20. 24-A MRSA §3959, sub-§5** is enacted to read:

**5. Inapplicability.** This section does not apply to reinsurance with respect to any calendar year for which the association operates a retrospective reinsurance program under section 3958, subsection 1, paragraph A-1.

**Sec. B-21. 24-A MRSA §3961**, as amended by PL 2011, c. 621, §7 and 8, is repealed.

**Sec. B-22. 24-A MRSA §3962**, as amended by PL 2015, c. 404, §2 and 3, is repealed.

**Sec. B-23. 24-A MRSA §3963** is enacted to read:

**§3963. State-federal health coverage partnerships involving the association**

**1. Consultation with board.** The superintendent shall consult with the board before developing any proposal to apply for a state-federal health coverage partnership as defined in section 2781, subsection 1 or to modify the terms of an existing state-federal health coverage partnership involving federal funding for the association or otherwise significantly affecting the operations of the association. The superintendent shall give prompt notice to the board if the superintendent becomes aware of a new federal program or material changes to an existing program with the potential for a significant effect on the operations of the association.

**PART C**

**Sec. C-1. 24-A MRSA §4320-A**, as amended by PL 2017, c. 343, §1, is further amended to read:

**§4320-A. Coverage of preventive and primary health services**

Notwithstanding any other requirements of this Title, a carrier offering a health plan in this State shall, at a minimum, provide coverage for and may not impose cost-sharing requirements for preventive and primary health services as required by this section.

**1. Preventive services.** A health plan must, at a minimum, provide coverage for:

A. The evidence-based items or services that have a rating of A or B in the recommendations of the United States Preventive Services Task Force or equivalent rating from a successor organization;

B. With respect to the individual insured, immunizations that have a recommendation from the federal Department of Health and Human Services, Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices and that are consistent with the recommendations of the American Academy of Pediatrics, the American Academy of Family Physicians or the American College of Obstetricians and Gynecologists or a successor organization;

C. With respect to infants, children and adolescents, evidence-informed preventive care and screenings provided for in the most recent version

of the comprehensive guidelines supported by the federal Department of Health and Human Services, Health Resources and Services Administration that are consistent with the recommendations of the American Academy of Pediatrics or a successor organization; and

D. With respect to women, such additional preventive care and screenings not described in paragraph A, provided for in the comprehensive guidelines supported by the federal Department of Health and Human Services, Health Resources and Services Administration women's preventive services guidelines that are consistent with the recommendations of the American College of Obstetricians and Gynecologists women's preventive services initiative.

**2. Change in recommendations.** If a recommendation described in subsection 1 is changed during a health plan year, a carrier is not required to make changes to that health plan during the plan year.

**3. Primary health services.** An individual or small group health plan with an effective date on or after January 1, 2021 must provide coverage without cost sharing for the first primary care office visit and first behavioral health office visit in each plan year and may not apply a deductible or coinsurance to the 2nd or 3rd primary care and 2nd or 3rd behavioral health office visits in a plan year. Any copays for the 2nd or 3rd primary care and 2nd or 3rd behavioral health office visits in a plan year count toward the deductible. This subsection does not apply to a plan offered for use with a health savings account unless the federal Internal Revenue Service determines that the benefits required by this section are permissible benefits in a high deductible health plan as defined in the federal Internal Revenue Code, Section 223(c)(2). The superintendent shall conduct a study analyzing the effects of this subsection on premiums based on experience in plan years 2020 and 2021. The superintendent may adopt rules as necessary to address the coordination of the requirements of this subsection for coverage without cost sharing for the first primary care visit and the requirements of this section with respect to coverage of an annual well visit. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. C-2. Notification regarding fulfillment of contingency.** Upon adoption of routine technical rules and notification from the Federal Government of its approval of a state innovation waiver amendment in accordance with the Maine Revised Statutes, Title 24-A, section 2792, subsection 5, the Superintendent of Insurance shall notify the Secretary of State, the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes that the contingencies set forth in section 2792, subsection 5 have been met.

**Sec. C-3. Revisor's review; cross-references.** The Revisor of Statutes shall review the Maine Revised Statutes and include in the errors and inconsistencies bill submitted to the First Regular Session of the 130th Legislature pursuant to Title 1, section 94 any sections necessary to correct and update any cross-references in the statutes to provisions of law repealed in this Act.

**PART D**

**Sec. D-1. Appropriations and allocations.** The following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES,  
DEPARTMENT OF**

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for one Executive Director position, beginning July 1, 2020.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$186,547
All Other	\$0	\$10,804
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$197,351

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for one Public Service Executive II position to serve as chief technology officer, beginning January 1, 2021.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$69,306
All Other	\$0	\$5,402
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$74,708

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for one Public Service Manager III position to handle communications and outreach duties, beginning January 1, 2021.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$64,455
All Other	\$0	\$5,402
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$69,857

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for one Public Service Coordinator II position to handle finance and compliance duties, beginning January 1, 2021.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$56,316
All Other	\$0	\$5,402
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$61,718

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for one Comprehensive Health Planner II position to serve as a project manager and policy analyst, beginning June 1, 2021.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$7,556
All Other	\$0	\$901
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$8,457

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for one Secretary Specialist position to serve as administrative assistant, beginning January 1, 2021.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	0.000	1.000
Personal Services	\$0	\$40,878
All Other	\$0	\$5,402
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$46,280

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides a one-time allocation for a website development contract.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$0	\$15,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$15,000

**Maine Health Insurance Marketplace Trust Fund  
N343**

Initiative: Provides allocation for an annual contract for navigator grants.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$150,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$150,000</b>

**Maine Health Insurance Marketplace Trust Fund N343**

Initiative: Provides allocation for a contract for an annual audit.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$65,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$65,000</b>

**Maine Health Insurance Marketplace Trust Fund N343**

Initiative: Provides a one-time allocation for an independent verification and validation vendor contract.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$200,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$200,000</b>

**Maine Health Insurance Marketplace Trust Fund N343**

Initiative: Provides allocation for the STA-CAP plan.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$19,751
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$19,751</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
	\$0	\$908,122
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$908,122</b>

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Provides allocation to establish one part-time Insurance Actuarial Assistant position and All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$2,340

<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$2,340</b>
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**Insurance - Bureau of 0092**

Initiative: Provides allocation to establish one part-time Insurance Actuarial Assistant position and All Other costs.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	\$0	\$39,605
All Other	\$0	\$7,691
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$47,296</b>

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS**

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
	\$0	\$49,636
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$49,636</b>

<b>SECTION TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$957,758</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$957,758</b>

See title page for effective date.

**CHAPTER 654**

**H.P. 1435 - L.D. 2014**

**An Act To Amend the Laws Governing the Maine State Grant Program**

**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 Revised Statutes, Title 20-A, section 11616 imposes limitations on the duration of Maine State Grant Program funding for students in order to encourage degree completion and conserve scarce public resources; and

**Whereas,** during the First Regular Session of the 129th Legislature, the Legislature appropriated additional funds to the Maine State Grant Program in order to facilitate the return to education and completion of degrees by adult learners in order to contribute to their personal well-being and the state workforce; and

**Whereas,** a provision in the laws governing the program prevents an adult learner from receiving a grant for more than 10 semesters or the equivalent thereof at the institution the adult learner attends; and

**Whereas,** this legislation increases the semester limit from 10 to 12 semesters for adult learners and needs to take effect for fiscal year 2019-20; 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. 20-A MRSA §11616, sub-§2,** as amended by PL 2011, c. 642, §6, is further amended to read:

**2. Period of study.** An eligible full-time or part-time student may receive a grant for a period not to exceed 10 semesters or the equivalent thereof at the institution that the student is attending, except that an adult learner as determined by the authority by routine technical rule may receive a grant for a period not to exceed 12 semesters.

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

Effective March 18, 2020.

**CHAPTER 655**

**S.P. 710 - L.D. 2020**

**An Act To Strengthen  
Maritime Education by  
Amending the Laws Governing  
the Maine School for Marine  
Science, Technology,  
Transportation and  
Engineering**

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

**Sec. 1. 20-A MRSA §8232, first ¶,** as enacted by PL 2015, c. 363, §4, is amended to read:

The school is established as a public, ~~residential~~ school located in the Town of Searsport and the following provisions apply.

**Sec. 2. 20-A MRSA §8232, sub-§2,** as amended by PL 2017, c. 284, Pt. C, §13, is further amended to read:

**2. Tuition; room and board; funding.** Students ~~A student~~ from this State may attend the school free of

tuition charges. Additional funding for students from this State may be provided within amounts appropriated for that purpose as follows.

A. State funding for the school must be provided using the method established for public charter schools that are authorized by the commission in accordance with the funding provisions established in section 2413-A and section 15683-B. To be eligible for state funding under this paragraph, a student must have resided in Maine with a parent, other relative or guardian for at least 6 months immediately preceding application to the school.

**Sec. 3. 20-A MRSA §8235, sub-§16,** as enacted by PL 2015, c. 363, §4, is amended to read:

**16. Report.** To report annually to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the results of the assessment in subsection 15 and the general status of the school and to provide a financial audit of the school conducted by an independent auditor; The report under this subsection must include, at a minimum, assessments for:

- A. Student academic proficiency;
- B. Student academic growth;
- C. Achievement gaps in both proficiency and growth between major student subgroups;
- D. Attendance;
- E. Recurrent enrollment from year to year;
- F. Postsecondary readiness;
- G. Financial performance and sustainability;
- H. Board of trustees performance and stewardship; and
- I. Parent and community engagement;

**Sec. 4. 20-A MRSA §8238,** as amended by PL 2019, c. 531, §1, is further amended to read:

**§8238. Implementation; limited authorization**

The school may implement the plan established for the statewide education programs pursuant to section 8236, subsection 2 ~~during the 2017-2018 school year.~~

Notwithstanding any other provision of law, all powers, duties and authority of the school under this chapter and under any other law terminate 90 days after the adjournment of the Second Regular Session of the ~~129th~~ 130th Legislature.

**Sec. 5. Plan for school's future to be included in 2019-2020 annual report.** The Board of Trustees of the Maine School for Marine Science, Technology, Transportation and Engineering shall include in the annual report required under the Maine Revised

Statutes, Title 20-A, section 8235, subsection 16, for the 2019-2020 academic year, a plan for the school's future based on an exploration of practicable organizational structures for the school.

See title page for effective date.

**CHAPTER 656  
S.P. 713 - L.D. 2023**

**An Act Regarding the  
Experience Requirement for  
Auditors Working in the Office  
of the State Auditor Who Are  
Seeking Licensure as Certified  
Public Accountants**

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

**Sec. 1. 32 MRSA §12228, sub-§10,** as amended by PL 2015, c. 110, §7, is further amended to read:

**10. Experience.** For initial issuance of a license under section 12230, an applicant must demonstrate 2 years of experience under the direction of a certified public accountant licensed by any state or territory of the United States or equivalent direction, as determined by the board, by a licensed professional in another country and must meet the other requirements prescribed by the board by rule. The applicant's experience must include the use of accounting or auditing skills, including the issuance of reports, and at least one of the following: the provision of management advisory, financial advisory or consulting services; the preparation of tax returns; the furnishing of advice on tax matters; or equivalent activities defined by the board by rule. Board rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. To the extent the applicant's experience is as a revenue agent or in a similar position engaged in the examination of personal and corporate income tax returns for the Bureau of Revenue Services, the applicant receives credit at the rate of 50% toward the experience required by this subsection. To the extent the applicant's experience is as an examiner engaged in financial examinations for the Bureau of Insurance, the applicant receives credit under this subsection if that experience meets the following standards:

- A. Examinations are performed in conformity with the Examiners' Handbook published by the National Association of Insurance Commissioners or its successor or other organization approved by the board;
- B. Working papers prepared by the examiners are in conformity with generally accepted auditing standards and are subject to a review by a supervisor who ~~must be~~ is a certified public accountant;

C. Written reports of examination are prepared in conformity with the Examiners' Handbook published by the National Association of Insurance Commissioners or its successor or other organization approved by the board. All examiners working on the examinations must participate in the preparation of the report;

D. Reports of examination are prepared in accordance with statutory accounting principles. All examiners working on the examinations must participate in the preparation of the financial statements and corresponding note disclosures; and

E. All examiners assigned to an examination must participate in the planning of the examination and the planning phase conforms to the Examiners' Handbook published by the National Association of Insurance Commissioners or its successor or other organization approved by the board and generally accepted auditing standards.

To the extent the applicant's experience is as an auditor engaged in audits for the Office of the State Auditor, the applicant receives credit under this subsection if working papers prepared by the auditor are in conformity with generally accepted auditing standards and are subject to a review by a supervisor who is a certified public accountant.

See title page for effective date.

**CHAPTER 657  
H.P. 1441 - L.D. 2031**

**An Act To Require a Cable  
System Operator To Provide a  
Pro Rata Credit When Service  
Is Cancelled by a Subscriber**

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

**Sec. 1. 30-A MRSA §3010, sub-§1-A,** as amended by PL 2007, c. 548, §2, is further amended to read:

**1-A. Service ~~disconnection~~ cancellation.** A franchisee must discontinue billing a subscriber for a service within ~~10~~ 2 working days after the subscriber requests to cancel that service ~~disconnection~~ unless the subscriber unreasonably hinders access by the franchisee to equipment of the franchisee on the premises of the subscriber to which the franchisee must have access to complete the requested ~~disconnection~~ cancellation of service. A franchisee shall grant a subscriber a pro rata credit or rebate for the days of the monthly billing period after the cancellation of service if that subscriber requests cancellation of service 3 or more working days before the end of the monthly billing period.



**Sec. 2. 30-A MRSA §3010, sub-§2-A**, as enacted by PL 2007, c. 104, §1, is amended to read:

**2-A. Notice on subscriber bills; credits and refunds.** Every franchisee shall include on each subscriber bill for service a notice regarding the subscriber's right to a pro rata credit or rebate for interruption of service upon request in accordance with subsection 1 or cancellation of service in accordance with subsection 1-A. The notice must include a toll-free telephone number and a telephone number accessible by a teletypewriter device or TTY for contacting the franchisee to request the pro rata credit or rebate for service interruption or service cancellation. The notice must be in non-technical language, understandable by the general public and printed in a prominent location on the bill in boldface type.

See title page for effective date.

**CHAPTER 658**

**H.P. 1455 - L.D. 2044**

**An Act To Increase the Death Benefit for Firefighters, Law Enforcement Officers, Emergency Medical Services Personnel and Corrections Officers**

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

**Whereas**, firefighters, law enforcement officers, emergency medical services personnel and corrections officers work on a daily basis in situations that serve to advance the public good and to further public purposes but that also put their health and lives at risk; 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 §1532, sub-§6**, as enacted by PL 2005, c. 2, Pt. A, §5 and affected by §14, is amended to read:

**6. Death benefits.** The Governor shall allocate funds from the stabilization fund as needed to pay benefits due pursuant to Title 25, chapter 195-A. Allocations may be made upon written request of the Chief of the State Police, the State Fire Marshal ~~or~~ the Director of Maine Emergency Medical Services or the Commissioner of Corrections and after consultation with the State Budget Officer.

**Sec. 2. 25 MRSA c. 195-A, headnote** is amended to read:

**CHAPTER 195-A**

**DEATH BENEFITS FOR LAW ENFORCEMENT OFFICERS, FIREFIGHTERS ~~AND~~ EMERGENCY MEDICAL SERVICES PERSONS AND CORRECTIONS OFFICERS WHO DIE WHILE IN THE LINE OF DUTY**

**Sec. 3. 25 MRSA §1611, sub-§1-A** is enacted to read:

**1-A. Consumer Price Index.** "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, CPI-U, as compiled by the United States Department of Labor, Bureau of Labor Statistics.

**Sec. 4. 25 MRSA §1611, sub-§1-B** is enacted to read:

**1-B. Corrections officer.** "Corrections officer" means a person who is responsible for the custody or direct supervision of a person confined in a jail, prison or state correctional facility pursuant to an order of a court or as a result of an arrest and who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to section 2803-A.

**Sec. 5. 25 MRSA §1611, sub-§3**, as enacted by PL 2001, c. 439, Pt. CCCC, §4, is repealed and the following enacted in its place:

**3. Emergency medical services person.** "Emergency medical services person" means a person who is licensed to provide emergency medical treatment under Title 32, chapter 2-B and is serving a public or private agency in an official capacity as an officially recognized or designated employee or member of a rescue squad or ambulance crew, with or without compensation, or who is an employee of an incorporated ambulance service or nontransporting emergency medical service licensed under Title 32, chapter 2-B receiving full or partial financial support from or officially recognized by the State, a municipality or county or an entity created under Title 30-A, chapter 115 or 119 except when the emergency medical service is acting outside the scope of activities expressly authorized by the State, municipality, county or entity created under Title 30-A, chapter 115 or 119.

**Sec. 6. 25 MRSA §1612**, as amended by PL 2009, c. 421, §3, is further amended to read:

**§1612. Death benefit**

**1. Amount; recipients.** In a case in which the chief determines under rules adopted pursuant to this section that a law enforcement officer has died while in the line of duty ~~or~~ in a case in which the State Fire Marshal determines under rules adopted pursuant to this section that a firefighter has died while in the line of duty ~~or~~ in a case in which the director determines under

rules adopted pursuant to this section that an emergency medical services person has died while in the line of duty or in a case in which the Commissioner of Corrections determines under rules adopted pursuant to this section that a corrections officer has died while in the line of duty prior to July 1, 2021, the State shall pay a benefit of ~~\$50,000 as follows:~~ \$100,000.

Beginning July 1, 2021 and annually thereafter, the benefit amount must be indexed to the Consumer Price Index whenever there is a percentage increase in the Consumer Price Index from July 1st to June 30th of the previous year. A firefighter, law enforcement officer, emergency medical services person or corrections officer who dies while in the line of duty must be paid the benefit amount as indexed immediately prior to that firefighter's, law enforcement officer's, emergency medical services person's or corrections officer's death. The Department of Administrative and Financial Services shall adopt rules to calculate the annual percentage increase in the death benefit.

The State shall pay the benefit as follows:

A. If there is no surviving child of the firefighter, law enforcement officer ~~or~~ emergency medical services person or corrections officer, to the surviving spouse of the person;

B. If there is a surviving child or children and a surviving spouse of the firefighter, law enforcement officer ~~or~~ emergency medical services person or corrections officer, 1/2 to the surviving child or children in equal shares and 1/2 to the surviving spouse;

C. If there is no surviving spouse of the firefighter, law enforcement officer ~~or~~ emergency medical services person or corrections officer, to the child or children in equal shares; or

D. If there is no surviving child or spouse, to the parent or parents of the firefighter, law enforcement officer ~~or~~ emergency medical services person or corrections officer in equal shares.

**2. Interim benefit payment.** Interim benefits may be paid as follows.

A. When the State Fire Marshal determines upon showing of need and prior to final action that the death of a firefighter is a death for which a benefit will probably be paid, the State Fire Marshal may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1.

B. When the chief determines upon showing of need and prior to final action that the death of an officer is a death for which a benefit will probably be paid, the chief may make an interim benefit pay-

ment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1.

C. When the director determines upon showing of need and prior to final action that the death of an emergency medical services person is a death for which a benefit will probably be paid, the director may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1.

D. When the Commissioner of Corrections determines upon showing of need and prior to final action that the death of a corrections officer is a death for which a benefit will probably be paid, the commissioner may make an interim benefit payment not exceeding \$3,000 to the individual or individuals entitled to receive a benefit under subsection 1 in the manner set out in subsection 1.

**3. Deduction of interim payment.** The State Fire Marshal, the chief ~~or~~ the director or the Commissioner of Corrections, as the case may be, shall deduct the amount of an interim payment made pursuant to subsection 2 from the amount of any final benefit paid to the individual or individuals entitled to receive a benefit under subsection 1.

**4. Repayment of interim payment; waiver.** If a final benefit is not paid, the recipient or recipients of any interim payment under subsection 2 are liable for repayment of the amount received. The State Fire Marshal in the case of a firefighter, the chief in the case of a law enforcement officer ~~or~~ the director in the case of an emergency medical services person or the Commissioner of Corrections in the case of a corrections officer may waive all or part of the repayment if that official determines that undue hardship would result from that repayment.

**5. Execution or attachment prohibited.** A benefit paid under this section is not subject to execution or attachment.

**6. Other benefits.** The ~~\$50,000~~ death benefit payable under this section may not be considered a benefit paid under "similar law" for purposes of Title 5, sections 18005 and 18605 and may not be used to reduce any accidental death benefit amount payable under those provisions or under any other provision of law.

**7. Payment from the Maine Budget Stabilization Fund.** Benefits are payable from the Maine Budget Stabilization Fund as provided in Title 5, section 1532, subsection 6. If funds in the Maine Budget Stabilization Fund are insufficient to pay a death benefit when due, the benefit must be paid as soon as a sufficient balance exists.

**8. Rulemaking.** The State Fire Marshal, the chief ~~and~~ the Emergency Medical Services' Board and the

Department of Corrections shall adopt rules to carry out the purposes of this section, except that the Department of Administrative and Financial Services shall adopt rules as required by subsection 1. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

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

Effective March 18, 2020.

**CHAPTER 659**

**H.P. 1458 - L.D. 2047**

**An Act To Amend the State Tax Laws**

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

**PART A**

**Sec. A-1. 36 MRSA §191, sub-§2, ¶BBB,** as amended by PL 2017, c. 475, Pt. B, §2, is further amended to read:

BBB. The disclosure to an authorized representative of the Department of Professional and Financial Regulation, Bureau of Insurance of information necessary ~~to determine whether a long term disability income protection plan or short term for the administration of taxes pursuant to chapter 357 and the credit for disability income protection plan as described in section 5219-OO, subsection 1 qualifies for the disability income protection plans in the workplace credit plans in the workplace provided by section 5219-OO. Information disclosed pursuant to this paragraph may not be further disclosed by the Bureau of Insurance unless the disclosure is allowed pursuant to this section and Title 24-A, section 216;~~

**PART B**

**Sec. B-1. 36 MRSA §691, sub-§1, ¶A,** as amended by PL 2019, c. 379, Pt. A, §4, is further amended to read:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part on or after April 1, 2008.

"Eligible business equipment" also includes inventory parts. "Eligible business equipment" does not include property to the extent it is eligible for exemption from property tax under section 652 any other provision of law.

"Eligible business equipment" does not include:

- (1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;
- (2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;
- (3) Property owned or used by an excluded person;
- (4) Telecommunications personal property subject to the tax imposed by section 457;
- (5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:
  - (a) Associated equipment as defined in Title 8, section 1001, subsection 2;
  - (b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;
  - (c) An electronic video machine as defined in Title 17, section 1831, subsection 4;
  - (d) Equipment used in the playing phases of lottery schemes; and
  - (e) Repair and replacement parts of a gambling machine or device;
- (6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:
  - (a) "Primarily" means more than 50% of the time;

(b) "Retail sales activity" means an activity associated with the selection and retail purchase of goods or rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and

(c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selection and retail purchase of goods or rental of tangible personal property. "Retail sales facility" does not include a separate structure that is used as a warehouse or call center facility;

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a telecommunications business subject to the tax imposed by section 457.

**Sec. B-2. 36 MRSA §691, sub-§1, ¶F**, as enacted by PL 2005, c. 623, §1, is amended to read:

F. "Qualified property" means tangible personal property that:

(1) Is used or held for use exclusively for a business purpose by the person in possession of it or, in the case of construction in progress or inventory parts, is intended to be used exclusively for a business purpose by the person who will possess that property; and

(2) Either:

(a) Was subject to an allowance for depreciation under the Code on April 1st of the property tax year for which a claim for exemption under this subchapter is filed or would have been subject to an allowance for depreciation under the Code as of that date but for the fact that the property has been fully depreciated; or

(b) In the case of construction in progress or inventory parts, would be subject under the Code to an allowance for depreciation when placed in service or would have been subject to an allowance for depreciation under the Code as of that date but for the fact that the property has been fully depreciated.

"Qualified property" also includes all property that is affixed or attached to a building or other real estate if the property is used primarily to further a

particular trade or business activity taking place in that building or on that real estate.

"Qualified property" does not include a building or components or attachments to a building if they are used primarily to serve the building as a building, regardless of the particular trade or activity taking place in or on the building. "Qualified property" also does not include land improvements if they are used primarily to further the use of the land as land, regardless of the particular trade or business activity taking place in or on the land. In the case of construction in progress or inventory parts, the term "used" means "intended to be used." "Qualified property" also does not include any vehicle ~~registered for on-road use~~ on which a tax assessed pursuant to chapter 111 has been paid or any watercraft registered for use on state waters on which a tax assessed pursuant to chapter 112 has been paid.

### PART C

**Sec. C-1. 36 MRSA §5126-A, sub-§1**, as enacted by PL 2017, c. 474, Pt. B, §7, is amended to read:

**1. Amount.** For income tax years beginning on or after January 1, 2018, a resident individual is allowed a personal exemption deduction for the taxable year equal to \$4,150, unless the individual may be claimed as a dependent on another return. A resident individual is allowed an additional personal exemption deduction for the taxable year equal to \$4,150 if the individual is married filing a joint return, ~~unless the~~ For income tax years beginning on or after January 1, 2020, a resident individual is allowed an additional personal exemption deduction for the taxable year equal to \$4,150 if the individual is married and does not file a joint return, as long as the individual's spouse has no federal gross income during the taxable year and, notwithstanding the suspension of the exemption amount pursuant to the Code, Section 151(d)(5)(A), an exemption deduction would be allowed for the individual's spouse under the Code for the taxable year. No additional personal exemption deduction is allowed under this section if the individual's spouse may be claimed as a dependent on another return. The deduction allowed under this subsection is subject to the phase-out under subsection 2.

For purposes of this subsection, "dependent" has the same meaning as in the Code, Section 152.

**Sec. C-2. 36 MRSA §5250-A, sub-§3, ¶C**, as amended by PL 1995, c. 639, §25, is further amended to read:

C. The consideration for the property is less than \$50,000 or, for sales occurring on or after January 1, 2021, less than \$100,000;

### PART D

**Sec. D-1. 15 MRSA §1094, sub-§2-A**, as amended by PL 2019, c. 113, Pt. C, §34, is further amended to read:

**2-A. Violation of unsecured preconviction bail.** If the court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court shall enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The attorney for the State may take action to collect the amount forfeited using measures authorized for the collection of unpaid restitution under Title 17-A, section 2006, including, but not limited to, entering into agreements with the offender for payment over a set period of time not to exceed one year. In order to satisfy an order of forfeiture entered under this subsection, pursuant to Title 36, section ~~5276-A~~ 185-A, the State Tax Assessor may withhold tax refunds owed to an offender.

**Sec. D-2. 19-A MRSA §105, sub-§4**, as enacted by PL 2005, c. 323, §1, is amended to read:

**4. Interest; means of collection.** Awards under this section are subject to the accumulation of statutory interest and may be collected by any means available under law, including, but not limited to, remedies available under Title 14 and Title 36, section ~~5276-A~~ 185-A. Additional fees may be assessed in appropriate cases when additional fees are incurred for prosecuting collection actions.

**Sec. D-3. 19-A MRSA §2102**, as amended by PL 2005, c. 323, §14, is further amended to read:

**§2102. Enforcement of rights**

The obligee may enforce the right of support against the obligor, and the State or any political subdivision of the State may proceed on behalf of the obligee to enforce that right of support against the obligor. When the State or a political subdivision of the State furnishes support to an obligee, it has the same right as the obligee to whom the support was furnished, for the purpose of securing an award for past support and of obtaining continuing support. An award of attorney's fees may be collected by any means available under the law, including, but not limited to, remedies available under Title 14 and Title 36, section ~~5276-A~~ 185-A.

**Sec. D-4. 19-A MRSA §2103, sub-§4**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**4. Attorney's fees.** The Office of the Attorney General or attorneys acting under Title 5, section 191 may seek appropriate attorney's fees at the prevailing community rate for legal representation of individuals under this section. An award of attorney's fees may be collected by any means available under the laws, including, but not limited to, remedies available under Title 14 and Title 36, section ~~5276-A~~ 185-A.

**Sec. D-5. 22 MRSA §1714-A, sub-§7**, as corrected by RR 2007, c. 2, §8, is amended to read:

**7. Other collection actions.** In addition to the other remedies provided in this section, the department may seek collection of any debt established under subsection 2 pursuant to Title 14, chapter 502, Title 36, chapter 7 and Title 36, section ~~5276-A~~ 185-A.

A business entity, including a sole proprietorship, is considered out of business for the purposes of the department's recovering indebtedness if, after reasonable investigation, the department or its legal counsel has certified in writing that the business entity is no longer conducting operations and that there is no realistic expectation of collecting any significant money from the entity based upon one or more of the following conditions:

- A. The business entity has ceased offering retail or wholesale goods and services to the public;
- B. Upon reasonable investigation, nonexempt assets of the business entity of substantial value can not be identified or are otherwise unavailable for attachment and recovery;
- C. The business entity's physical location or locations of business are closed to the public;
- D. The business entity's corporate status is no longer in good standing;
- E. The business entity has admitted that it has insufficient assets to satisfy the debt;
- F. After reasonable investigation, the department or its counsel can not locate the business entity or identify the debtor's nonexempt assets; and
- G. The business entity has transferred substantially all of its business assets to a 3rd party and there are no recoverable assets as a result of the transfer.

Certification by the department that a business entity is out of business under this subsection does not preclude further collection and recovery procedures by the department, whether to formally adjudicate the indebtedness or to proceed with collection and recovery if the department becomes aware of facts that merit further recovery efforts.

**Sec. D-6. 36 MRSA §185-A** is enacted to read:

**§185-A. Setoff of refunds to debts owed to other agencies of the State**

**1. Generally.** An agency of the State, including the University of Maine System and the Maine Community College System, that is authorized to collect from a person a liquidated debt greater than \$25, referred to in this section as "the creditor agency," may notify the State Tax Assessor in writing of the identity of the person and the amount of the debt. The assessor shall then set aside, to the extent of that debt, any amount due to the person under this Title, except for

amounts due to that person under Part 2 of this Title. A liquidated child support debt that the Department of Health and Human Services has contracted to collect pursuant to Title 19-A, section 2103 or 2301, subsection 2, is eligible for setoff pursuant to this section.

**2. Notice and hearing.** At the time a setoff is made pursuant to this section, the assessor shall provide notice to the person of the setoff and of the person's right to request, within 60 days of receipt of notice of the setoff, a hearing before the creditor agency. The hearing must be held in accordance with the Maine Administrative Procedure Act and is limited to the issues of whether the person whose debt was set off is the same person who is indebted to the creditor agency, whether the debt became liquidated and whether any post-liquidation event has affected the liability.

**3. Transfer of proceeds.** After providing the notice required by subsection 2, the assessor shall transfer the set-off refund amount to the creditor agency. The assessor shall provide the creditor agency with information sufficient to identify each person whose refund is set off pursuant to this section. If the person is an individual, the information must include the individual's name, last known address and social security number.

**4. Finalization of setoff; release of refund to person.** If the person fails to make a timely request for hearing under subsection 2 or a hearing is held before the creditor agency and a liquidated debt is determined to be due to that agency, the setoff is final except as determined by further appeal. The creditor agency shall release to the person any set-off refund amount determined after hearing not to be a liquidated debt due to the agency within 90 days of the determination or as otherwise provided by the agency in an adopted rule.

**5. Appeal.** The decision of the creditor agency seeking setoff in a hearing pursuant to subsection 2 constitutes final agency action appealable under the Maine Administrative Procedure Act.

**6. Accounting.** The creditor agency shall credit the account of a person whose refund has been set off with the full amount transferred to the agency by the assessor pursuant to this section.

**7. Priority.** If claims under this section from more than one agency are received by the assessor with respect to one person, the assessor shall set off against the refund due that person as many claims of the agencies as possible in the following order of priority:

- A. Liquidated child support debts owed to the Department of Health and Human Services;
- B. Court-ordered restitution obligations;
- C. Fines and fees owed to any of the courts; and
- D. All other claims in the order of their receipt by the assessor.

**8. Disclosure of information.** In any civil or criminal action in which a fine, order to pay or money judgment is entered in favor of the State or any agency or department of the State, or in any action in which counsel is assigned for an indigent party, the court may require the person so indebted to the State, agency or department, or the party for whom counsel has been assigned, to provide financial information under oath and on such forms as may be prepared by the Judicial Department, together with any other information reasonably related to fulfilling the purposes of this section. In the case of an individual debtor, the required information may include the individual's social security number. The Judicial Department may disclose social security numbers and financial information obtained in accordance with this subsection to agencies or departments of the State and to private collection agencies working under contract for the State for the purpose of collection of the amounts owed. A person who has access to or receives social security numbers or other financial information under this subsection shall maintain the confidentiality of the information and use it only for the purposes for which it was disclosed.

**Sec. D-7. 36 MRSA §191, sub-§2, ¶J,** as amended by PL 1987, c. 19, §1 and c. 210, §1, is further amended to read:

J. The disclosure to a state agency seeking setoff of a liquidated debt against a tax refund pursuant to section ~~5276-A~~ 185-A of information necessary to effectuate the intent of that section;

**Sec. D-8. 36 MRSA §5276, sub-§1,** as amended by PL 2009, c. 361, §30, is further amended to read:

**1. General rule.** The State Tax Assessor, within the applicable period of limitations, may credit an overpayment of income tax, including an overpayment reported on a joint return, and interest on the overpayment against any liability arising from a redetermination pursuant to section 6211 or any liability in respect of any tax imposed under this Title owed by the taxpayer, or by the taxpayer's spouse in the case of a joint return. The balance, after any setoff pursuant to section ~~5276-A~~ 185-A or pursuant to an agreement entered into under section 112, subsection 13, must be refunded by the Treasurer of State. For purposes of this subsection, "any tax imposed under this Title" includes monetary restitution ordered to be paid to the bureau as part of a sentence imposed for a violation of this Title or Title 17-A.

**Sec. D-9. 36 MRSA §5276-A,** as amended by PL 2019, c. 113, Pt. C, §112, is repealed.

**Sec. D-10. 36 MRSA §5279, sub-§4,** as amended by PL 2011, c. 1, Pt. EE, §3 and affected by §4, is further amended to read:

**4. Exceptions.** Notwithstanding subsection 1, interest may not be paid by the assessor on an overpayment of the tax imposed by this Part that is refunded within 60 days after the last date prescribed, or permitted by extension of time, for filing the return of that tax or within 60 days after the date the return requesting a refund of the overpayment was filed, whichever is later. In addition, interest may not be paid with respect to a period during which a refund is delayed pending resolution of a proposed setoff under section ~~5276-A~~ 185-A.

**PART E**

**Sec. E-1. 5 MRSA §13083-S-1, sub-§4,** as enacted by PL 2009, c. 641, §9, is amended to read:

**4. Certification by authority.** By February 15th of each year, beginning in 2011, the authority shall provide a report identifying each employer located at the base area to the commissioner. ~~The commissioner shall certify annually to the assessor on or before June 30th of each year, beginning in 2011, the following information: By April 15th of each year, beginning in 2021, each employer located at the base area shall report to the commissioner the number of employees employed at the base area during the immediately preceding calendar year, the state income taxes withheld for each of those employees and any further information the commissioner may reasonably require.~~

The commissioner shall certify annually to the assessor on or before June 1st of each year the following information:

- A. Employment, payroll and state withholding data necessary to calculate the base level of employment;
- B. The total number of employees added during the previous year within the base area above the base level of employment, including additional associated payroll and withholding data necessary to calculate the job tax increment and establish the appropriate payment to the fund;
- C. A listing of all employers within the base area that pay withholding taxes, the locations of those employers and the number of employees at each location;
- D. A listing of all affiliated businesses, data regarding current employment, payroll and Maine income tax withholding for each affiliated business within the base area; and
- E. Any information required by the assessor to determine the job tax increment pursuant to this section and the employment tax increment revenues pursuant to Title 36, chapter 917.

**Sec. E-2. 5 MRSA §13083-S-1, sub-§5,** as enacted by PL 2009, c. 641, §9, is amended to read:

**5. Procedure for payment of revenue to the fund.** On or before July 15th of each year, the assessor

shall review the information required by subsection 4 and calculate the job tax increment for the preceding calendar year. The assessor shall also calculate the employment tax increment in the base area for reimbursement to qualified ~~businesses and qualified Pine Tree Development Zone~~ Maine Employment Tax Increment Financing Program businesses pursuant to Title 36, chapter 917. ~~On or before~~ Between July 1st and July 15th of each year, the assessor shall certify to the State Controller the total remaining job tax increment after reimbursements have been made to qualified ~~businesses and qualified Pine Tree Development Zone~~ 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 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.

**Sec. E-3. 30-A MRSA §5250-P, sub-§1,** as enacted by PL 2017, c. 440, §5, is amended to read:

**1. Annual reports.** A qualified Pine Tree Development Zone business, ~~the State Tax Assessor~~ and the commissioner each shall report annually in accordance with this subsection.

A. ~~On or before April 15th annually, beginning in 2019~~ March 15th of each year, a qualified Pine Tree Development Zone business shall file a report with the commissioner for the immediately preceding calendar year, referred to in this subsection as "the report year," that contains the following information with such additional information and on forms as the commissioner may require:

- (1) The total number of Maine employees and total salary and wages for those employees for the report year;
- (2) The total number of qualified Pine Tree Development Zone employees and total salary and wages for those employees for the report year;
- (3) The number of qualified Pine Tree Development Zone employees hired within the report year;
- (4) The amount of investments made during the report year at the qualified Pine Tree Development Zone business location or directly related to the qualified business activity; and
- (5) In aggregate, the estimated or total value of Pine Tree Development Zone benefits received or claimed in the report year.

~~B. On or before October 1st annually, beginning in 2019, the State Tax Assessor shall report to the~~

~~commissioner and to the joint standing committees of the Legislature having jurisdiction over taxation and economic development matters the aggregate revenue loss to the State for the most recently completed state fiscal year resulting from Pine Tree Development Zone benefits under section 5250 I, subsection 14, paragraphs B, C and D.~~

C. On or before June 1st annually, beginning in 2019, the commissioner shall report to the joint standing committees of the Legislature having jurisdiction over taxation and economic development matters information on qualified Pine Tree Development Zone businesses, including, but not limited to:

- (1) The names of qualified Pine Tree Development Zone businesses for the report year;
- (2) The estimated or total aggregate amount of Pine Tree Development Zone benefits received by qualified Pine Tree Development Zone businesses in the report year; and
- (3) Aggregate information for each of the most recent 3 report years on:
  - (a) Employment levels for all Maine employees and for qualified Pine Tree Development Zone employees and associated salary and wages for both groups of employees;
  - (b) Average annual salary and wages and access to health insurance and retirement benefits for all Maine employees and for qualified Pine Tree Development Zone employees; and
  - (c) Amount of investment associated with the qualified Pine Tree Development Zone business locations or directly related to the qualified business activities.

**Sec. E-4. 36 MRSA §6758**, as amended by PL 2013, c. 67, §3, is further amended to read:

**§6758. Procedure for reimbursement**

**1. Reporting by qualified businesses.** On or before ~~April~~ March 15th of each year, each qualified business approved by the commissioner pursuant to this chapter shall report the number of employees, ~~the state income taxes withheld~~ for the immediately preceding calendar year, compensation and state income tax withholding information with respect to each of those employees and any further information the commissioner or State Tax Assessor may reasonably require.

**1-A. Reporting by commissioner.** The commissioner shall report annually to the assessor on or before May 15th of each year any information reasonably required by the assessor to determine the employment tax increment for each qualified business and the reimbursement amount allowed pursuant to this chapter.

**2. Determination by assessor.** On or before June 30th of each year, the assessor shall determine the employment tax increment of each qualified business for the preceding calendar year. A qualified business may receive up to 80% of the employment tax increment generated by that business as determined by the assessor, subject to the further limitations in section 6754, subsection 2. That amount is referred to as "retained employment tax increment revenues."

**3. Deposit and payment of revenue.** ~~On or before~~ Between July 1st and July 15th of each year, the assessor shall certify to the State Controller the total retained employment tax increment revenues for the preceding calendar year for approved employment tax increment financing programs to be transferred to the state employment 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 assessor shall pay to each approved qualified business an amount equal to the retained employment tax increment revenues of that qualified business for the preceding calendar year.

**4. Assignment of payments.** A qualified business may assign its right to payments under this chapter to secure a loan from the Finance Authority of Maine, and such an assignment, notwithstanding any contrary provision of law, is a legally valid assignment binding upon the qualified business and its successors in interest. Upon notice of such an assignment given to the assessor by the Finance Authority of Maine and written confirmation of such an assignment signed by the qualified business, the assessor shall pay to the Finance Authority of Maine any payments due to the qualified business pursuant to this chapter and assigned to the Finance Authority of Maine until the Finance Authority of Maine notifies the assessor that the assignment has been released.

**PART F**

**Sec. F-1. 28-A MRSA §707, sub-§1, ¶B**, as amended by PL 1997, c. 373, §68, is further amended to read:

B. To the State for any tax, other than property tax, assessed and considered final under Title 36 that the State Tax Assessor certifies, in accordance with Title 36, section 172, as remaining unpaid in an amount exceeding \$1,000 for a period greater than ~~60~~ 15 days after the applicant or licensee has received notice of the finality of that tax; or

**Sec. F-2. 36 MRSA §172, first ¶**, as amended by PL 2011, c. 380, Pt. J, §7, is further amended to read:

If any tax liability imposed under this Title that has become final, other than a liability for a tax imposed under Part 2, remains unpaid in an amount exceeding \$1,000 for a period greater than ~~60~~ 15 days after the taxpayer has received notice of that finality by personal



service or certified mail, and the taxpayer fails to cooperate with the bureau in establishing and remaining in compliance with a reasonable plan for liquidating that liability, the State Tax Assessor shall certify the liability and lack of cooperation:

### PART G

**Sec. G-1. 36 MRSA §141, sub-§1**, as amended by PL 2011, c. 380, Pt. J, §2, is further amended to read:

**1. General provisions.** Except as otherwise provided by this Title, an amount of tax that a person declares on a return filed with the State Tax Assessor to be due to the State is deemed to be assessed at the time the return is filed and is payable on or before the date prescribed for filing the return, ~~determined without regard to an extension of time granted for filing the return.~~ When a return is filed, the assessor shall examine it and may conduct audits or investigations to determine the correct tax liability. If the assessor determines that the amount of tax shown on the return is less than the correct amount, the assessor shall assess the tax due the State and provide notice to the taxpayer of the assessment. Except as provided in subsection 2, an assessment may not be made after 3 years from the date the return was filed or 3 years from the date prescribed for filing the return was required to be filed, whichever is later. The assessor may make a supplemental assessment within the assessment period prescribed by this section for the same period, periods or partial periods previously assessed if the assessor determines that a previous assessment understates the tax due or otherwise is imperfect or incomplete in any material respect. For purposes of this subsection, the date prescribed for filing the return is determined without regard to any extension of time.

**Sec. G-2. 36 MRSA §5231, sub-§1-A**, as amended by PL 2017, c. 211, Pt. D, §11, is further amended to read:

**1-A. Federal extension.** When an individual, estate or trust is granted an extension of time within which to file a federal income tax return for any taxable year, ~~the due date for filing an extension to file the taxpayer's income tax return with respect to the tax imposed by this Part is automatically extended granted for an equivalent period from the date prescribed for filing the return.~~ When a taxable corporation or a financial institution subject to the tax imposed by chapter 819 is granted an extension of time within which to file its federal income tax return for any taxable year, ~~the due date for filing an extension to file the taxpayer's income tax or franchise tax return with respect to the tax imposed by this Part is automatically extended granted for an equivalent period from the date prescribed for filing the return.~~

**Sec. G-3. 36 MRSA §5278, sub-§1**, as amended by PL 2011, c. 1, Pt. DD, §3 and affected by §4, is further amended to read:

**1. General.** A claim for credit or refund of an overpayment of any tax imposed by this Part must be filed by the taxpayer within 3 years from the date the return was filed, whether or not the return was timely filed, or 3 years from the date the tax was paid, whichever period expires later. A credit or refund may not be allowed after the expiration of the period prescribed in this subsection unless a claim for credit or refund is filed by the taxpayer within that period. For purposes of this subsection, a return filed before the last day prescribed for the filing of a return is deemed to be filed on that last day, determined without regard to any extension of time granted the taxpayer.

**Sec. G-4. 36 MRSA §5278, sub-§5, ¶A**, as amended by PL 2011, c. 1, Pt. DD, §3 and affected by §4, is further amended to read:

A. If the claim for credit or refund relates to an overpayment of tax on account of the deductibility by the taxpayer of a debt as a debt that became worthless or a loss from worthlessness of a security or the effect that the deductibility of a debt or of a loss has on the application to the taxpayer of a carry-over, the claim may be made within 7 years from the date prescribed by law for filing the return for the year with respect to which the claim is made, determined without regard to any extension of time granted the taxpayer; and

**Sec. G-5. Retroactivity.** This Part applies retroactively to tax years beginning on or after January 1, 2017.

### PART H

**Sec. H-1. 36 MRSA §5219-VV, sub-§1, ¶F**, as enacted by PL 2019, c. 386, §2, is amended to read:

F. "Facility" means a food processing and manufacturing facility, plant or mill, including one or more structures and including the equipment, machinery, fixtures and personal property located in, on, over, under and adjacent to those structures, by which the applicant, as determined by the commissioner ~~at the time of application~~, processes, produces and manufactures food from agricultural products primarily grown and harvested in the State.

**Sec. H-2. 36 MRSA §5219-VV, sub-§1, ¶K**, as enacted by PL 2019, c. 386, §2, is amended to read:

K. "Qualified investment" means an ~~investment~~ expenditure of at least \$35,000,000 to design, permit, construct, modify, equip or expand the applicant's facility in the State. ~~The investments and activities expenditures of a qualified applicant and other entities that are members of the qualified applicant's unitary business may, whether or not incorporated, that are part of a single business enterprise must be aggregated to determine whether a qualified investment has been made.~~ A qualified

investment does not include an ~~investment ex-~~  
~~penditure~~ made prior to April 1, 2019 or after De-  
cember 31, 2024.

**Sec. H-3. 36 MRSA §5219-VV, sub-§2, ¶D,**  
as enacted by PL 2019, c. 386, §2, is amended to read:

D. The commissioner shall revoke a certificate of approval if the certified applicant or a person to whom a certificate of approval has been transferred pursuant to paragraph C fails to make a qualified investment within 5 years of the date of the certificate of approval. The commissioner shall revoke a certificate of approval or a certificate of completion under paragraph E if the applicant or transferee ceases operations of the facility in the State or the certificate of approval or certificate of completion is transferred to another person without approval from the commissioner pursuant to paragraph C. A certified applicant whose certificate of completion is revoked within 5 years after the date issued shall return ~~within 60 days following revocation of the certificate~~ to the State an amount equal to the total credits claimed for all tax years under this section. A certified applicant whose certificate of completion is revoked during the period from 6 years after through 10 years after the date the certificate was issued shall return ~~within 60 days following revocation of the certificate~~ to the State an amount equal to the total credits claimed under this section for the period from 6 years after through 10 years after the date the certificate was issued. The amount to be returned to the State under this paragraph is, for purposes of this Title, a tax subject to the collection and enforcement provisions contained in Part 1, including the application of applicable interest and penalties. The amount to be returned to the State must be added to the tax imposed on the taxpayer under this Part for the taxable year during which the certificate is revoked. An applicant whose certificate of approval or certificate of completion has been revoked pursuant to this paragraph is not eligible for the tax credit under this section for the tax year in which the certificate is revoked and any year after that.

**Sec. H-4. 36 MRSA §5219-VV, sub-§2, ¶E,**  
as enacted by PL 2019, c. 386, §2, is amended to read:

E. A certified applicant shall submit an application to the commissioner for a certificate of completion. If the commissioner determines that the certified applicant has made a qualified investment and ~~satisfied the facility and employment determines that, at the time the application for a certificate of completion is submitted, the certified applicant is itself or is the parent or subsidiary of, an entity that satisfies all of the criteria in subsection 1, paragraph J, subparagraphs (1) and (5).~~ the commissioner shall issue a certificate of completion to the certi-

fied applicant as soon as is practical. The certificate of completion must state the amount of qualified investment made by the certified applicant.

**Sec. H-5. 36 MRSA §5219-VV, sub-§3, ¶B,**  
as enacted by PL 2019, c. 386, §2, is amended to read:

B. The credit under this subsection is limited as follows.

(1) A credit is not allowed for any tax year during which the taxpayer does not meet or exceed the following employment targets as measured on the last day of the tax year.

(a) For each of the first 3 tax years for which the credit is claimed, there must be a total of at least 40 full-time employees based in the State above the certified applicant's base level of employment whose jobs were added since the first day of the ~~first tax year for in~~ which the credit was claimed certificate of approval was issued.

(b) For each tax year after the 3rd tax year for which the credit is claimed, the taxpayer must employ a total of at least 60 full-time employees based in the State above the certified applicant's base level of employment whose jobs were added since the first day of the ~~first tax year for in~~ which the credit was claimed certificate of approval was issued.

Jobs for additional full-time employees that are counted for determining eligibility for the credit under one certificate of completion under subsection 2, paragraph E may not be counted for determining eligibility for the credit under a separate certificate of completion. For purposes of this subparagraph, "additional full-time employees" does not include employees who are shifted to a certified applicant's facility in the State from an affiliated business in the State. The commissioner shall determine whether a shifting of employees has occurred. For purposes of this subparagraph, "affiliated business" has the same meaning as in section 6753, subsection 1-A.

(2) A credit is not allowed for any tax year following 2 consecutive tax years during which the certified applicant did not have between \$5,500,000 and \$12,000,000 in ordinary business income.

(3) Cumulative credits under this subsection may not exceed ~~\$34,000,000~~ \$30,600,000 under any one certificate.

(4) A credit is not allowed for any tax year during which the certified applicant does not satisfy all of the following criteria:

(a) The certified applicant's headquarters are located in the State;

(b) The certified applicant has a facility in the State; and

(c) The annual income derived from employment with the certified applicant of at least 75% of the certified applicant's employees exceeds the most recent annual per capita personal income in the county in which the facility is located.

For purposes of this subparagraph, "certified applicant" includes the parent or subsidiary of the certified applicant.

**Sec. H-6. 36 MRSA §5219-VV, sub-§5, ¶A,** as enacted by PL 2019, c. 386, §2, is amended by amending subparagraph (1) to read:

(1) The number of full-time employees based in the State of the certified applicant on the last day of the tax year ~~ending during the calendar year immediately preceding the report year;~~ and

**PART I**

**Sec. I-1. 36 MRSA §5122, sub-§2, ¶OO,** as amended by PL 2019, c. 527, Pt. A, §1, is further amended to read:

OO. For taxable years beginning on or after January 1, 2016 ~~and before January 1, 2020~~, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during ~~the~~ any taxable year beginning on or after January 1, 2015 but before January 1, 2020 for which an addition was required under subsection 1, paragraph KK, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal adjusted gross income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph KK, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph KK, subparagraph (2) for the same property.

**Sec. I-2. 36 MRSA §5200-A, sub-§2, ¶AA,** as amended by PL 2019, c. 527, Pt. A, §3, is further amended to read:

AA. For taxable years beginning on or after January 1, 2016 ~~and before January 1, 2020~~, an amount equal to the net increase in the depreciation deduction allowable under the Code, Sections 167 and 168 that would have been applicable to that property had the depreciation deduction under the Code, Section 168(k) not been claimed with respect to such property placed in service during ~~the~~ any taxable year beginning on or after January 1, 2015 but before January 1, 2020 for which an addition was required under subsection 1, paragraph CC, subparagraph (2) for the taxable year.

Upon the taxable disposition of property to which this paragraph applies, the amount of any gain or loss includable in federal taxable income must be adjusted for Maine income tax purposes by an amount equal to the difference between the addition modification for such property under subsection 1, paragraph CC, subparagraph (2) and the subtraction modifications allowed pursuant to this paragraph.

The total amount of subtraction claimed under this paragraph for all tax years may not exceed the addition modification under subsection 1, paragraph CC, subparagraph (2) for the same property.

**PART J**

**Sec. J-1. 30-A MRSA §4722, sub-§1, ¶DD,** as corrected by RR 2017, c. 1, §24, is amended by amending subparagraph (4) to read:

(4) Annually by every August 1st until and including August 1, ~~2023~~ 2025, the Maine State Housing Authority shall review the report issued pursuant to Title 27, section 511, subsection 5, paragraph A to determine the percentage of the total aggregate square feet of completed projects that constitutes new affordable housing, rehabilitated and developed using:

(a) Either of the income tax credits under Title 36, section 5219-BB, subsection 2; and

(b) The income tax credit increase under Title 36, section 5219-BB, subsection 3.

If the total aggregate square feet of new affordable housing does not equal or exceed 30% of the total aggregate square feet of rehabilitated and developed completed projects eligible for a credit under Title 36, section 5219-BB, the Maine State Housing Authority and Maine Historic Preservation Commission shall notify the State Tax Assessor of this fact;

**Sec. J-2. 36 MRSA §5219-BB, sub-§1, ¶C,** as amended by PL 2011, c. 453, §7, is further amended to read:

C. "Certified qualified rehabilitation expenditure" means a qualified rehabilitation expenditure, as defined by the Code, Section 47(c)(2), made ~~between on or after January 1, 2008 and December 31, 2023.~~ For purposes of subsection 2, paragraph B, qualified rehabilitation expenditures incurred in the certified rehabilitation of a certified historic structure located in the State do not include a requirement that the certified historic structure be substantially rehabilitated. with respect to a certified historic structure, if:

(1) For credits claimed under subsection 2, paragraph A, the United States Department of the Interior, National Park Service issues a determination on or before December 31, 2025 that the proposed rehabilitation of that structure meets the Secretary of the Interior's standards for rehabilitation, with or without conditions; or

(2) For credits claimed under subsection 2, paragraph B, the Maine Historic Preservation Commission issues a determination on or before December 31, 2025 that the proposed rehabilitation of that structure meets the Secretary of the Interior's standards for rehabilitation, with or without conditions.

For purposes of subsection 2, paragraph B, qualified rehabilitation expenditures incurred in the certified rehabilitation of a certified historic structure located in the State do not include a requirement that the certified historic structure be substantially rehabilitated.

**Sec. J-3. 36 MRSA §5219-BB, sub-§2,** as amended by PL 2011, c. 240, §38 and c. 453, §8, is further amended to read:

**2. Credit allowed.** A taxpayer is allowed a credit against the tax imposed under this Part:

A. Equal to 25% of the taxpayer's certified qualified rehabilitation expenditures for which a tax credit is claimed under Section 47 of the Code for a certified historic structure located in the State; or

B. Equal to 25% of the certified qualified rehabilitation expenditures of a taxpayer who incurs not less than \$50,000 and up to \$250,000 in certified qualified rehabilitation expenditures in the rehabilitation of a certified historic structure located in the State and who does not claim a credit under the Code, Section 47 with regard to those expenditures. If the certified historic structure is a condominium, as defined in Title 33, section 1601-103, subsection 7, the dollar limitations of this paragraph apply to the total aggregate amount of certified qualified rehabilitation expenditures incurred by the unit owners' association and all of the unit owners in the rehabilitation of that certified historic structure. The

credit may be claimed for the taxable year in which the certified historic structure is placed in service.

A taxpayer is allowed a credit under paragraph A or B but not both. A credit may not be claimed for expenditures incurred before January 1, 2008 ~~or after December 31, 2023.~~

See title page for effective date.

**CHAPTER 660**

**S.P. 726 - L.D. 2053**

**An Act To Remove the Application of the Maine Background Check Center Act to Facilities That Provide Services to Children**

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

**Sec. 1. 22 MRSA §9053, sub-§7,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 2. 22 MRSA §9053, sub-§8,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 3. 22 MRSA §9053, sub-§9,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 4. 22 MRSA §9053, sub-§18,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 5. 22 MRSA §9053, sub-§25,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 6. 22 MRSA §9053, sub-§29,** as enacted by PL 2015, c. 299, §25, is amended to read:

**29. Provider.** "Provider" means a licensed, certified or registered entity that employs direct care workers to provide long-term care, ~~child care~~ and in-home and community-based services under this chapter.

**Sec. 7. 22 MRSA §9054, sub-§7, ¶A,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 8. 22 MRSA §9054, sub-§7, ¶B,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 9. 22 MRSA §9054, sub-§7, ¶C,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 10. 22 MRSA §9054, sub-§7, ¶D,** as enacted by PL 2015, c. 299, §25, is repealed.

**Sec. 11. 22 MRSA §9054, sub-§7, ¶E,** as enacted by PL 2015, c. 299, §25, is repealed.

See title page for effective date.

**CHAPTER 661  
H.P. 1462 - L.D. 2058**

**An Act To Strengthen  
Protections for Incapacitated  
and Dependent Adults from  
Abuse, Neglect and  
Exploitation**

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

**Sec. 1. 22 MRSA §3473, sub-§2, ¶B**, as amended by PL 2003, c. 653, §4, is further amended to read:

B. Take appropriate action, including providing or arranging for the provision of appropriate services and making referrals to law enforcement; ~~and~~

**Sec. 2. 22 MRSA §3473, sub-§2, ¶C**, as amended by PL 2017, c. 402, Pt. C, §54 and PL 2019, c. 417, Pt. B, §14, is further amended to read:

C. Petition for guardianship or a protective order under Title 18-C, Article 5, when all less restrictive alternatives have been tried and have failed to protect the incapacitated adult; ~~and~~

**Sec. 3. 22 MRSA §3473, sub-§2, ¶D** is enacted to read:

D. Establish and maintain an adult protective services registry of persons for whom there have been substantiated reports of abuse, neglect or exploitation of dependent adults or incapacitated adults. The department shall adopt routine technical rules to implement this paragraph pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 34-B MRSA §5604-A, sub-§2**, as amended by PL 2011, c. 542, Pt. A, §128, is further amended to read:

**2. Maintain reporting system.** The department shall maintain a reportable event and adult protective services system that provides for receiving reports of alleged incidents, prioritizing such reports, assigning reports for investigation by qualified investigators, reviewing the adequacy of the investigations, making recommendations for preventive and corrective actions as appropriate and substantiating allegations ~~against individuals who have been found under the Adult Protective Services Act to have abused, neglected or exploited persons with intellectual disabilities or autism of abuse, neglect or exploitation in accordance with Title 22, chapter 958-A.~~ The department shall fully establish the reportable event and adult protective services system through rulemaking.

See title page for effective date.

**CHAPTER 662  
H.P. 1467 - L.D. 2065**

**An Act To Address Decibel  
Level Limits for Airboats**

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

**Sec. 1. 12 MRSA §13068-A, sub-§10, ¶A**, as enacted by PL 2003, c. 655, Pt. B, §380 and affected by §422, is amended to read:

A. A person may not operate a motorboat in such a manner as to exceed:

- (1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or
- (2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph A-1.

**Sec. 2. 12 MRSA §13068-A, sub-§10, ¶A-1** is enacted to read:

A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

**Sec. 3. Collection of information.** The Department of Inland Fisheries and Wildlife and the Department of Marine Resources jointly shall solicit and collect information regarding airboats, including, but not limited to, information regarding uses of airboats, noise levels and complaints and suggestions for reducing complaints regarding the use of airboats, from interested parties, including, but not limited to, harbor masters, town clerks and residents of coastal towns and airboat users and sellers. Based on the suggestions, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources may jointly submit recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by February 1, 2021. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters may report out legislation to the First Regular Session of the 130th Legislature to implement the recommendations. As used in this section, "airboat" means a flat-bottomed

watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

See title page for effective date.

**CHAPTER 663**

**H.P. 1468 - L.D. 2066**

**An Act To Authorize the  
Maine Pilotage Commission To  
Establish Alternative Initial  
License Criteria for Existing  
Pilots Seeking Endorsements  
for Low Traffic Volume Routes**

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

**Sec. 1. 38 MRSA §91**, as amended by PL 1999, c. 355, §14, is further amended by adding at the end a new paragraph to read:

Notwithstanding the training trip requirements under this section, the commission may establish alternative requirements for pilots under the jurisdiction of the commission who are seeking route endorsements in areas of low traffic volume as defined by the commission. The commission shall adopt rules implementing any alternative initial license criteria for pilots seeking route endorsements in areas of low traffic volume that are established by the commission. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 664**

**H.P. 1480 - L.D. 2079**

**An Act To Implement the  
Recommendations of the  
Family Law Advisory  
Commission Concerning  
Adoption and Minor  
Guardianship**

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

**PART A**

**Sec. A-1. 18-C MRSA §9-302**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**§9-302. Consent for adoption**

**1. Written consent.** Before an adoption is granted, written consent to the adoption must be given by:

A. The adoptee, if the adoptee is ~~44~~ 12 years of age or older;

B. Each of the adoptee's living parents, except as provided in subsection 2;

C. A person or agency having legal custody or guardianship of the adoptee if the adoptee is a child or to whom the child has been surrendered and released, except that the person's or agency's lack of consent, if adjudged unreasonable by a court, may be overruled by the court. In order for the court to find that the person or agency acted unreasonably in withholding consent, the petitioner must prove, by a preponderance of the evidence, that the person or agency acted unreasonably. The court shall determine whether the person or agency acted unreasonably in withholding consent prior to any hearing on whether to grant the adoption. The court may hold a pretrial conference to determine who will proceed. The court may determine that even though the burden of proof ~~is~~ remains on the petitioner, the person or agency should ~~proceed~~ proceed ~~if the person or agency has important facts necessary to the petitioner in presenting the petitioner's case~~ present its reasons for withholding consent and the facts supporting the decision before the petitioner presents its evidence. The court shall consider the following:

(1) Whether the person or agency determined the needs and interests of the child;

(2) Whether the person or agency determined the ability of the petitioner and other prospective families to meet the child's needs;

(3) Whether the person or agency made the decision consistent with the facts;

(4) Whether the harm of removing the child from the child's current placement outweighs any inadequacies of that placement; ~~and~~

(4-A) Whether an agency withholding consent to the petitioner consented to the adoption of the child by a person who is a preadoptive parent as defined in Title 22, section 4002, subsection 9-A or who was identified as an appropriate permanency placement in a court-approved permanency plan pursuant to Title 22, section 4038-B; and

(5) All other factors that have a bearing on a determination of the reasonableness of the person's or agency's decision in withholding consent; and

D. A guardian appointed by the court, if the adoptee is a child, when the child has no living parent, guardian or legal custodian who may consent.

A petition for adoption must be pending before a consent is executed.

**2. Consent not required.** Consent to adoption is not required of:

- A. A putative parent if the putative parent:
  - (1) Received notice and failed to respond to the notice within the prescribed time period;
  - (2) Waived the right to notice under section 9-201, subsection 3;
  - (3) Does not establish parentage of the child under section 9-201, subsection 9; or
  - (4) Holds no parental rights regarding the adoptee under the laws of the foreign country in which the adoptee was born;
- B. A parent whose parental rights have been terminated under Title 22, chapter 1071, subchapter 6;
- C. A parent who has executed a surrender and release pursuant to section 9-202;
- D. A parent whose parental rights have been voluntarily or judicially terminated and transferred to a public agency or a duly licensed private agency pursuant to the laws of another state or country; or
- E. A parent of an adoptee who is 18 years of age or older.

~~**3. Consent by department; notice.** When the department consents to the adoption of a child in its custody, the department shall immediately notify:~~

- ~~A. The District Court in which the action under Title 22, chapter 1071 is pending; and~~
- ~~B. The guardian ad litem for the child.~~

**4. Consent by department; notice.** This subsection applies when the department consents to the adoption of a child in its custody.

- A. When the department consents to the adoption of a child in its custody, the department shall immediately notify:
  - (1) The District Court in which the action under Title 22, chapter 1071 is pending; and
  - (2) The guardian ad litem for the child.

B. The department may consent to more than one person petitioning to adopt a child in its custody. In such cases, the court may request that the department provide information and a recommendation regarding petitioners.

**PART B**

**Sec. B-1. 18-C MRSA §9-204, sub-§3,** as amended by PL 2019, c. 417, Pt. A, §105, is further amended to read:

**3. Grounds for termination.** The court may order termination of parental rights if:

A. The parent consents to the termination—~~Consent must be after a judge has fully explained the effects of a termination order and the consent is written and voluntarily and knowingly executed in court before a judge. The judge shall explain the effects of a termination order;~~ or

B. The court finds, based on clear and convincing evidence, that:

- (1) Termination is in the best interest of the child; and
- (2) Either:
  - (a) The parent is unwilling or unable to protect the child from jeopardy, as defined by Title 22, section 4002, subsection 6, and these circumstances are unlikely to change within a time that is reasonably calculated to meet the child's needs;
  - (b) The parent has been unwilling or unable to take responsibility for the child within a time that is reasonably calculated to meet the child's needs; or
  - (c) The parent has abandoned the child, as described in Title 22, section 4002, subsection 1-A.

~~In making findings pursuant to this paragraph, the court may consider the extent to which the parent had opportunities to rehabilitate and to reunify with the child, including actions by the child's other parent to foster or to interfere with a relationship between the parent and child or services provided by public or nonprofit agencies.~~

**Sec. B-2. 18-C MRSA §9-204, sub-§3-A** is enacted to read:

**3-A. Required findings.** The court shall make specific written findings addressing the standards in subsection 3, paragraph B and the court shall consider the following:

- A. With respect to subsection 3, paragraph B, subparagraph (1), the background and qualities of a prospective adoptive parent who is not already the parent of the child; and
- B. With respect to subsection 3, paragraph B, subparagraph (2), the extent to which the parent who is the subject of the petition had opportunities to rehabilitate and to reunify with the child or to maintain a relationship with the child, including actions by the child's other parent to foster or to interfere with a relationship between the parent and the child or services provided by public or nonprofit entities.

**PART C**

**Sec. C-1. 22 MRSA §4038-C, sub-§2,** as amended by PL 2017, c. 402, Pt. C, §66 and affected by PL 2019, c. 417, Pt. B, §14, is further amended to read:

**2. Powers and duties of permanency guardian.** A permanency guardian has all of the powers and duties of a guardian of a minor pursuant to Title 18-C, sections 5-207 and 5-208. A permanency guardianship terminates upon the minor's death, adoption or attainment of majority or as ordered by the court pursuant to this section.

**Sec. C-2. 22 MRSA §4038-E**, as amended by PL 2017, c. 402, Pt. C, §67 and Pt. D, §1 and c. 411, §12 and affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

**§4038-E. Adoption from permanency guardianship**

A permanency guardian may petition the District Court to adopt the child in the permanency guardian's care and to change the child's name upon the issuance of the adoption decree. The petition must be filed and adjudicated in accordance with Title 18-C, Article 9, except that the adoption may not be granted unless each living parent identified in the child protection action whose rights have not been terminated has executed a consent to the adoption pursuant to Title 18-C, section 9-202 or the court finds that such consent is not required pursuant to Title 18-C, section 9-302, subsection 2. A permanency guardian may not seek an order terminating the parental rights of a parent as part of a petition to adopt the child.

**PART D**

**Sec. D-1. 18-C MRSA §5-211**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

**§5-211. Transitional arrangement for minors; continued contact with former guardian after termination**

**1. Transitional arrangements.** In issuing, modifying or terminating an order of guardianship for a minor, the court may enter an order providing for transitional arrangements for the minor if the court determines that such arrangements will assist the minor with a transition of custody and are in the best interest of the minor. Orders providing for transitional arrangements may include, but are not limited to, rights of contact, housing, counseling or rehabilitation. Such orders must be time-limited and expire not later than 6 months after the entry of the order or at the conclusion of the minor's current school year, whichever is later. In determining the best interest of the minor, a court may consider the minor's relationship with the guardian and need for stability.

**2. Continued contact with former guardian after termination.** On timely motion of a parent or a guardian, the court terminating a guardianship may enter an order at the time of the termination or the expiration of a transitional arrangement pursuant to subsec-

tion 1 providing for communication or contact, including overnight visitation, between a minor and the former guardian after the termination of the guardianship if:

A. The parent and guardian consent to the order; or

B. The court finds by clear and convincing evidence that ordering such continued communication or contact over the objection of the minor's parent:

(1) Is necessary to avoid a likelihood of harm to the minor resulting from severing the legal relationship with the former guardian;

(2) Would not significantly interfere with any parent-child relationship or with the parent's rightful authority over the minor; and

(3) Is in the best interest of the minor due to the existing relationship between the minor and the former guardian because the former guardian was a primary caregiver and custodian of the minor for a significant period of time.

Before ordering communication or contact pursuant to paragraph B the court shall grant due consideration to the specific objections of the parent to the entry of an order and determine whether ordering a period of transitional arrangements pursuant to subsection 1 is sufficient to mitigate harm to the minor. Except as Title 4, section 152, subsection 5-A may otherwise require, the court issuing the order for post-guardianship contact has continuing jurisdiction to modify, enforce or terminate the order and shall follow the procedure set forth in section 5-210.

See title page for effective date.

**CHAPTER 665**

**S.P. 737 - L.D. 2088**

**An Act To Clarify the Laws Governing Financial Relationships between Entities within the Three-tier System for Distribution of Alcohol**

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

**Sec. 1. 28-A MRSA §707, sub-§1**, as amended by PL 1997, c. 373, §68, is further amended to read:

**1. Licensee not indebted.** Except as provided by section 1363 in subsection 7, the bureau may not issue any license to or renew the license of a person who is indebted in any manner, directly or indirectly:

A. To any other person for liquor;



B. To the State for any tax, other than property tax, assessed and considered final under Title 36 that the State Tax Assessor certifies, in accordance with Title 36, section 172, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of that tax; or

C. For any contributions assessed and considered final under Title 26, section 1225, when the Director of Unemployment Compensation certifies that the amount remains unpaid for a period greater than 60 days, after the applicant or licensee has received notice of the finality of that tax.

**Sec. 2. 28-A MRSA §707, sub-§3**, as amended by PL 2011, c. 629, §9, is repealed.

**Sec. 3. 28-A MRSA §707, sub-§3-A** is enacted to read:

**3-A. Manufacturer or importer; prohibited financial interests.** Except as authorized in subsection 7 and sections 707-A and 1355-A, a licensed in-state manufacturer, an out-of-state spirits supplier, an out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or an out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval may not have any financial interest, direct or indirect, in any:

- A. Wholesale licensee; or
- B. Retail licensee.

**Sec. 4. 28-A MRSA §707, sub-§4**, as amended by PL 2011, c. 629, §10, is repealed.

**Sec. 5. 28-A MRSA §707, sub-§4-A** is enacted to read:

**4-A. Wholesale licensee; prohibited financial interests.** Except as authorized in subsection 7, a wholesale licensee may not have any financial interest, direct or indirect, in any:

- A. Licensed in-state manufacturer, out-of-state spirits supplier, out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval; or
- B. Retail licensee.

**Sec. 6. 28-A MRSA §707, sub-§5**, as repealed and replaced by PL 1987, c. 342, §42, is repealed.

**Sec. 7. 28-A MRSA §707, sub-§5-A** is enacted to read:

**5-A. Retail licensee; prohibited financial interests.** Except as authorized in sections 707-A and 1355-A, a retail licensee may not have any financial interest, direct or indirect, in any:

A. Licensed in-state manufacturer, out-of-state spirits supplier, out-of-state manufacturer of malt liquor or wine that has been issued a certificate of approval or out-of-state wholesaler of malt liquor or wine that has been issued a certificate of approval; or

B. Wholesale licensee.

**Sec. 8. 28-A MRSA §707, sub-§6**, as enacted by PL 1987, c. 342, §43, is amended to read:

**6. ~~Minor investment~~ Directors, officers, members and securities.** Minor ~~The financial interests prohibited in subsections 3-A, 4-A and 5-A include, but are not limited to, circumstances in which an officer, director, member or holder of the securities of a business entity is also a director, officer, member or holder of the securities of another business entity, except that a minor investment in not more than 1% of the securities of a corporation engaged in liquor business not amounting to more than 1% shall not be held to be an interest forbidden~~ entity does not constitute a financial interest prohibited by this subsection ~~subsections 3-A, 4-A and 5-A.~~

**Sec. 9. 28-A MRSA §707, sub-§7**, as enacted by PL 1987, c. 342, §43, is amended to read:

**7. Application Exceptions.** This section does not prohibit ~~a wholesale licensee from receiving normal credits for the purchase of malt liquor or wine from the manufacturer located within or without the State;~~

A. A manufacturer or out-of-state wholesaler from extending the usual and customary credit to a wholesale licensee for the purchase of malt liquor or wine; or

B. A manufacturer or out-of-state wholesaler from furnishing materials and equipment for the use of a wholesale licensee or the wholesale licensee's employees, including:

- (1) Painting the wholesale licensee's vehicles;
- (2) Supplying legal advertising signs used by the wholesale licensee in the course of the wholesale licensee's business; and
- (3) Supplying uniforms for the employees of the wholesale licensee.

**Sec. 10. 28-A MRSA §707, sub-§8** is enacted to read:

**8. Definitions.** For purposes of this section, the following terms have the following meanings.

A. "Business entity" means a partnership, corporation, firm, association or other legal entity.

B. "Out-of-state spirits supplier" means an out-of-state manufacturer of spirits products that are listed by the commission for sale in the State or a person that engages in the out-of-state purchase of spirits

products that are listed by the commission for sale in the State and that resells those spirits products to the bureau.

**Sec. 11. 28-A MRSA §1355-A, sub-§2-B,** ¶B, as enacted by PL 2017, c. 341, §1, is amended to read:

B. The licensee is in violation of section 707, subsection 2, ~~§ 3-A or 4 5-A~~, if the violation existed in the same manner at the time the license was initially issued or at the time the license was renewed.

**Sec. 12. 28-A MRSA §1363,** as amended by PL 1997, c. 373, §118, is repealed.

See title page for effective date.

**CHAPTER 666**

**H.P. 1493 - L.D. 2096**

**An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications**

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

**Whereas,** it is critically important that this legislation take effect before the expiration of the 90-day period; 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:**

**PART A**

**Sec. A-1. 24-A MRSA §4317-C** is enacted to read:

**§4317-C. Coverage for prescription insulin drugs: limit on out-of-pocket costs**

**1. Definition.** As used in this section, "insulin" has the same meaning as in Title 32, section 13786-D, subsection 1, paragraph A.

**2. Limit on out-of-pocket costs.** A carrier that provides coverage for prescription insulin drugs may not impose any deductible, copayment, coinsurance or other cost-sharing requirement on an enrollee for that coverage that results in out-of-pocket costs to the enrollee that exceed \$35 per prescription for a 30-day supply of covered prescription insulin drugs, regardless of the amount of insulin needed to fill the enrollee's insulin prescriptions.

**3. Other cost sharing.** This section does not prevent a carrier from setting an enrollee's cost-sharing requirement for one or more insulin drugs at an amount lower than the maximum amount specified in this section.

**4. Rules.** The superintendent may adopt rules to implement and administer this section to align with applicable federal requirements. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. A-2. Application.** The requirements of this Part apply to all policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2021. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

**PART B**

**Sec. B-1. 32 MRSA §13786-D** is enacted to read:

**§13786-D. Prescribing and dispensing insulin**

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

A. "Insulin" includes various types of insulin analogs and insulin-like medications, regardless of activation period or whether the solution is mixed before or after dispensation.

B. "Insulin-related devices and supplies" means needles, syringes, cartridge systems, prefilled pen systems, glucose meters and test strips. "Insulin-related devices and supplies" does not include insulin pump devices.

**2. Authorization.** As authorized by the board in accordance with rules adopted under subsection 3, a pharmacist may dispense emergency refills of insulin and associated insulin-related devices and supplies by prescription drug order or standing order or pursuant to a collaborative practice agreement authorizing insulin to be dispensed. The insulin dispensed under this subsection must be in a quantity that is the lesser of a 30-day supply and the smallest available package. The intended recipient shall provide evidence of a previous prescription from a practitioner and attest that a refill of that previous prescription may not be readily or easily obtained under the circumstances.

**3. Rules; protocols.** The board by rule shall establish standards for authorizing pharmacists to dispense insulin in accordance with subsection 2, including adequate training requirements and protocols for dispensing insulin. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective March 18, 2020.

**CHAPTER 667**

**H.P. 1498 - L.D. 2103**

**An Act To Implement the Recommendations of the Right To Know Advisory Committee Regarding Public Records Exceptions**

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

**PART A**

**Sec. A-1. 1 MRSA §402, sub-§3, ¶C-1,** as enacted by PL 2011, c. 264, §1, is amended to read:

C-1. Information contained in a communication between a constituent and an elected official if the information:

- (1) Is of a personal nature, consisting of:
  - (a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
  - (b) Credit or financial information;
  - (c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family; or
  - (d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or
  - (e) ~~An individual's social security number; or~~

- (2) Would be confidential if it were in the possession of another public agency or official;

**Sec. A-2. 1 MRSA §402, sub-§3, ¶K,** as amended by PL 2003, c. 392, §1, is further amended to read:

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services, ~~if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure.~~ This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A;

**Sec. A-3. 1 MRSA §402, sub-§3, ¶M,** as amended by PL 2011, c. 662, §2, is further amended to read:

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software, including records or information maintained to ensure government operations and technology continuity and to facilitate disaster recovery. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure;

**Sec. A-4. 3 MRSA §997, sub-§1,** as enacted by PL 2001, c. 702, §2, is amended to read:

**1. Review and response.** Prior to the presentation of a program evaluation under this chapter to the committee by the office, the director of the evaluated state agency or other entity must have an opportunity to review a draft of the program evaluation report. Within 15 calendar days of receipt of the draft report, the director of the evaluated state agency or other entity may provide to the office comments on the draft report. If provided to the office by the comment deadline, the comments must be included in the final report when it is presented to the committee. Failure by the director of an evaluated agency or other entity to submit its comments on the draft report by the comment deadline may not delay the submission of a report to the committee or its release to the public.

All documents, writings, drafts, electronic communications and information transmitted pursuant to this subsection are confidential and may not be released to the public ~~prior to the time the office issues its program evaluation report pursuant to subsection 3.~~ A person violating the provisions of this subsection regarding confidentiality is guilty of a Class E crime.

**Sec. A-5. 3 MRSA §997, sub-§3,** as enacted by PL 2001, c. 702, §2, is amended to read:

**3. Confidentiality.** ~~The director shall issue program evaluation reports, favorable or unfavorable, of any state agency or other entity, and these reports are public records, except that, prior to the release of a program evaluation report pursuant to subsection 2 or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working Working papers in the possession of the director or other entity charged with the preparation of a program evaluation report an entity with which the director has contracted for the conduct of program evaluations pursuant to section 995, subsection 2 are confidential and exempt from disclosure pursuant to Title 1, chapter 13, including disclosure to the~~

Legislative Council or an agent or representative of the Legislative Council. All other records or materials in the possession of the director or ~~other entity charged with the preparation of a program evaluation report under this chapter~~ an entity with which the director has contracted for the conduct of program evaluations pursuant to section 995, subsection 2 that would otherwise be confidential or exempt from disclosure are exempt from disclosure pursuant to the provisions of Title 1, chapter 13. ~~Prior to the release of a program evaluation report pursuant to subsection 2 or the point at which a program evaluation is no longer being actively pursued, all papers, physical and electronic records and correspondence and other supporting materials comprising the working papers in the possession of the director or other entity charged with the preparation of a program evaluation report are confidential and may not be released or disclosed by the director to the Legislative Council or an agent or representative of the Legislative Council.~~ This subsection may not be construed to prohibit or prevent public access to the records of a state agency or other entity in the possession of the director that would otherwise be subject to disclosure pursuant to the provisions of Title 1, chapter 13. The director shall refer requests for access to those records directly to the state agency or other entity that is the official custodian of the requested records, which shall respond to the request for public records.

**Sec. A-6. 3 MRSA §997, sub-§5,** as enacted by PL 2001, c. 702, §2, is amended to read:

**5. Confidentiality of working papers Disclosure to agency or entity subject to program evaluation.** Except as provided in this subsection, working papers are confidential pursuant to subsection 3 and may not be disclosed to any person. Prior to the release of the final program evaluation report, the director has sole discretion to disclose working papers to the state agency or other entity subject to the program evaluation when disclosure will not prejudice the program evaluation. After release of the final program evaluation report, working papers may be released as necessary to the state agency or other entity that was subject to the program evaluation under this chapter.

**Sec. A-7. 5 MRSA §4572, sub-§2, ¶C,** as enacted by PL 1995, c. 393, §13, is amended by amending subparagraph (2) to read:

(2) ~~Information obtained regarding the Any medical condition or and disability information and~~ history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

(a) Supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(c) Government officials investigating compliance with this Act are provided relevant information on request; and

**Sec. A-8. 5 MRSA §4572, sub-§2, ¶E,** as enacted by PL 1995, c. 393, §13, is amended to read:

E. A covered entity may conduct voluntary medical examinations, including voluntary medical histories and disability information and history, that are part of an employee health or wellness program available to employees at that work site. A covered entity may make inquiries into the ability of an employee to perform job-related functions. Information obtained under this paragraph regarding the medical condition or and disability information and history of an employee is subject to the requirements of paragraph C, subparagraphs (2) and (3).

**Sec. A-9. 5 MRSA §4573, sub-§2,** as amended by PL 1995, c. 393, §16, is further amended to read:

**2. Records.** After employment or admission to membership, to make a record of such features of an individual as are needed in good faith for the purpose of identifying ~~them~~ the individual, provided the record is intended and used in good faith solely for identification, and not for the purpose of discrimination in violation of this Act. Records of features regarding physical or mental disability that are collected must be collected and maintained on separate forms and in separate files and be treated as confidential records;

## PART B

**Sec. B-1. 1 MRSA §402, sub-§3, ¶E,** as repealed and replaced by PL 1989, c. 878, Pt. A, §2 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System when the subject matter is confidential or otherwise protected from disclosure by statute, other law, legal precedent or privilege recognized by the courts of this State. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B;

**Sec. B-2. 1 MRSA §402, sub-§3, ¶J,** as amended by PL 2001, c. 675, §1, is further amended to read:

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or

maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed ~~by a member or~~ in a public meeting of the advisory organization;

**Sec. B-3. 1 MRSA §402, sub-§3, ¶O**, as corrected by RR 2009, c. 1, §1, is amended by amending subparagraph (1) to read:

(1) "Personal contact information" means ~~home personal~~ address, ~~home~~ telephone number, ~~home~~ facsimile number, ~~home~~ e-mail address ~~and personal~~, cellular telephone number ~~and personal~~, pager number and username, password and uniform resource locator for a personal social media account as defined in Title 26, section 615, subsection 4; and

**Sec. B-4. 1 MRSA §402, sub-§3, ¶U**, as amended by PL 2017, c. 118, §2, is further amended to read:

U. Records provided by a railroad company describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, a fire department or other first responder, except that records related to a discharge of hazardous materials transported by a railroad company that poses a threat to public health, safety and welfare are subject to public disclosure after that discharge. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5; and

**Sec. B-5. 5 MRSA §244-E, sub-§3**, as enacted by PL 2009, c. 567, §1, is amended to read:

**3. Coordination with Office of Program Evaluation and Government Accountability and Attorney General; disclosure to state agencies.** The State Auditor may disclose information that is confidential under this section to the Director of the Office of Program Evaluation and Government Accountability and the Attorney General to ensure appropriate agency referral or coordination between agencies to respond appropriately to all complaints made under this section. The State Auditor may disclose information that is confidential under this section related to a complaint alleging fraud, waste, inefficiency or abuse to a department or agency that is the subject of a complaint to ensure that the department or agency can respond appropriately to the complaint. The department or agency shall maintain as confidential any information related to a complaint furnished by the State Auditor.

**Sec. B-6. 7 MRSA §2992-A, sub-§1, ¶C**, as amended by PL 2007, c. 597, §9 and PL 2011, c. 657,

Pt. W, §6, is further amended by amending subparagraph (2) to read:

(2) All meetings and records of the board are subject to the provisions of Title 1, chapter 13, subchapter 1, except that, by majority vote of those members present recorded in a public session, records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State ~~or segments of that industry.~~ The Commissioner of Agriculture, Conservation and Forestry and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the board;

**Sec. B-7. 7 MRSA §2998-B, sub-§1, ¶C**, as amended by PL 2007, c. 597, §10 and PL 2011, c. 657, Pt. W, §6, is further amended by amending subparagraph (2) to read:

(2) All meetings and records of the council are subject to the provisions of Title 1, chapter 13, subchapter 1, except that, by majority vote of those members present recorded in a public session, records and meetings of the council may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State ~~or segments of that industry.~~ The Commissioner of Agriculture, Conservation and Forestry and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the council;

**Sec. B-8. Public records exceptions and confidential records; drafting templates.** The Office of Policy and Legal Analysis, in consultation with the Office of the Revisor of Statutes and the Right To Know Advisory Committee, shall examine inconsistencies in statutory language related to the designation as confidential or not subject to public disclosure of information and records received or prepared for use in connection with the transaction of public or governmental business or containing information relating to the transaction of public or governmental business and shall recommend standardized language for use in drafting statutes to clearly delineate what information is confidential and the circumstances under which that information may appropriately be released. On or before September 1, 2021, the Office of Policy and Legal

Analysis shall submit a report with its recommendations to the Right To Know Advisory Committee.

See title page for effective date.

## CHAPTER 668

### H.P. 1501 - L.D. 2105

#### An Act To Protect Consumers from Surprise Emergency Medical Bills

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

**Whereas,** it is critically important that this legislation take effect before the expiration of the 90-day period; 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. 22 MRSA §1718-D**, as enacted by PL 2017, c. 218, §1 and affected by §3, is amended to read:

**§1718-D. Prohibition on balance billing for surprise bills and bills for out-of-network emergency services; disputes of bills for uninsured patients and persons covered under self-insured health benefit plans**

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

A. "Enrollee" has the same meaning as in Title 24-A, section 4301-A, subsection 5.

B. "Health plan" has the same meaning as in Title 24-A, section 4301-A, subsection 7.

B-1. "Knowingly elected to obtain the services from an out-of-network provider" means that an enrollee chose the services of a specific provider, with full knowledge that the provider is an out-of-network provider with respect to the enrollee's health plan, under circumstances that indicate that the enrollee had and was informed of the opportunity to receive services from a network provider but instead selected the out-of-network provider. The disclosure by a provider of network status does not render an enrollee's decision to proceed with treatment from that provider a choice made knowingly pursuant to this paragraph.

C. "Provider" has the same meaning as in Title 24-A, section 4301-A, subsection 16.

D. "Surprise bill" has the same meaning as in Title 24-A, section 4303-C, subsection 1.

E. "Visit" means any interaction between an enrollee and one or more providers for the purpose of assessing the health status of an enrollee or providing one or more health care services between the time an enrollee enters a facility and the time an enrollee is discharged.

**2. Prohibition on balance billing.** An out-of-network provider reimbursed for a surprise bill or a bill for covered emergency services under Title 24-A, section 4303-C, ~~subsection 2, paragraph B~~ or, if there is a dispute, under Title 24-A, section 4303-E may not bill an enrollee for health care services beyond the applicable coinsurance, copayment, deductible or other out-of-pocket cost expense that would be imposed for the health care services if the services were rendered by a network provider under the enrollee's health plan. For an enrollee subject to coinsurance, the out-of-network provider shall calculate the coinsurance amount based on the median network rate for that health care service under the enrollee's health plan. An out-of-network provider is also subject to the following with respect to any overpayment made by an enrollee.

A. If an out-of-network provider provides health care services covered under an enrollee's health plan and the out-of-network provider receives payment from the enrollee for health care services for which the enrollee is not responsible pursuant to this subsection, the out-of-network provider shall reimburse the enrollee within 30 calendar days after the earlier of the date that the provider received notice of the overpayment and the date the provider became aware of the overpayment.

B. An out-of-network provider that fails to reimburse an enrollee for an overpayment as required by paragraph A shall pay interest on the overpayment at the rate of 10% per annum beginning on the earlier of the date the provider received notice of the overpayment and the date the provider became aware of the overpayment. An enrollee is not required to request the accrued interest from the out-of-network provider in order to receive interest with the reimbursement amount.

**3. Uninsured patients; disputes of bills.** An uninsured patient who has received a bill for emergency services from a provider for one or more emergency health care services rendered during a single visit totaling \$750 or more may dispute the bill and request resolution of the dispute using the process under Title 24-A, section 4303-E. The independent dispute resolution entity contracted to resolve the dispute over the surprise bill shall select either the out-of-network provider's fee or the uninsured patient's proposed payment amount in

accordance with Title 24-A, section 4303-E. An uninsured patient may not be charged by a provider more than the amounts generally billed to a patient who has insurance covering emergency services as determined using the method described in 26 Code of Federal Regulations, Section 1.501(r)-5, paragraph (b)(3) or (b)(4). A provider shall hold the uninsured patient harmless for the duration of the independent dispute resolution process and may not seek payment until the independent dispute resolution process is completed. Notwithstanding Title 24-A, section 4303-E, subsection 1, paragraph F, payment for the independent dispute resolution process is the responsibility of the provider. In the event a claim includes more than one emergency health care service rendered during a single visit, the independent dispute resolution entity may allocate the prorated independent dispute resolution costs at its discretion among providers.

**4. Person covered under self-insured health benefit plan; disputes of surprise bills or bills for covered emergency services rendered by an out-of-network provider.** A person covered under a self-insured health benefit plan that is not subject to the provisions of Title 24-A, section 4303-E pursuant to Title 24-A, section 4303-E, subsection 2 and who has received a surprise bill for emergency services or a bill for covered emergency services rendered by an out-of-network provider may dispute the bill and request resolution of the dispute using the process under Title 24-A, section 4303-E, subsection 1. The independent dispute resolution entity contracted to resolve the dispute over the bill shall select either the out-of-network provider's fee or the covered person's proposed payment amount in accordance with Title 24-A, section 4303-E, subsection 1. This subsection does not apply to a person covered under a self-insured health benefit plan who knowingly elected to obtain the services from an out-of-network provider.

**Sec. 2. 24-A MRSA §4303-C**, as enacted by PL 2017, c. 218, §2 and affected by §3, is amended to read:

**§4303-C. Protection from surprise bills and bills for out-of-network emergency services**

**1. Surprise bill defined.** As used in this section, unless the context otherwise indicates, "surprise bill" means a bill for health care services, ~~other than including, but not limited to,~~ emergency services, received by an enrollee for covered services rendered by an out-of-network provider, when such services were rendered by that out-of-network provider at a network provider, during a service or procedure performed by a network provider or during a service or procedure previously approved or authorized by the carrier and the enrollee did not knowingly elect to obtain such services from that out-of-network provider. "Surprise bill" does not include a bill for health care services received by an enrollee when a network provider was available to render

the services and the enrollee knowingly elected to obtain the services from another provider who was an out-of-network provider.

**1-A. "Knowingly elected to obtain such services from that out-of-network provider" defined.** As used in this section, unless the context otherwise indicates, "knowingly elected to obtain such services from that out-of-network provider" means that an enrollee chose the services of a specific provider, with full knowledge that the provider is an out-of-network provider with respect to the enrollee's health plan, under circumstances that indicate that the enrollee had and was informed of the opportunity to receive services from a network provider but instead selected the out-of-network provider. The disclosure by a provider of network status does not render an enrollee's decision to proceed with treatment from that provider a choice made knowingly pursuant to this subsection.

**2. Requirements.** With respect to a surprise bill or a bill for covered emergency services rendered by an out-of-network provider:

A. A carrier shall require an enrollee to pay only the applicable coinsurance, copayment, deductible or other out-of-pocket expense that would be imposed for health care services if the services were rendered by a network provider. For an enrollee subject to coinsurance, the carrier shall calculate the coinsurance amount based on the median network rate for that health care service;

B. Except as provided for ambulance services in paragraph D, unless the carrier and out-of-network provider agree otherwise, a carrier shall reimburse the out-of-network provider or enrollee, as applicable, for health care services rendered at the average network rate under the enrollee's health care plan as payment in full, unless the carrier and out-of-network provider agree otherwise; and greater of:

(1) The carrier's median network rate paid for that health care service by a similar provider in the enrollee's geographic area; and

(2) The median network rate paid by all carriers for that health care service by a similar provider in the enrollee's geographic area as determined by the all-payer claims database maintained by the Maine Health Data Organization or, if Maine Health Data Organization claims data is insufficient or otherwise inapplicable, another independent medical claims database;

C. Notwithstanding paragraph B, if a carrier has an inadequate network, as determined by the superintendent, the carrier shall ensure that the enrollee obtains the covered service at no greater cost to the enrollee than if the service were obtained from a network provider or shall make other arrangements acceptable to the superintendent;

D. A carrier shall reimburse an out-of-network provider for ambulance services that are covered emergency services at the out-of-network provider's rate, unless the carrier and out-of-network provider agree otherwise.

This paragraph is repealed October 1, 2021;

E. If an out-of-network provider disagrees with a carrier's payment amount for a surprise bill for emergency services or for covered emergency services as determined in accordance with paragraph B, the carrier and the out-of-network provider have 30 calendar days to negotiate an agreement on the payment amount in good faith. If the carrier and the out-of-network provider do not reach agreement on the payment amount within 30 calendar days, the out-of-network provider may submit a dispute regarding the payment and receive another payment from the carrier determined in accordance with the dispute resolution process in section 4303-E, including any payment made pursuant to section 4303-E, subsection 1, paragraph G; and

F. The enrollee's responsibility for payment for covered out-of-network emergency services must be limited so that if the enrollee has paid the enrollee's share of the charge as specified in the plan for in-network services, the carrier shall hold the enrollee harmless from any additional amount owed to an out-of-network provider for covered emergency services and make payment to the out-of-network provider in accordance with this section or, if there is a dispute, in accordance with section 4303-E.

**3. Payment after resolution of disputes.** Following an independent dispute resolution determination pursuant to section 4303-E, the determination by the independent dispute resolution entity of a reasonable payment for a specific health care service or treatment rendered by an out-of-network provider is binding on a carrier, out-of-network provider and enrollee for 90 days. During that 90-day period, a carrier shall reimburse an out-of-network provider at that same rate for that specific health care service or treatment, and an out-of-network provider may not dispute any bill for that service under section 4303-E.

Sec. 3. 24-A MRSA §4303-E is enacted to read:

**§4303-E. Dispute resolution process for surprise bills and bills for out-of-network emergency services**

**1. Independent dispute resolution process.** The superintendent shall establish an independent dispute resolution process by which a dispute for a surprise bill for emergency services or a bill for covered emergency services rendered by an out-of-network provider in ac-

cordance with section 4303-C, subsection 2 may be resolved as provided in this subsection beginning no later than October 1, 2020.

A. The superintendent may select an independent dispute resolution entity to conduct the dispute resolution process. The superintendent shall adopt rules to implement a dispute resolution process that uses a standard arbitration form and includes the selection of an arbitrator from a list of qualified arbitrators developed pursuant to the rules. A qualified arbitrator must be independent; may not be affiliated with a carrier, health care facility or provider or any professional association of carriers, health care facilities or providers; may not have a personal, professional or financial conflict with any parties to the arbitration; and must have experience in health care billing and reimbursement rates. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

B. An independent dispute resolution entity shall make a decision within 30 days of receipt of the dispute for review.

C. In determining a reasonable fee for the health care services rendered, an independent dispute resolution entity shall select either the carrier's payment or the out-of-network provider's fee. The independent dispute resolution entity shall determine which amount to select based upon the conditions and factors set forth in this paragraph. In determining the reasonable fee for a health care service, an independent dispute resolution entity shall consider all relevant factors, including:

(1) The out-of-network provider's level of training, education, specialization, quality and experience and, in the case of a hospital, the teaching staff, scope of services and case mix;

(2) The out-of-network provider's previously contracted rate with the carrier, if the provider had a contract with the carrier that was terminated or expired within one year prior to the dispute; and

(3) The median network rate for the particular health care service performed by a provider in the same or similar specialty, as determined by the all-payer claims database maintained by the Maine Health Data Organization or, if Maine Health Data Organization claims data is insufficient or otherwise inapplicable, another independent medical claims database. If authorized by rule, the superintendent may enter into an agreement to obtain data from an independent medical claims database to carry out the functions of this subparagraph.

D. If an independent dispute resolution entity determines, based on the carrier's payment and the



out-of-network provider's fee, that a settlement between the carrier and out-of-network provider is reasonably likely, or that both the carrier's payment and the out-of-network provider's fee represent unreasonable extremes, the independent dispute resolution entity may direct both parties to attempt a good faith negotiation for settlement. The carrier and out-of-network provider may be granted up to 10 business days for this negotiation, which runs concurrently with the 30-day period for dispute resolution.

E. The determination of an independent dispute resolution entity is binding on the carrier, out-of-network provider and enrollee and is admissible in any court proceeding between the carrier, out-of-network provider and enrollee or in any administrative proceeding between this State and the provider.

F. When an independent dispute resolution entity determines the carrier's payment is reasonable, payment for the dispute resolution process is the responsibility of the out-of-network provider. When the independent dispute resolution entity determines the out-of-network provider's fee is reasonable, payment for the dispute resolution process is the responsibility of the carrier. When a good faith negotiation directed by the independent dispute resolution entity results in a settlement between the carrier and the out-of-network provider, the carrier and the out-of-network provider shall evenly divide and share the prorated cost for dispute resolution.

G. When the difference between the out-of-network provider's charge and the median network rate pursuant to section 4303-C, subsection 2, paragraph B, subparagraph (1), including any applicable enrollee cost sharing, is less than \$750, a carrier shall reimburse the out-of-network provider directly for the provider's charges for the services rendered as long as the provider's charges do not exceed the 80th percentile of charges for the particular health care service performed by a health care professional in the same or similar specialty and provided in the same geographical area as reported in a benchmarking database specified by the superintendent and maintained by a nonprofit organization that is not affiliated with and does not receive funding from a carrier. An out-of-network provider may dispute more than one bill with the same carrier for the same health care service under this subsection as long as the total of the bills with that carrier for that health care service exceeds \$750.

H. The superintendent shall enforce the determination of an independent dispute resolution entity pursuant to this subsection or any agreement made by a carrier and an out-of-network provider after

the conclusion of the independent dispute resolution process pursuant to this subsection. The superintendent may use any powers provided to the superintendent under this Title.

**2. Self-insured health benefit plans.** An entity providing or administering a self-insured health benefit plan exempted from the applicability of this section under the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 1001 to 1461 (1988) may elect to be subject to the provisions of this section to resolve disputes with respect to a surprise bill for emergency services or a bill for covered emergency services from an out-of-network provider. In the event an entity providing or administering a self-insured health benefit plan elects to be subject to the provisions of this section, the provisions of this section apply to a self-insured health benefit plan and its members in the same manner as the provisions of this section apply to a carrier and its enrollees. To elect to be subject to the provisions of this section, the entity shall provide notice, on an annual basis, to the superintendent, on a form and in a manner prescribed by the superintendent, attesting to the entity's participation and agreeing to be bound by the provisions of this section. The entity shall amend the health benefit plan, coverage policies, contracts and any other plan documents to reflect that the provisions of this section apply to the plan's members.

**3. Information required from carriers.** As part of the carrier's annual public regulatory filings made to the superintendent, a carrier shall submit in a form and manner determined by the superintendent information related to:

A. The use of out-of-network providers by enrollees and the impact on premium affordability and benefit design; and

B. The number of claims submitted by a provider to the carrier that are denied or down coded by the carrier and the reason for the denial or down coding determination.

**4. Report from superintendent.** On or before January 31st annually, beginning January 1, 2022, the superintendent shall report the following information received from all carriers in the aggregate:

A. The number of requests for independent dispute resolution filed pursuant to this section between January 1st and December 31st of the previous calendar year, including the percentage of all claims that were subject to dispute. For each independent dispute resolution determination, the carrier shall provide aggregate information that does not identify any provider, carrier, enrollee or uninsured patient involved in each determination about:

(1) Whether the determination was in favor of the carrier, out-of-network provider or uninsured patient;

(2) The payment amount offered by each side of the independent dispute resolution process and the award amount from the independent dispute resolution determination;

(3) The category and practice specialty of each out-of-network provider involved, as applicable; and

(4) A description of the health care service that was subject to dispute;

B. The percentage of facilities and hospital-based professionals, by specialty, that are in network for each carrier in this State as reported in access plans submitted to the superintendent;

C. The number of complaints the superintendent receives relating to out-of-network health care charges;

D. Annual trends on health benefit plan premium rates, the total annual amount of spending on inadvertent and emergency out-of-network costs by carriers and medical loss ratios in the State to the extent that the information is available;

E. The number of physician specialists practicing in the State in a particular specialty and whether they are in network or out of network with respect to the carriers that administer the state employee group health plan under Title 5, section 285, the Maine Education Association benefits trust health plan, the qualified health plans offered pursuant to the federal Affordable Care Act and other health benefit plans offered in the State;

F. A summary of the information submitted to the superintendent pursuant to subsection 3 concerning the number of claims submitted by health care providers to carriers that are denied or down coded by the carrier and the reasons for the denials or down coding determinations;

G. An analysis of the impact of this section, with respect to both emergency services and other health care services, on premium affordability and the breadth of provider networks; and

H. Any other benchmarks or information that the superintendent considers appropriate to make publicly available to further the goals of this section.

The superintendent shall submit the report to the joint standing committee of the Legislature having jurisdiction over health insurance matters and shall post the report on the bureau's publicly accessible website.

**Sec. 4. 24-A MRSA §4320-C**, as amended by PL 2019, c. 238, §3, is further amended to read:

**§4320-C. Emergency services**

If a carrier offering a health plan provides or covers any benefits with respect to services in an emergency

facility or setting, the plan must cover emergency services without prior authorization. Cost-sharing requirements, ~~expressed~~ such as a deductible, copayment amount or coinsurance rate, for out-of-network services are the same as requirements that would apply if such services were provided in network, and any payment made by an enrollee pursuant to this section must be applied to the enrollee's in-network cost-sharing limit. The enrollee's responsibility for payment for covered out-of-network emergency services must be limited so that if the enrollee has paid the enrollee's share of the charge as specified in the plan for in-network services, the carrier shall hold the enrollee harmless from any additional amount owed to an out-of-network provider for covered emergency services and make payment to the out-of-network provider in accordance with section 4303-C or, if there is a dispute, in accordance with section 4303-E. A carrier offering a health plan in this State shall also comply with the requirements of section 4304, subsection 5.

**Sec. 5. Review of reimbursement rates for ambulance services.** The Emergency Medical Services' Board shall convene a stakeholder group, including the Maine Ambulance Association, representatives of municipal and private ambulance services, health insurance carriers and the Department of Professional and Financial Regulation, Bureau of Insurance, to review issues related to reimbursement rates for ambulance services. The stakeholder group shall:

1. Consider current reimbursement rates paid by carriers and other payors for ambulance services for ambulance providers participating in carrier networks and for ambulance providers that are out of network;

2. Consider the reimbursement rates required under the Maine Revised Statutes, Title 24-A, section 4303-C for emergency services rendered by out of network providers and the availability of the dispute resolution process under Title 24-A, section 4303-E to those providers;

3. Determine the ambulance providers that participate in carrier networks and identify any barriers to participation in those networks; and

4. Develop recommendations for improving the participation of ambulance services in carrier networks, including proposals to provide assistance with contract negotiation or to amend the reimbursement rates required under law.

The Emergency Medical Services' Board shall submit a report, including any recommendations, to the joint standing committee of the Legislature having jurisdiction over health coverage, insurance and financial services matters no later than February 1, 2021. The joint standing committee may report out a bill based on the report to the First Regular Session of the 130th Legislature.

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

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF  
Administrative Services - Professional and Financial Regulation 0094**

Initiative: Provides allocation in fiscal year 2020-21 for software development.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$25,000
	\$0	\$25,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>		

**Administrative Services - Professional and Financial Regulation 0094**

Initiative: Provides allocation to establish one part-time Insurance Actuarial Assistant position and All Other costs beginning October 1, 2020.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$2,616
	\$0	\$2,616
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>		

**Insurance - Bureau of 0092**

Initiative: Provides allocation to establish one part-time Insurance Actuarial Assistant position and All Other costs beginning October 1, 2020.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
POSITIONS - LEGISLATIVE COUNT	0.000	0.500
Personal Services	\$0	\$39,605
All Other	\$0	\$6,684
	\$0	\$46,289
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>		

<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$0</b>	<b>\$73,905</b>
	\$0	\$73,905
<b>DEPARTMENT TOTAL - ALL FUNDS</b>		

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

Effective March 18, 2020.

**CHAPTER 669  
S.P. 754 - L.D. 2108**

**An Act Regarding Health Insurance Options for Town Academies**

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

**Whereas,** this legislation must take effect before the expiration of the 90-day period to ensure retired employees of academies approved for tuition purposes may retain their health insurance; 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 §285, sub-§1, ¶G,** as amended by PL 2001, c. 439, Pt. XX, §2 and amended by PL 2007, c. 58, §3, is further amended to read:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F-1 ~~and~~, paragraph F-3 ~~and paragraph L~~ who:

- (1) On April 26, 1968, have retired and who were covered under group health plans that by virtue of Public Law 1967, chapter 543 were terminated;
- (2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group health plan as employees;
- (3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine Public Employees Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42. This paragraph also applies to former members who were members on December 2, 1986;
- (4) After December 2, 1986, and not yet normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine Public Employees Retirement System based upon creditable service as teachers, as defined by section 17001, subsection 42. This paragraph also applies to former members who were members on December 2, 1986; or

(5) After January 1, 1999, terminate employment under which they were eligible for the group health plan but do not retire at that time and who satisfy the requirements of subsection 1-A, paragraph D or paragraph E;

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

Effective March 18, 2020.

## CHAPTER 670

### S.P. 756 - L.D. 2111

#### An Act To Establish Patient Protections in Billing for Health Care

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

**Whereas,** it is critically important that this legislation take effect before the expiration of the 90-day period; 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. 22 MRSA §1718-D,** as enacted by PL 2017, c. 218, §1 and affected by §3, is amended to read:

**§1718-D. Prohibition on balance billing for surprise bills; disclosure related to referrals**

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

- A. "Enrollee" has the same meaning as in Title 24-A, section 4301-A, subsection 5.
- B. "Health plan" has the same meaning as in Title 24-A, section 4301-A, subsection 7.
- C. "Provider" has the same meaning as in Title 24-A, section 4301-A, subsection 16.
- D. "Surprise bill" has the same meaning as in Title 24-A, section 4303-C, subsection 1.

**2. Prohibition on balance billing.** An out-of-network provider reimbursed for a surprise bill under Title 24-A, section 4303-C, subsection 2, paragraph B may not bill an enrollee for health care services beyond the applicable coinsurance, copayment, deductible or other out-of-pocket cost expense that would be imposed

for the health care services if the services were rendered by a network provider under the enrollee's health plan.

**3. Referral to an out-of-network provider.** A provider receiving a nonemergency referral or self-referral for any in-person health care service or procedure shall disclose to the enrollee whether that provider to whom the enrollee is being referred is a member of the provider network under the enrollee's health plan before the enrollee schedules the appointment for that service or procedure.

**Sec. 2. 22 MRSA §1718-E** is enacted to read:

**§1718-E. Prohibition on fees for transferring a patient or a patient's medical records**

A health care entity, as defined in section 1718-B, subsection 1, paragraph B, may not require any fee or other payment from any patient for the transfer of a patient between health care entities or for the transfer of any medical records related to a patient between health care entities unless the fee or other payment is disclosed to the patient and is directly related to the costs associated with establishing the patient as a patient of the health care entity or transferring that patient's medical records. This section does not prohibit the use of current procedural technology codes used by the American Medical Association for new office visits that include the cost of care.

**Sec. 3. 22 MRSA §1718-F** is enacted to read:

**§1718-F. Disclosure related to observation status for Medicare patients**

A health care entity, as defined in section 1718-B, subsection 1, paragraph B, shall disclose to a patient who is covered by the federal Medicare program and who is on observation status and not an admitted patient at the health care entity the following information in a single notice:

**1. Medicare outpatient observation notice.** The Medicare outpatient observation notice required under 42 Code of Federal Regulations, Section 489.20(y);

**2. Impact on patient's financial liability.** Notification that observation status may have an impact on the patient's financial liability; and

**3. Opportunity to discuss potential financial liability.** Notification that the patient may meet with a representative from the health care entity's financial office to discuss the patient's potential financial liability.

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

Effective March 18, 2020.

CHAPTER 671  
S.P. 758 - L.D. 2119

An Act To Amend the Laws  
Governing the Maternal, Fetal  
and Infant Mortality Review  
Panel

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

Sec. 1. 22 MRSA §261, sub-§1, ¶B, as amended by PL 2017, c. 203, §1, is further amended to read:

B. "Deceased person" means a woman who died during pregnancy or within ~~42 days~~ one year of giving birth or a child who died within one year of birth.

Sec. 2. 22 MRSA §261, sub-§4, ¶A, as amended by PL 2017, c. 203, §1, is further amended to read:

A. The panel coordinator shall review the deaths of all women during pregnancy or within ~~42 days~~ one year of giving birth, the majority of cases in which a fetal death occurs after 28 weeks of gestation and the majority of deaths of infants under one year of age, with selection of cases of infant death based on the need to review particular causes of death or the need to obtain a representative sample of all deaths.

See title page for effective date.

CHAPTER 672  
S.P. 759 - L.D. 2120

An Act Regarding Sales of  
Alcohol in Municipalities and  
Unincorporated Places

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

**Whereas,** current law requires that a municipality hold a referendum to authorize the sale of liquor in that municipality; and

**Whereas,** current law requires the county commissioners for an unincorporated place to determine whether or not to authorize the sale of liquor in that unincorporated place; and

**Whereas,** based upon the affirmative referendum or decision, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is authorized to issue a license to a

qualified establishment in that municipality or unincorporated place; and

**Whereas,** the bureau has recently become aware that it does not have proof of a referendum or decision in some municipalities and unincorporated places that have licensed establishments, endangering the ability of these currently licensed businesses to continue to be licensed by the bureau; and

**Whereas,** it is imperative that this legislation take effect as soon as possible to avoid irreparable harm to businesses that have complied with all requirements but could lose their licenses to sell liquor due to inadequate record keeping; 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. 28-A MRSA §121, sub-§1, as amended by PL 2017, c. 475, Pt. C, §8, is repealed and the following enacted in its place:

1. Petition. A petition for a local option election must be signed by 30 voters in that municipality or by a number of voters equal to at least 5% of the number of votes cast in that municipality in the last gubernatorial election, whichever is fewer. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least 60 days before holding any primary, special statewide, general or municipal election or town meeting.

Sec. 2. 28-A MRSA §121, sub-§1-A is enacted to read:

1-A. Vote of municipal officers. As an alternative to the petition process in subsection 1, the municipal officers may vote to hold a local option election, which must be conducted pursuant to subsection 3, including one or more of the questions specified in section 123.

Sec. 3. 28-A MRSA §121, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Meeting. Upon receipt of a petition, or in accordance with a vote of the municipal officers pursuant to subsection 1-A, the municipal officers shall notify the inhabitants of their respective municipalities to meet in the manner prescribed by law. The meeting shall must be held to vote upon any or all of the questions contained in section 123.

Sec. 4. 28-A MRSA §125 is enacted to read:

§125. Proof of local option election or county commissioner decision

**1. Prohibition on licensing.** The bureau may not issue a license for the retail sale of spirits, wine or malt liquor unless the premises to be licensed are located in a municipality or unincorporated place that has voted in favor of the issuance of the type of license sought.

**2. Preliminary determination of authorized retail liquor establishments in each municipality.** By December 31, 2020, the bureau shall notify each municipality in the State of the bureau's preliminary determination, based on the bureau's records of elections in that municipality on local option questions under section 123 or former Title 28, section 101, whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in that municipality.

**3. Proof of municipal local option election.** If a municipality disagrees with a preliminary determination made by the bureau under subsection 2, the municipality may, by July 1, 2022, submit evidence of the results of an election on any local option question pursuant to section 123 or former Title 28, section 101 to refute the bureau's preliminary determination. Nothing in this subsection prohibits a municipality from conducting a local option election in accordance with this chapter at any time.

**4. Final determination of authorized retail liquor establishments in each municipality.** On July 1, 2022, the bureau shall make a final determination of whether licenses for each type of licensed establishment or for agency liquor stores may be issued for the sale of liquor on Sundays and on days other than Sunday in each municipality. In making this final determination, the bureau shall consider evidence submitted by the relevant municipality under subsection 3 and the results of any local option election conducted in that municipality in compliance with this chapter subsequent to the preliminary determination made by the bureau under subsection 2. The bureau shall post a copy of the final determination for each municipality on its publicly accessible website.

**5. Effect of final determination; future local option elections.** Beginning July 1, 2022, the bureau's final determination under subsection 4 governs whether the bureau may issue licenses for the sale of liquor in each municipality. Nothing in this subsection prohibits a municipality from conducting a local option election in compliance with this chapter that has the effect of authorizing or prohibiting the issuance of any or all licenses for the sale of liquor in that municipality after July 1, 2022. If a municipality conducts a local option election after July 1, 2022, the bureau shall update the information posted on its publicly accessible website to reflect the results of that local option election.

**6. Notice to county commissioners.** By December 31, 2020, the bureau shall inform the county commissioners of each county in which an unincorporated

place is located that proof of an affirmative decision under section 122 or former Title 28, section 103 authorizing the issuance of licenses for the retail sale of liquor is a prerequisite to issuance of such licenses in an unincorporated place and shall request that the county commissioners provide the bureau with copies of any such decisions for each unincorporated place in the county by July 1, 2022. If the county commissioners do not have a record of an affirmative decision under section 122 or former Title 28, section 103 authorizing the issuance of licenses for the retail sale of liquor in an unincorporated place, the county commissioners may, in compliance with section 122, determine whether to authorize or refuse to authorize the issuance of licenses for the retail sale of liquor in that unincorporated place and shall provide the bureau with a record of the decision.

**Sec. 5. Temporary waiver of approval to issue license to sell liquor for municipalities with licensed retail establishments.** Notwithstanding the Maine Revised Statutes, Title 28-A, section 125, subsection 1; section 453, subsection 1, paragraph A; and any other provision of the law to the contrary, until July 1, 2022, the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations is authorized to issue, renew or transfer licenses to sell liquor in an authorized municipality or authorized unincorporated place as specified in this section.

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

A. "Agency liquor store" has the same meaning as in Title 28-A, section 2, subsection 1.

B. "Authorized municipality" means a municipality in which a licensed establishment or agency liquor store was operating between March 1, 2017 and March 1, 2020 but for which the bureau does not have a record of a local option decision authorizing the issuance of licenses to that type of establishment or agency liquor store, respectively.

C. "Authorized unincorporated place" means an unincorporated place in which a licensed establishment or agency liquor store was operating between March 1, 2017 and March 1, 2020 but for which the bureau does not have a record of a local option decision authorizing the issuance of licenses to that type of establishment or agency liquor store, respectively.

D. "Bureau" has the same meaning as in Title 28-A, section 2, subsection 6.

E. "Licensed establishment" has the same meaning as in Title 28-A, section 2, subsection 15.

F. "Local option decision" means a local option election conducted pursuant to Title 28-A, chapter 5 or former Title 28, section 101 or a decision to

authorize the issuance of retail liquor licenses in an unincorporated place pursuant to Title 28-A, section 122 or former Title 28, section 103.

G. "Unincorporated place" has the same meaning as in Title 28-A, section 2, subsection 33.

**2. Temporary waiver of local option election or county commissioner authorization requirement.** Until July 1, 2022, an authorized municipality is deemed to have complied with the procedures established in Title 28-A, chapter 5 to authorize the bureau, in that municipality, to issue an initial license, renew a license or transfer a license for any type of licensed establishment or agency liquor store that was operating in that municipality between March 1, 2017 and March 1, 2020. Until July 1, 2022, the county commissioners of an authorized unincorporated place are deemed to have complied with the procedures established in Title 28-A, chapter 5 to authorize the bureau, in that unincorporated place, to issue an initial license, renew a license or transfer a license for the sale of liquor to an establishment for on-premises consumption, if an establishment for on-premises consumption was operating in that unincorporated place between March 1, 2017 and March 1, 2020, or to an establishment for off-premises consumption, if an establishment for off-premises consumption was operating in that unincorporated place between March 1, 2017 and March 1, 2020.

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

Effective March 18, 2020.

**CHAPTER 673**

**H.P. 1524 - L.D. 2134**

**An Act To Authorize a General Fund Bond Issue for Infrastructure To Improve Transportation and Internet Connections**

**Preamble.** Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

**PART A**

**Sec. A-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$105,000,000 for the purposes described in section 5 of this Part. The bonds are a pledge of the full faith and credit of the

State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. A-2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. A-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. A-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. A-5. Disbursement of bond proceeds from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule under the direction and supervision of the agencies and entities set forth in this section.

**TRANSPORTATION, DEPARTMENT OF**

Provides funds to improve highways and bridges statewide, including the Madawaska International Bridge replacement project and associated utility relocation costs, and for the department's municipal partnership initiative and associated activities.

Total \$90,000,000

Provides funds for multimodal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects and associated activities.

Total \$15,000,000

**Sec. A-6. Contingent upon ratification of bond issue.** Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. A-7. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds

lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. A-8. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. A-9. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in June 2020. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$105,000,000 bond issue for improvement of highways and bridges statewide and for multi-modal facilities or equipment related to transit, freight and passenger railroads, aviation, ports, harbors, marine transportation and active transportation projects, to be used to match an estimated \$275,000,000 in federal and other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

**PART B**

**Sec. B-1. Authorization of bonds.** The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$15,000,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds.

**Sec. B-2. Records of bonds issued; Treasurer of State.** The Treasurer of State shall ensure that an account of each bond is kept showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

**Sec. B-3. Sale; how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. B-4. Interest and debt retirement.** The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

**Sec. B-5. Disbursement of bond proceeds.** The ConnectME Authority, in consultation with the Department of Economic and Community Development, shall oversee the disbursement of bond proceeds and matching funds authorized pursuant to this Part.

**Sec. B-6. Allocations from General Fund bond issue.** The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

**CONNECTME AUTHORITY**

Provides funds to the ConnectME Authority, as established in the Maine Revised Statutes, Title 5, section 12004-G, subsection 33-F, for investments in high-speed internet infrastructure in unserved and underserved areas.

Total \$15,000,000

**Sec. B-7. Contingent upon ratification of bond issue.** Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

**Sec. B-8. Appropriation balances at year-end.** At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

**Sec. B-9. Bonds authorized but not issued.** Any bonds authorized but not issued within 5 years of ratification of this Part are deauthorized and may not be issued, except that the Legislature may, within 2 years



after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds for an additional amount of time not to exceed 5 years.

**Sec. B-10. Referendum for ratification; submission at election; form of question; effective date.** This Part must be submitted to the legal voters of the State at a statewide election held in June 2020. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$15,000,000 bond issue to invest in high-speed internet infrastructure for unserved and underserved areas, to be used to match up to \$30,000,000 in federal, private, local or other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purposes of this referendum.

Effective pending referendum.

**CHAPTER 674**

**H.P. 1538 - L.D. 2148**

**An Act To Implement the Recommendations of the Department of Environmental Protection Regarding the State's Plastic Bag Reduction Law**

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

**Sec. 1. 38 MRSA §1611, sub-§1, ¶H,** as enacted by PL 2019, c. 346, §2, is amended to read:

H. "Single-use carry-out bag" means a bag that is made of plastic, paper or other material provided by a retail establishment ~~at the point of sale~~ within

the retail establishment for the purpose of transporting merchandise away from the retail establishment or for packaging, protecting or otherwise containing merchandise within the retail establishment and that is not a recycled paper bag or a reusable bag.

See title page for effective date.

**CHAPTER 675**

**H.P. 1545 - L.D. 2161**

**An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2020-21**

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

**Whereas,** prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2020-21 is as follows:

Fiscal Administration - Office of the State Auditor	\$245,718
Education	12,923,626
Forest Fire Protection	150,000
Human Services - General Assistance	65,000
Property Tax Assessment - Operations	1,175,334
Maine Land Use Planning Commission - Operations	599,144

TOTAL STATE AGENCIES	\$15,158,822
County Reimbursements for Services:	
Aroostook	\$1,660,229
Franklin	1,178,763
Hancock	236,850
Kennebec	12,125
Oxford	1,396,537
Penobscot	1,597,454
Piscataquis	1,347,370
Somerset	1,828,286
Washington	1,348,371
TOTAL COUNTY SERVICES	\$10,605,985
COUNTY TAX INCREMENT FINANCING DISTRIBUTIONS FROM FUND	
Tax Increment Financing Payments	\$3,721,137
TOTAL REQUIREMENTS	\$29,485,944
COMPUTATION OF ASSESSMENT	
Requirements	\$29,485,944
Less Revenue Deductions:	
General Revenue	
State Revenue Sharing	\$100,000
Miscellaneous Revenues	10,000
Transfer from Fund Balance	819,663
TOTAL GENERAL REVENUE DEDUCTIONS	\$929,663
Educational Revenue	
Land Reserve Trust Interest	\$80,000
Tuition/Travel	150,000
Special - Teacher Retirement	230,000
TOTAL EDUCATION REVENUE DEDUCTIONS	\$460,000
TOTAL REVENUE DEDUCTIONS	\$1,389,663
TAX ASSESSMENT BEFORE COUNTY TAXES and OVERLAY (Title 36 §1602)	\$28,096,281

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

Effective March 18, 2020.

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**CHAPTER 676**

**S.P. 482 - L.D. 1545**

**An Act Regarding the  
Collection of Samples for  
Testing of Adult Use  
Marijuana and Adult Use  
Marijuana Products**

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

**Whereas,** licenses to authorize the cultivation, manufacturing, testing and sale of adult use marijuana and adult use marijuana products are expected to be issued in the spring of 2020; and

**Whereas,** the changes to the adult use marijuana laws proposed in this legislation must take effect prior to the issuance of such licenses; 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. 28-B MRSA §102, sub-§29,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**29. Marijuana establishment.** "Marijuana establishment" means a cultivation facility, a products manufacturing facility, a testing facility or a marijuana store or a sample collector licensed under this chapter.

**Sec. 2. 28-B MRSA §102, sub-§50,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**50. Sample.** "Sample" means:

A. An amount of marijuana or an amount of a marijuana product provided to a testing facility by a marijuana establishment or other person for testing or research and development purposes in accordance with subchapter 6;

B. An amount of adult use marijuana or an amount of an adult use marijuana product collected from a licensee by the department for the purposes of testing the marijuana or marijuana product for product quality control purposes pursuant to section 512, subsection 2;

C. An amount of adult use marijuana provided by a cultivation facility to another licensee for business or marketing purposes pursuant to section 501, subsection 8; ~~or~~

D. An amount of adult use marijuana or an amount of an adult use marijuana product provided to another licensee by a products manufacturing facility for business or marketing purposes pursuant to section 502, subsection 6;

E. An amount of marijuana or an amount of a marijuana product collected by a sample collector licensee and provided to a testing facility for testing consistent with the requirements of section 503-A; or

F. An amount of adult use marijuana or an amount of an adult use marijuana product collected by a cultivation facility licensee, products manufacturing facility licensee or marijuana store licensee, or an employee of the licensee, and provided to a testing facility for testing consistent with the requirements of section 604-A.

This paragraph is repealed October 1, 2021.

**Sec. 3. 28-B MRSA §102, sub-§50-A** is enacted to read:

**50-A. Sample collector.** "Sample collector" means a person licensed under this chapter to collect samples of marijuana and marijuana products for testing and to transport and deliver those samples to a testing facility for testing.

**Sec. 4. 28-B MRSA §102, sub-§53,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**53. Testing or test.** "Testing" or "test" means the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. "Testing" or "test" includes the collection of samples of marijuana and marijuana products for testing purposes, but does not include cultivation or manufacturing.

**Sec. 5. 28-B MRSA §201,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**§201. License process; license types**

The department, upon receipt of an application in the prescribed form that meets all applicable requirements for licensure under this chapter and the rules adopted pursuant to this chapter, shall issue to the applicant a conditional license to operate one or more of the following types of marijuana establishments or shall deny the application in accordance with section 206:

**1. Cultivation facility.** Consistent with the requirements and restrictions of section 205, subsection 2, paragraph A and subchapter 3, a cultivation facility license;

**2. Testing facility.** Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503, subsection 2, a testing facility license;

**3. Products manufacturing facility.** A products manufacturing facility license; ~~or~~

**4. Marijuana store.** Consistent with the restrictions of section 205, subsection 2, paragraph C, a marijuana store license; or

**5. Sample collector.** Consistent with the requirements and restrictions of section 205, subsection 2, paragraph B and section 503-A, a sample collector license.

Except as provided in section 205, the department may not impose any limitation on the number of each type of license that it issues to a qualified individual applicant or on the total number of each type of license that it issues to qualified applicants pursuant to this chapter.

**Sec. 6. 28-B MRSA §205, sub-§2, ¶B,** as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37, is further amended to read:

B. If the applicant has applied for the issuance or renewal of a testing facility license or sample collector license, the applicant may not be a caregiver or registered caregiver or have an interest in a registered dispensary, a cultivation facility license, a products manufacturing facility license or a marijuana store license. If the applicant has applied for the issuance or renewal of any license under this chapter that is not a testing facility license or a sample collector license, the applicant may not have an interest in a testing facility license or a sample collector license. An applicant that meets the requirements for the issuance of a testing facility license under this chapter and the requirements of this paragraph may apply for and be issued multiple testing facility licenses. For purposes of this paragraph, "interest" means an equity ownership interest or a partial equity ownership interest or any other type of financial interest, including, but not limited to, being an investor or serving in a management position; and

**Sec. 7. 28-B MRSA §205, sub-§4, ¶B,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

B. The department shall prepare and furnish to applicants, municipalities and the Maine Land Use Planning Commission a certification form by which the municipality may certify to the department that the applicant has obtained local authorization as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment to be located in the unorganized and de-organized areas, the Maine Land Use Planning Commission may certify to the department that the

applicant has obtained local authorization as required by section 403, subsection 3, paragraphs B and C. Notwithstanding any provision of this chapter to the contrary, applicants for a sample collector license are not required to seek local authorization prior to issuance of an active license by the department but must submit all other information required by the department under this chapter and the rules adopted pursuant to this chapter.

**Sec. 8. 28-B MRSA §207, sub-§3-A** is enacted to read:

**3-A. Fees for sample collectors.** For a sample collector license, the department shall require payment of an application fee of \$100 and a license fee of not more than \$250.

**Sec. 9. 28-B MRSA §209, sub-§5, ¶A**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

A. The department may not issue an active license to a licensee seeking renewal of a license until the licensee obtains local authorization as required by section 402, subsection 3, paragraph B or, in the case of a marijuana establishment located in the unorganized and deorganized areas, as required by section 403, subsection 3, paragraphs B and C, pays the applicable license fee required under section 207 and meets all other applicable requirements for the issuance of an active license under section 205, subsection 4. Notwithstanding any provision of this chapter to the contrary, a sample collector licensee is not required to seek local authorization as a condition for renewal of that license by the department but must submit all other information required by the department under this chapter and the rules adopted pursuant to this chapter.

**Sec. 10. 28-B MRSA §401, last ¶**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

Notwithstanding any ~~other~~ provision of law to the contrary, a municipal ordinance regulating marijuana establishments within the municipality adopted pursuant to this subchapter is not subject to the requirements or limitations of Title 7, chapter 6 or 8-F. Nothing in this subchapter may be construed to require an applicant for a sample collector license or a sample collector licensee to seek local authorization prior to the issuance or renewal of an active license.

**Sec. 11. 28-B MRSA §503, sub-§3**, as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**3. Compliance with testing protocols, standards and criteria.** A testing facility shall follow all testing protocols, standards and criteria adopted by rule by the department for the testing of different forms of marijuana and marijuana products; determining batch size; sampling; testing validity; and approval and disapproval of tested marijuana and marijuana products. A

testing facility may use a sample collector for the collection of samples for mandatory testing as long as the testing facility's operating plan and standard operating procedures indicate the use of a sample collector for that purpose.

**Sec. 12. 28-B MRSA §503, sub-§8**, as enacted by PL 2017, c. 409, Pt. A, §6 and amended by c. 452, §37, is further amended to read:

**8. Independence of testing facility interest.** A person with an interest in a testing facility may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license, but may hold or have an interest in multiple testing facility or sample collector licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a testing facility or sample collector license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.

**Sec. 13. 28-B MRSA §503-A** is enacted to read:

**§503-A. Operation of sample collectors**

A sample collector shall operate in accordance with the provisions of this section and the rules adopted pursuant to this chapter.

**1. Authorized operation.** A sample collector is authorized to collect samples of marijuana and marijuana products from a marijuana establishment for mandatory and other testing by a testing facility and to transport and deliver those samples to the testing facility for those purposes. A sample collector may operate as an independent contractor or employee of a testing facility or as an employee of a business entity that employs 2 or more sample collectors and that is not a cultivation facility, a products manufacturing facility, a marijuana store, a registered caregiver, a registered dispensary or a manufacturing facility as defined in Title 22, section 2422, subsection 4-R.

**2. Compliance with sampling protocols, standards and criteria.** A sample collector shall follow all sampling protocols, standards and criteria adopted by rule or otherwise approved by the department for the sampling of different forms of marijuana and marijuana products.

**3. Record keeping.** A sample collector shall maintain records of all business transactions in accordance with the record-keeping requirements of section 511 and section 602, subsections 2 and 3.

**4. Disposal of marijuana and marijuana products.** A sample collector shall dispose of or destroy

used, unused and waste marijuana and marijuana products in accordance with rules adopted by the department.

**5. Independence of sample collector interest.** A person with an interest in a sample collector license may not be a caregiver or a registered caregiver or have an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license but may hold or have an interest in a business entity that employs 2 or more sample collectors, in a testing facility license or in multiple testing facility licenses. A person who is a caregiver or a registered caregiver or who has an interest in a registered dispensary, a marijuana store license, a cultivation facility license or a products manufacturing facility license may not have an interest in a sample collector license. As used in this subsection, "interest" has the same meaning as in section 205, subsection 2, paragraph B.

**6. Tracking.** In accordance with the requirements of section 105, a sample collector shall track all adult use marijuana and adult use marijuana products it collects from a licensee for testing purposes from the point at which the marijuana or marijuana products are collected from a licensee to the point at which the marijuana or marijuana products are delivered to a testing facility or the marijuana or marijuana products are disposed of or destroyed.

**7. Rules.** The department shall adopt rules regarding the licensing and operation of sample collectors pursuant to this chapter, including, but not limited to, rules establishing licensing requirements, acceptable sample collection methods, sample collector record keeping, documentation and business practices, and standards for the disposal of used, unused and waste marijuana and marijuana products. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 14. 28-B MRSA §604,** as enacted by PL 2017, c. 409, Pt. A, §6, is amended to read:

**§604. Sampling Sample collection for testing**

If Except as provided in section 604-A, if a test to be performed by a testing facility is a mandatory test under section 602, an employee or designee of the testing facility or a sample collector must perform the sampling collect the sample required for the test. If a test to be performed by a testing facility is not a mandatory test, the owner of the marijuana or marijuana product, or a designee of the owner, may perform the sampling collect the sample required for the test.

**Sec. 15. 28-B MRSA §604-A** is enacted to read:

**§604-A. Sample collecting for mandatory testing by licensee**

**1. Sample collecting by licensee authorized; rules.** Notwithstanding any provision of this chapter to the contrary, a cultivation facility licensee, products manufacturing facility licensee or marijuana store licensee, or an employee of such licensee, may collect samples of the licensee's adult use marijuana or adult use marijuana products for mandatory testing under section 602 and may deliver those samples to a testing facility for testing. The department shall adopt rules regarding the collection of samples of adult use marijuana and adult use marijuana products for mandatory testing by a licensee or an employee of a licensee as authorized under this section, which must include, but are not limited to:

A. The establishment of sample collecting processes, protocols and standards, which must be complied with by the licensee and its employees in collecting samples of adult use marijuana and adult use marijuana products for testing purposes;

B. Requirements for the licensee to provide video, onsite or other demonstration of its sample collecting practices to ensure compliance with paragraph A;

C. Provisions authorizing the department to conduct audits of adult use marijuana or adult use marijuana products that were tested using samples collected by the licensee or its employees pursuant to this section, with all costs of the audits to be paid for by the licensee;

D. Requirements for the transportation, delivery and transfer of samples of adult use marijuana and adult use marijuana products collected by the licensee or an employee of the licensee to a testing facility, which must require the in-person transfer of the samples by the licensee or an employee of the licensee to the testing facility licensee or an employee of the testing facility licensee;

E. A prohibition on the intentional tampering with or interference in the mandatory testing process or auditing process by a licensee or an employee of the licensee, which, notwithstanding any provision of this chapter to the contrary, may be treated by the department as constituting a major license violation affecting public safety and as a basis for imposition of a license suspension or revocation pursuant to section 802; and

F. Authorization for the department to suspend or revoke the licensee's license following 2 or more failed sample collecting audits conducted by the department pursuant to this section.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Repeal.** This section is repealed October 1, 2021.

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

Effective March 23, 2020.

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## CHAPTER 677

### H.P. 850 - L.D. 1167

#### An Act To Increase Consumption of Maine Foods in State Institutions

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

**Sec. 1.** 7 MRSA §211, as enacted by PL 1983, c. 608, §2, is amended to read:

#### §211. Statement of policy

It is the policy of the State to encourage the procurement of Maine foods and food products by state institutions to increase the viability of Maine farms and food businesses, thus making a positive contribution to the State's economy and enhancing food self-sufficiency for the State. State institutions and school districts in the State shall purchase food produced by Maine farmers or fishermen, provided that food is available in adequate quantity and meets acceptable quality standards, and is priced competitively.

**Sec. 2.** 7 MRSA §212, sub-§1, as enacted by PL 1983, c. 608, §2, is repealed.

**Sec. 3.** 7 MRSA §212, sub-§2, as enacted by PL 1983, c. 608, §2, is amended to read:

**2. Maine food producer.** "Maine food producer" means any person who is a resident farmer ~~or fisherman~~, person who fishes commercially or processor of food grown or harvested in the State, or an association of resident farmers ~~or fishermen~~, persons who fish commercially or food processors in a cooperative or producer group.

**Sec. 4.** 7 MRSA §212, sub-§3, as amended by PL 1989, c. 443, §18 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed.

**Sec. 5.** 7 MRSA §213, as amended by PL 2005, c. 382, §C1, is repealed.

**Sec. 6.** 7 MRSA §214, as amended by PL 2011, c. 655, Pt. EE, §12 and affected by §30, is repealed.

**Sec. 7.** 7 MRSA §214-A is enacted to read:

#### **§214-A. Maine foods procurement program**

In accordance with this section, the commissioner shall establish and promote a Maine foods procurement program with the goal that, no later than 2025, 20% of all food and food products procured by state institutions are Maine food or food products.

**1. Institutional market development coordinator.** The commissioner shall designate an employee of the department as an institutional market development coordinator to serve as a representative to assist in the development of connections between state purchasers, Maine food producers, distributors and other institutional stakeholders.

**2. Guidelines.** The commissioner shall establish guidelines to assist state institutions to assess their ability to procure Maine foods and food products while minimizing costs for that procurement.

**3. Annual meeting.** The institutional market development coordinator may convene an annual meeting that brings together Maine food producers and food service professionals to enhance opportunities for cooperation and expand the purchase of Maine foods and food products by state institutions.

**4. Advisory committee.** The commissioner may establish an advisory committee to discuss strategies for expanding purchases of Maine foods and food products by state institutions. The advisory committee may be composed of representatives of state agencies, for-profit and nonprofit institutions and other relevant stakeholders identified by the commissioner.

**5. Report.** The commissioner shall include a description of the progress toward reaching the goal under this section in the biennial report submitted to the Legislature pursuant to section 2, subsection 5.

**Sec. 8.** 7 MRSA §215, as amended by PL 1989, c. 700, §A31, is repealed.

**Sec. 9.** 7 MRSA §215-A is enacted to read:

#### **§215-A. Rule-making authority**

The commissioner shall adopt rules necessary to carry out the provisions of this subchapter. The rules must establish a method and baseline to determine the percentage of Maine food or food products procured by state institutions based on dollars spent. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 10.** 7 MRSA §218, as enacted by PL 2005, c. 614, §4, is repealed.

**Sec. 11.** 7 MRSA §218-A is enacted to read:

#### **§218-A. Direct producer-to-consumer agriculture market programs**

**1. Education and outreach.** The commissioner shall provide education and outreach for the purpose of supporting Maine foods providers, such as farmers' markets, farm stands, community-supported agriculture programs and other direct producer-to-consumer venues to further the goal established in this chapter.

**2. Access to Maine foods and food products for recipients of benefits.** The commissioner shall im-

prove access to Maine foods and food products for recipients of benefits under any food supplement program administered by the Department of Health and Human Services under Title 22 by:

A. Expanding opportunities for farmers to sell Maine foods and food products to recipients of food supplement program benefits by promoting the use of electronic benefits transfer cards at farmers' markets and, in partnership with a statewide federation of farmers' markets, encouraging participation in community-supported agriculture by recipients of food supplement program benefits;

B. Assisting farmers' markets in accepting payments through the electronic benefits transfer system by helping them secure equipment, including equipment that does not require the use of electricity, for processing payments through the electronic benefits transfer system; and

C. In partnership with the Commissioner of Health and Human Services, educating recipients of food supplement program benefits of the opportunity to use the benefits at farmers' markets and the advantages of such use.

**Sec. 12. 7 MRSA c. 8-A, sub-c. 3,** as amended, is repealed.

See title page for effective date.

**CHAPTER 678**

**H.P. 1443 - L.D. 2033**

**An Act To Ensure Proper Closure of Oil Terminal Facilities**

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

**Sec. 1. 38 MRSA §542, sub-§4-B** is enacted to read:

**4-B. Facility closure.** "Facility closure" means:

A. Removal of oil and oil residuals from tanks and related appurtenances;

B. Decontamination of tanks and related appurtenances;

C. Removal of tanks and related appurtenances;

D. Disconnection and removal of underground piping or secure capping or plugging of underground piping when removal is not feasible; and

E. Any other steps required to safely decommission the facility and remediate sediment, soils, groundwaters and surface waters such that the fa-

cility site, as determined by the department, is suitable for residential use or meets the most protective use standards practicable for the facility site.

**Sec. 2. 38 MRSA §542, sub-§6,** as amended by PL 2015, c. 319, §11, is further amended to read:

**6. Oil.** "Oil" means oil, oil additives, petroleum products and their by-products of any kind and in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other wastes, liquid asphalt, bunker fuel, crude oils and all other liquid hydrocarbons regardless of specific gravity. "Oil" does not include liquid natural gas.

**Sec. 3. 38 MRSA §542, sub-§7,** as amended by PL 1993, c. 355, §7, is further amended to read:

**7. Oil terminal facility or facility.** "Oil terminal facility" or "facility" means any facility of any kind and related appurtenances, located in, on or under the surface of any land or water, including submerged lands, ~~which~~ that is used or capable of being used for the purpose of transferring, processing or refining oil, or for the purpose of storing the same, but does not include any facility used or capable of being used to store no more than ~~4,500~~ 1,500 barrels or 63,000 gallons, nor any facility not engaged in the transfer of oil to or from waters of the State. A vessel is considered an oil terminal facility only in the event of a ship-to-ship transfer of oil, but only that vessel going to or coming from the place of ship-to-ship transfer and a permanent or fixed oil terminal facility. The term does not include vessels engaged in oil spill response activities.

**Sec. 4. 38 MRSA §542, sub-§9-D** is enacted to read:

**9-D. Related appurtenances.** "Related appurtenances" means pumps, valves, piping, loading racks, secondary containment and, as determined by the department, any other structures related to the operation of an oil terminal facility.

**Sec. 5. 38 MRSA §546,** as amended by PL 1991, c. 698, §6, is further amended to read:

**§546. Regulatory powers of ~~board~~ department**

**4. Extent of regulatory powers.** The ~~board~~ department shall ~~have the power to~~ adopt rules and ~~regulations~~ including but not limited to rules governing the following matters:

A. Operating and inspection requirements for facilities, vessels, personnel and other matters relating to licensee operations under this subchapter, including annual inspections of oil terminal facilities;

B. Procedures and methods of reporting discharges and other occurrences prohibited by this subchapter;

C. Procedures, methods, means and equipment to be used by persons subject to ~~regulations~~ regulation by this subchapter;

D. Procedures, methods, means and equipment to be used in the removal of oil and petroleum pollutants;

E. Development and implementation of criteria and plans to meet oil and petroleum pollution occurrences of various degrees and kinds, including the state marine oil spill contingency plan required under section 546-A. Those plans must include provision for annual drills, sometimes unannounced, to determine the adequacy of response plans and the preparedness of the response teams;

E-1. Standards for establishing liability insurance for liabilities under section 552;

E-2. Development and implementation of criteria and plans for cleaning and securing a facility that is out of service but not subject to facility closure requirements under section 552-B;

E-3. Development and implementation of criteria and plans for facility closure required under section 552-B, including standards, procedures and reporting requirements for removal of tanks and related appurtenances and remediation of the facility site;

E-4. Standards for establishing financial ability adequate to guarantee the performance of licensee obligations under section 552-B;

F. The establishment from time to time of control districts comprising sections of the Maine coast and the establishment of rules ~~and regulations~~ to meet the particular requirements of each such district;

G. Requirements for the safety and operation of vessels, barges, tugs, motor vehicles, motorized equipment and other equipment relating to the use and operation of terminals, facilities and refineries and the approach and departure from terminals, facilities and refineries;

H. Such other rules ~~and regulations~~ as the exigencies of any condition may require or such as may reasonably be necessary to carry out the intent of this subchapter; and

K. Operation and inspection requirements for interstate and intrastate oil pipelines excluding natural gas and artificial gas pipelines.

**5. Facility response plans.** Every facility subject to licensing under this section shall file with the department a copy of any oil discharge response plan submitted to the President of the United States under the federal Oil Pollution Act of 1990, Public Law 101-380, Section 4202, 104 Stat. 484, or a statement that a plan is not required under federal law.

**6. Vessel response plans.** Every tank vessel, as defined under 56 United States Code, Section 2101, entering state waters shall have available for inspection by the commissioner or an agent of the commissioner a copy of any oil discharge response plan required to be submitted to the President of the United States under the federal Oil Pollution Act of 1990, Public Law 101-380, Section 4202, 104 Stat. 484.

**Sec. 6. 38 MRSA §552-B** is enacted to read:

**§552-B. Financial responsibility and facility closure**

**1. Financial responsibility; liability and facility closure costs.** An owner or operator of an oil terminal facility shall provide to the department evidence of the owner's or operator's financial ability to satisfy the liability imposed pursuant to section 552 and to satisfy estimated probable facility closure costs in compliance with this subchapter and rules adopted by the department.

A. The owner or operator of a facility shall provide to the department evidence of the owner's or operator's financial ability to satisfy the liability imposed pursuant to section 552 in an amount no less than \$2,000,000.

B. To be eligible for a license required under this subchapter, the owner or operator of a facility shall file with the department an estimate of probable facility closure costs and a preliminary facility closure plan and shall provide evidence of the owner's or operator's financial ability to satisfy those estimated costs.

C. Subject to the approval of the department, the owner or operator of a facility may establish the owner's or operator's financial ability to satisfy the probable facility closure costs estimated under paragraph B by one or a combination of the following: insurance and risk retention group coverage, guarantee, surety bond, letter of credit or trust fund. In determining the adequacy of evidence of such financial ability, the department shall consider the criteria in 40 Code of Federal Regulations, Sections 280.96 to 280.99, 280.102 and 280.103.

D. Failure by the owner or operator of a facility to meet the requirements of this subsection and the department's rules may result in, but is not limited to, nonrenewal or revocation of the owner's or operator's license in accordance with subsection 3.

**2. Facility closure requirements.** An owner or operator shall close an oil terminal facility in compliance with a written facility closure plan that meets standards for safe closure and facility site remediation.

A. An owner or operator shall file a written facility closure plan with the department within 60 days of a decision to close an oil terminal facility and may not carry out facility closure activities until the department has approved the facility closure plan.



B. The department shall review the facility closure plan to determine compliance with applicable rules, consistent with a processing time schedule adopted by the department. The department's approval must include a timeline for completion by the owner or operator of the facility closure plan, including dates for performance of specific closure tasks.

C. The owner or operator shall complete the facility closure in accordance with the approved facility closure plan and to the satisfaction of the department. The department may conduct inspections, including, but not limited to, soil, groundwater and other testing, as a part of and to determine compliance with the approved facility closure plan.

D. Following completion of the facility closure, the owner or operator shall file a written facility closure completion report with the department, which must include a certification from an independent licensed professional engineer that the facility closure was conducted in accordance with the approved facility closure plan and that all regulated substances have been removed or remediated to the satisfaction of the department.

E. The department shall post the facility closure plan, departmental approval, inspection and testing results and completion report, including the independent licensed professional engineer's certification, on the department's publicly accessible website for 5 years following the completion of the facility closure.

**3. Enforcement.** An owner or operator that fails to comply with the requirements of this section is subject to enforcement action by the department, including, but not limited to, revocation of the license of the owner or operator required by sections 544 and 545.

**Sec. 7. Effective date.** This Act takes effect January 1, 2021.

Effective January 1, 2021.

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PRIVATE AND SPECIAL LAWS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019

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CHAPTER 15  
H.P. 1346 - L.D. 1880

**An Act To Repeal and Replace  
the Canton Water District  
Charter**

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

**Sec. 1. P&SL 1957, c. 44**, as amended by P&SL 1989, c. 52, §§1 to 11 and P&SL 1993, c. 75, §1, is repealed and the following enacted in its place:

**Sec. 1. Territorial limits; corporate name; purposes.** Pursuant to the Maine Revised Statutes, Title 35-A, chapter 64, that part of the Town of Canton described as follows and its inhabitants constitute a standard district under the name "Canton Water District," referred to in this Act as "the district," for the purpose of supplying the inhabitants of that district and the Town of Canton with pure water for domestic, sanitary, commercial, industrial and municipal purposes: all areas west of the Androscoggin River; north and east of the Hartford town line; south of the Peru town line; and north and west of the Livermore town line.

**Sec. 2. Powers; authority; duties.** The district has all the powers and authority and is subject to all the requirements and restrictions provided in the Maine Revised Statutes, Title 35-A, chapter 64, except as otherwise provided in this Act.

**Sec. 3. Power to take water.** The district is authorized to take, hold, divert, use and distribute water from any river, lake, pond, stream, brook, well, spring or other source of water, natural or artificial, within the Town of Canton.

**Sec. 4. Number of trustees.** The board of trustees of the district is composed of 3 trustees. A trustee must be a resident of the district but need not reside in a household to which the district's service is provided.

**Sec. 5. Terms of trustees.** A trustee in office at the time of voter approval of this Act shall serve the remainder of that trustee's then-current term. A trustee must thereafter be elected to a 3-year term pursuant to the Maine Revised Statutes, Title 35-A, section 6410, subsection 1.

**Sec. 6. Authorized to borrow money and to issue bonds and notes.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 6413, the district,

by vote of its board of trustees, without district vote except as provided, is authorized to borrow money temporarily and to issue its negotiable notes, and for the purposes of renewing and refunding the indebtedness so created, of paying necessary expenses and liabilities incurred under the provisions of this Act and of acquiring properties, paying damages, laying pipes, mains and conduits, purchasing, constructing, maintaining and operating a water system and making renewals, additions, extensions and improvements to such system and to cover interest payments during the period of construction, the district, by votes of its board of trustees, without district vote except as provided, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in such amount or amounts, bearing interest at such rate or rates and having such terms and provisions as the trustees determine. In the case of a vote by the trustees to authorize bonds or notes to pay for the acquisition of property, for the cost of a water system or part of a water system, for renewals or additions or for other improvements in the nature of capital costs, the estimated cost of which singly or in the aggregate included in any one financing is \$300,000 or more, but not for renewing or refunding existing indebtedness or to pay for maintenance, repairs or for current expenses, notice of the proposed debt and of the general purpose or purposes for which it was authorized must be given by the clerk by publication at least once in a newspaper or newsletter having a general circulation in the Town of Canton and mailed to district voters and customers via postcard or bill insert. No debt may be incurred under such vote of the trustees until the expiration of 14 calendar days following the date on which such notice was first published and mailed. Prior to the expiration of that period, the trustees may call a special district meeting for the purpose of permitting the voters of the district to express approval or disapproval of the amount of debt so authorized, and the trustees shall call a special district meeting if, within 14 calendar days following the publication and mailing of the notice, there has been filed with the clerk of the district a petition or petitions signed by not less than 50 qualified voters of the district requesting that such a special district meeting be called. If at the district meeting a majority of voters present and voting thereon expresses disapproval of the amount of debt authorized by the trustees, the debt may not be incurred and the vote of the trustees authorizing the same is void and of no effect.

The bonds, notes and evidences of indebtedness may be issued to mature serially in annual installments of not less than 1% of the face amount of the issue and

beginning not later than 2 years from the date of issue, or made to run for such periods as the trustees may determine, but no issue of bonds, notes or evidences of indebtedness may run for a longer period than 40 years from the date of original issue. Bonds, notes or evidences of indebtedness may be issued with or without provision for calling the same prior to maturity and if callable may be made callable at par or at a premium as the trustees may determine. All bonds, notes or other evidences of indebtedness must have inscribed upon their face the words "Canton Water District," must be signed by the treasurer and countersigned by the chair of the board of trustees of the district and, if coupon bonds are issued, the interest coupons attached to the coupon bonds must bear the facsimile of the signature of the treasurer. All bonds, notes and evidences of indebtedness so issued by the district are legal obligations of the district, which is hereby declared to be a quasi-municipal corporation within the meaning of Title 30-A, chapter 120. The district may, from time to time, issue its bonds, notes and other evidences of indebtedness for the purpose of paying, redeeming or refunding outstanding bonds, notes or evidences of indebtedness, and each authorized issue constitutes a separate loan. All bonds, notes and evidences of indebtedness issued by the district are legal investments for savings banks in the State of Maine and are tax-exempt. The district is authorized and empowered to enter into agreements with the State or Federal Government, or any agency of either, or any corporation, commission or board authorized by the State or Federal Government to grant or loan money to or otherwise assist in the financing of projects such as the district is authorized to carry out, and to accept grants and borrow money from any such government agency, corporation, commission or board as may be necessary or desirable to enforce the provisions of this Act. All notes and bonds with the maturity of more than one year must be first approved by the Public Utilities Commission pursuant to Title 35-A, section 902.

**Sec. 7. Referendum; effective date.** This Act takes effect 90 days after adjournment of the Legislature only for the purpose of permitting its submission to the legal voters within the territory described in section 1 at an election called for that purpose and held on or before December 1, 2021. Pursuant to the Maine Revised Statutes, Title 30-A, section 2528, the election must be called, advertised and conducted according to the law relating to municipal elections, except that the registrar of voters is not required to prepare or the clerk to post a new list of voters. For the purpose of registration of voters, the registrar of voters must be in session the secular day preceding the election. The subject matter of this Act is reduced to the following question:

"Shall An Act To Repeal and Replace the Canton Water District Charter, passed by the 129th Legislature, be accepted?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion of the same.

The results must be declared by the municipal officers of the Town of Canton and due certificate of the results filed by the clerk with the Secretary of State.

This Act takes effect for all other purposes immediately upon its approval by a majority of the legal voters voting at the election. Failure to achieve the necessary approval in any referendum does not prohibit subsequent referenda consistent with this section, as long as the referenda are held on or before December 1, 2021.

Effective pending referendum.

**CHAPTER 16**

**H.P. 1332 - L.D. 1861**

**An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2021 and To Increase the Maine Turnpike Authority Revenue Bond Limit**

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

**Sec. 1. 23 MRSA §1968, sub-§1,** as amended by PL 2007, c. 270, §3, is further amended to read:

**1. Turnpike revenue bonds.** In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding ~~\$486,000,000~~ \$600,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

**Sec. 2. Allocation.** Gross revenues of the Maine Turnpike Authority for the calendar year ending December 31, 2021 must be segregated, apportioned and disbursed as designated in the following schedule.

<b>MAINE TURNPIKE AUTHORITY</b>		<b>2021</b>
<b>Administration</b>		
Personal Services		\$1,249,100
All Other		1,609,071
TOTAL		<u>\$2,858,171</u>

**Accounts and Controls**

Personal Services	\$3,229,665
All Other	1,442,016
<b>TOTAL</b>	<b>\$4,671,681</b>

**Highway Maintenance**

Personal Services	\$4,742,834
All Other	3,551,992
<b>TOTAL</b>	<b>\$8,294,826</b>

**Equipment Maintenance**

Personal Services	\$1,256,405
All Other	2,641,450
<b>TOTAL</b>	<b>\$3,897,855</b>

**Fare Collection**

Personal Services	\$11,029,284
All Other	4,494,129
<b>TOTAL</b>	<b>\$15,523,413</b>

**Public Safety and Special Services**

Personal Services	\$646,038
All Other	7,511,718
<b>TOTAL</b>	<b>\$8,157,756</b>

**Building Maintenance**

Personal Services	\$677,666
All Other	667,438
<b>TOTAL</b>	<b>\$1,345,104</b>

Subtotal of Line Items Budgeted \$44,748,806

General Contingency - 10% of line items budgeted for 2021 (10% allowed) \$4,474,881

**MAINE TURNPIKE AUTHORITY**  
**TOTAL REVENUE FUNDS** **\$49,223,687**

**Sec. 3. Transfer of allocations.** Any balance of the allocation for "General Contingency" made by the Legislature for the Maine Turnpike Authority may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the use of the Maine Turnpike Authority for the same calendar year. Any balance of any other allocation or subdivision of any other allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred at any time prior to the closing of the books to any other allocation or subdivision of any other allocation made by the Legislature for the

use of the Maine Turnpike Authority for the same calendar year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation matters. Financial statements describing the transfer, other than a transfer from "General Contingency," must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In the case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee. These financial statements must include information specifying the accounts that are affected, amounts to be transferred, a description of the transfer and a detailed explanation as to why the transfer is needed.

**Sec. 4. Encumbered balance at year-end.** At the end of each calendar year, encumbered balances may be carried to the next calendar year.

**Sec. 5. Supplemental information.** As required by the Maine Revised Statutes, Title 23, section 1961, subsection 6, the following statement of the revenues in 2021 that are necessary for capital expenditures and reserves and to meet the requirements of any resolution authorizing bonds of the Maine Turnpike Authority during 2021, including debt service and the maintenance of reserves for debt service and reserve maintenance, is submitted.

**Turnpike Revenue Bond** **2021**  
**Resolution Adopted April 18, 1991;**  
**Issuance of Bonds Authorized**  
**Pursuant to the Maine Revised**  
**Statutes, Title 23, section 1968,**  
**subsections 1 and 2-A**

Debt Service Fund	\$36,077,640
Reserve Maintenance Fund	40,000,000
General Reserve Fund, to be applied as follows:	
Capital Improvements	27,055,656
Debt Service Fund under the General Special Obligation Bond Resolution Adopted May 15, 1996; Issuance of Bonds Authorized Pursuant to the Maine Revised Statutes, Title 23, section 1968, subsection 2-A	2,444,000
<b>TOTAL</b>	<b>\$105,577,296</b>

See title page for effective date.

## CHAPTER 17

## S.P. 723 - L.D. 2050

**An Act To Establish the  
Central Aroostook County  
Emergency Medical Services  
Authority**

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

**Whereas,** beginning in April 2020, Mars Hill, Bridgewater and Blaine will be without emergency medical services; and

**Whereas,** this situation places the entire population of those towns at enormous risk; and

**Whereas,** it is imperative that this situation be rectified immediately; and

**Whereas,** in order to secure emergency medical services for Mars Hill, Bridgewater and Blaine it is necessary to create a quasi-municipal corporation to provide such services; 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. Establishment.** The Central Aroostook County Emergency Medical Services Authority, referred to in this Act as "the authority," is established to facilitate the provision of emergency medical services to the citizens of Mars Hill, Bridgewater and Blaine.

**Sec. 2. Board of directors.** The authority is governed by a board of directors, referred to in this Act as "the board." The board consists of 9 members:

1. Three from Mars Hill, selected by its municipal officers;
2. Three from Bridgewater, selected by its municipal officers; and
3. Three from Blaine, selected by its municipal officers.

For the purposes of this section, "municipal officers" has the same meaning as in the Maine Revised Statutes, Title 30-A, section 2001, subsection 10.

The members of the board are appointed for terms of 2 years, except that one of the initial members from each municipality is appointed for a term of 3 years. The members may be reappointed at the pleasure of the appointing authority.

**Sec. 3. Powers.** The authority may:

1. Employ and compensate personnel, consultants, technical and professional assistants and an emergency medical services medical director;
2. Make and enter into contracts and agreements and, pursuant to the bylaws of the authority, purchase or lease all vehicles and equipment necessary to provide emergency medical services to members;
3. Hold public hearings and sponsor public forums;
4. Sue and be sued in its own name;
5. Accept funds, grants and services from federal, state, county and municipal governments or any agency thereof, gifts and stipends from its member towns and private gifts from individuals and entities; and
6. Apply for and accept loans and allocate and disburse funds received to carry out the purposes of the authority.

Debts of the authority authorized under this Act do not constitute or create any debt or liability on behalf of the State. Debts incurred under this Act do not directly, indirectly or contingently obligate the State to levy or to pledge any form of taxation or to make any appropriation for their payment. This section may not be construed to prevent the authority from pledging its full faith and credit to the payment of loans or other debts authorized pursuant to this Act.

**Sec. 4. Duties.** The authority shall:

1. Prepare an annual budget and require an annual audit that is made available for public inspection;
2. Follow uniform standards provided in the Maine Revised Statutes insofar as they relate to Department of Public Safety rules;
3. Make provisions for emergency medical services in Mars Hill, Bridgewater and Blaine and, on a contract basis, other areas where new services are to be provided; however, where emergency medical services are already provided by existing services, they are not abolished by this Act without the express consent of the governing body of the area where services are being provided and vote of the existing medical services' board;
4. Implement a subscription membership program unless otherwise prohibited by law; and
5. Set and annually adjust an approved cost-basis schedule that is uniform throughout Mars Hill, Bridgewater and Blaine.

**Sec. 5. Organization; conduct of business.** The board must be organized and its business must be conducted in accordance with the following.

1. The board shall elect a chair, vice-chair, secretary and treasurer from among its members.

2. The secretary shall keep a record of the board's meetings. These records are public records as defined in the Maine Revised Statutes, Title 1, section 402, subsection 3.

3. The treasurer shall keep records of the board's transactions. These records are public records as defined in Title 1, section 402, subsection 3.

4. The treasurer must be bonded in an amount to be determined by the board.

5. A quorum of the board is established in the bylaws of the authority and must include the chair or vice-chair and the secretary or treasurer of the board.

6. The board shall adopt such bylaws and mission statements as are necessary for the legal operation and proper management of the authority.

**Sec. 6. Meetings.** The bylaws must establish the annual meeting of the board. Additional meetings may be scheduled at the call of the chair or at the written request of any 5 members of the board.

A member who fails to attend board meetings 5 consecutive times may be replaced by the appointing authority. Notification of such absences from the secretary of the board to the appointing authority is sufficient to trigger the appointment of a replacement board member by the appointing authority.

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

Effective February 29, 2020.

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**CHAPTER 18  
H.P. 341 - L.D. 432**

**An Act To Amend the Greater  
Augusta Utility District  
Charter**

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

**Sec. 1. P&SL 2007, c. 22, Pt. A, §12** is amended to read:

**Sec. A-12. Additional methods of collection of wastewater assessments.** If assessments under the provisions of section 9 are not paid and the district does not proceed to collect unpaid assessments by a sheriff's sale of the real estate upon which the assessments are made under section 11 or does not collect or is in any manner delayed or defeated in collecting the assessments by a sheriff's sale of the real estate under section 11, then the district, in the name of the district, may maintain an action against the party assessed for the amount of the assessment, for money paid, laid out and expended, in any court competent to try the suit,

and in the suit may recover the amount of the assessment with 10% interest on the assessments from the date of the assessments and costs. In addition to the lien for unpaid wastewater assessments in section 11 and suits for collection described in this section, the district is authorized to disconnect water service for the non-payment of wastewater charges, inclusive of sewer and stormwater drain charges, pursuant to the Maine Revised Statutes, Title 35-A, section 6111-C.

**Sec. 2. P&SL 2007, c. 22, Pt. A, §19, sub-§1, first ¶** is amended to read:

1. All the affairs of the Greater Augusta Utility District are managed by a Board of Trustees comprised of 7 voting members, one nonvoting representative of the City of Augusta and one nonvoting representative of the City of Hallowell. The nonvoting representative of the City of Hallowell may vote in the absence of the voting representative of the City of Hallowell. Six voting members are appointed by the mayor of the City of Augusta, with the approval of a majority of the Augusta City Council. One voting member is appointed by the mayor of the City of Hallowell, with the approval of a majority of the Hallowell City Council. One nonvoting member must be the mayor of the City of Augusta or the mayor's designee, and the other nonvoting member must be the mayor of the City of Hallowell or the mayor's designee.

See title page for effective date.

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**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019**

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**CHAPTER 108  
H.P. 766 - L.D. 1036**

**Resolve, Establishing a Task  
Force To Study the Creation of  
a Comprehensive Career and  
Technical Education System  
and Increased Crosswalks for  
Academic Credit between  
Secondary Schools and Career  
and Technical Education  
Programs**

**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 Task Force To Study the Creation of a Comprehensive Career and Technical Education System is established pursuant to this legislation to study the feasibility of establishing a comprehensive 4-year high school career and technical education program to provide a technical high school setting for students; and

**Whereas,** the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; 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

**Sec. 1. Task force established. Resolved:** That the Task Force To Study the Creation of a Comprehensive Career and Technical Education System, referred to in this resolve as "the task force," is established.

**Sec. 2. Task force membership. Resolved:** That, notwithstanding Joint Rule 353, the task force consists of 16 members as follows:

1. Four members appointed by the President of the Senate as follows:

A. Two members of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature, one of

whom is a member of the Joint Standing Committee on Education and Cultural Affairs;

B. One member who is a current career and technical education high school administrator;

C. One member who is on the State Board of Education; and

D. One member who is a principal of a secondary school;

2. Four members appointed by the Speaker of the House as follows:

A. Two members of the House of Representatives, including one member from each of the 2 parties holding the largest number of seats in the Legislature, one of whom is a member of the Joint Standing Committee on Education and Cultural Affairs;

B. One member who is a current career and technical education high school administrator;

C. One member who is on the State Board of Education; and

D. One member who is a superintendent of a school administrative unit;

3. Five members appointed by the Governor as follows:

A. One member who is an administrator at a community college;

B. One member who is on a local board of education in a Maine community;

C. One member who is an officer of the Maine Education Association;

D. One member who is a member of a trade union; and

E. One member who is an administrator at the University of Maine System; and

4. The Commissioner of Education or the commissioner's designee.

**Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the task force.

**Sec. 4. Appointments; convening of task force. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify

the Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this resolve a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

**Sec. 5. Duties. Resolved:** That the task force shall:

1. Examine the feasibility of establishing a comprehensive 4-year high school career and technical education program to provide a technical high school setting for middle school students to attend at the completion of the 8th grade, including but not limited to the advantages and disadvantages of a comprehensive 4-year high school career and technical education model, obstacles to implementation of a comprehensive 4-year high school career and technical education model and other models for comprehensive 4-year high school career and technical education that exist around the State and on a national level; and

2. Examine increasing crosswalks and intersections between technical and occupational knowledge and curricula and academic standards in order to promote multiple pathways for awarding content area credit to students enrolled in career and technical education programs, including but not limited to building on prior and current work among the Department of Education, superintendents of school administrative units and career and technical education administrators.

**Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide necessary staffing services to the task force, except that Legislative Council staff support is not authorized when the Legislature is in regular or special session.

**Sec. 7. Report. Resolved:** That, no later than December 4, 2019, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 129th Legislature.

**Sec. 8. Outside funding. Resolved:** That the task force shall seek funding contributions to fully fund the costs of the task force. All funding is subject to approval by the Legislative Council in accordance with its policies. If sufficient contributions to fund the task force have not been received within 30 days after the effective date of this resolve, no meetings are authorized and no expenses of any kind may be incurred or reimbursed.

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

Effective January 12, 2020.

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## CHAPTER 109

H.P. 1215 - L.D. 1700

### Resolve, Regarding African-American Student Data Analyses

**Sec. 1. African-American students data analyses. Resolved:** That the Maine Education Policy Research Institute shall provide to the Department of Education analyses of the school achievement, disciplinary actions and special education identification and placement of African-American students.

**Sec. 2. Harassment and hate crimes data. Resolved:** That the Department of Education may request data on reported harassment and hate crimes based on race occurring in public schools from the Maine Human Rights Commission and the Department of the Attorney General, Civil Rights Team Project.

See title page for effective date.

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## CHAPTER 110

H.P. 1289 - L.D. 1809

### Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period because MaineCare reimbursement rates for evidence-based therapies for treating emotional and behavioral problems in children have not been adjusted in more than 8 years and are insufficient to enable some providers to continue to provide services; 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

**Sec. 1. Department of Health and Human Services to increase MaineCare reimbursement for outpatient psychosocial treatments for children. Resolved:** That the Department of Health and Human Services shall increase reimbursement rates under rule Chapter 101: MaineCare Bene-

fits Manual, Chapters II and III, Section 65 for multi-systemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy by 20% for the period from the effective date of this resolve to June 30, 2020.

**Sec. 2. Rate study. Resolved:** That the Department of Health and Human Services shall contract with a 3rd party to conduct a rate study of reimbursement rates under rule Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 65 for multi-systemic therapy, multisystemic therapy for problem sexualized behavior and functional family therapy. The rate study must develop a rate that is set on a per case per week basis. The rate study must also take into account the costs to providers of delivering the services, including additional training, and maintenance of fidelity to the treatment models. The rate study must be completed no later than December 1, 2019.

**Sec. 3. Report. Resolved:** That the Department of Health and Human Services shall submit a report to the Joint Standing Committee on Health and Human Services with the findings of the rate study conducted pursuant to section 2 no later than January 30, 2020.

**Sec. 4. Rulemaking. Resolved:** That the Department of Health and Human Services is authorized to adopt rules to implement new rates developed pursuant to the rate study in section 2 as long as those rates are no lower than the rates of reimbursement that exist on April 1, 2019 and the federal Department of Health and Human Services, Centers for Medicare and Medicaid Services approves the reimbursement rates. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

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

Effective January 12, 2020.

**CHAPTER 111**

**H.P. 1309 - L.D. 1838**

**Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services**

**Sec. 1. Department of Health and Human Services to examine upper payment limit options. Resolved:** That the Department of Health and Human Services shall examine options and methodologies to increase the federally approved upper

payment limits for services provided under MaineCare. The department may contract with any consultant or 3rd-party organization that the department determines appropriate for this purpose. The department may consult with any stakeholders that the department determines appropriate for this purpose. The department shall report its findings, actions taken, adjustments to upper payment limits, negotiations with the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services and any necessary legislation to the Joint Standing Committee on Health and Human Services no later than January 15, 2020.

**Sec. 2. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Office of MaineCare Services 0129**

Initiative: Provides funding to contract with a 3rd party to examine upper payment limit options to increase federally approved limits for services provided under MaineCare.

<b>GENERAL FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$13,000	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$13,000</b>	<b>\$0</b>
<b>FEDERAL EXPENDITURES FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$13,000	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$13,000</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 112**

**H.P. 1446 - L.D. 2036**

**Resolve, To Establish the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems**

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

**Whereas,** Resolve 2019, chapter 97 established the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems, which found that due to the complexity and importance of the subject matter it needed more time

to adequately consider the issues before providing a recommendation to the Joint Standing Committee on Transportation; and

**Whereas**, this legislation establishes the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems; and

**Whereas**, it is necessary to immediately continue the work started by the previous commission in order that a recommendation may be submitted to the Joint Standing Committee on Transportation and be acted upon before the end of the Second Regular Session of the 129th Legislature; 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

**Sec. 1. Commission established. Resolved:** That the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems, referred to in this resolve as "the commission," is established.

**Sec. 2. Commission membership. Resolved:** That, notwithstanding Joint Rule 353, the 15 members and chairs appointed to the Blue Ribbon Commission To Study and Recommend Funding Solutions for the State's Transportation Systems, established pursuant to Resolve 2019, chapter 97 and referred to in this resolve as "the previous commission," serve as the members and chairs of the commission.

**Sec. 3. Duties. Resolved:** That the commission shall continue the work of the previous commission to study how to reform and adequately supplement funding for the State's transportation infrastructure to promote equity, sustainability and predictability so that the State can responsibly provide safe and reliable state transportation systems. The commission shall continue to focus on funding the state highway and bridge system and shall also develop findings or recommendations on the need and potential funding solutions for multimodal transportation infrastructure. Specific study topics may include, but are not limited to, those listed in Resolve 2019, chapter 97, section 5.

The commission shall meet up to 4 times over the course of the Second Regular Session of the 129th Legislature and may hold public hearings and review recommendations from the people of the State and qualified experts when appropriate. The chairs may also provide the opportunity for knowledgeable stakeholders to submit written comments throughout the study process and to provide oral testimony on the commission's draft recommendations.

**Sec. 4. Staff assistance. Resolved:** That the Department of Transportation shall provide necessary staffing services to the commission, and the Office of Policy and Legal Analysis shall provide drafting assistance for any legislation proposed by the commission.

**Sec. 5. Report. Resolved:** That, no later than March 5, 2020, the commission shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Joint Standing Committee on Transportation. The Joint Standing Committee on Transportation may submit legislation for presentation to the Second Regular Session of the 129th Legislature.

**Sec. 6. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**LEGISLATURE**

**Study Commissions - Funding 0444**

Initiative: Allocates funds on a one-time basis for the costs to the Legislature of Legislators participating in the work of the Blue Ribbon Commission To Continue Studying and Recommend Funding Solutions for the State's Transportation Systems.

<b>HIGHWAY FUND</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$1,960	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$1,960</b>	<b>\$0</b>

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

Effective January 21, 2020.

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**CHAPTER 113**

**H.P. 937 - L.D. 1294**

**Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues**

**Sec. 1. Maine Human Rights Commission pilot program to investigate and report on incidents and complaints of harassment due to housing status, lack of employment and other issues. Resolved:** That the Maine Human Rights Commission shall, within budgeted resources, implement a 2-year pilot program to receive, review and investigate incidents and complaints of harassment due to a person's lack of employment or housing status and other reports of interference with a person's access to public accommodations.

In carrying out the pilot program, the commission shall investigate and respond to incidents and complaints of harassment as set out in the Maine Revised Statutes, Title 5, sections 4611 and 4612. The commission may use any of its powers under Title 5, section 4566 to carry out the pilot program. The commission may limit the scope of the pilot program in the interest of efficiency.

The commission shall produce an interim report for submission to the Joint Standing Committee on Judiciary by September 15, 2021. The commission shall produce a final report for submission to the joint standing committee of the Legislature having jurisdiction over judiciary matters by September 15, 2022. Either report may contain recommendations on changes to the pilot program or for its continuation as well as suggested legislation to carry out any of the recommendations.

See title page for effective date.

**CHAPTER 114**

**H.P. 190 - L.D. 227**

**Resolve, Directing the Department of Health and Human Services To Review the State's Public Health Infrastructure**

**Sec. 1. Department of Health and Human Services to review the State's public health infrastructure. Resolved:** That the Commissioner of Health and Human Services shall use a process that includes stakeholder participation and feedback, including from the Maine Public Health Association, to review the State's public health infrastructure and develop recommendations to strengthen the efficiency and effectiveness of public health service delivery.

**Sec. 2. Report. Resolved:** That the Commissioner of Health and Human Services shall present the findings and recommendations based on the review pursuant to section 1 to the joint standing committee of the Legislature having jurisdiction over health and human services matters no later than January 1, 2021. The committee may report out legislation to the First Regular Session of the 130th Legislature related to the recommendations of the report.

See title page for effective date.

**CHAPTER 115**

**H.P. 1338 - L.D. 1872**

**Resolve, Regarding Legislative Review of Portions of Chapter 12: Licensure of Manufacturers and Wholesalers, a Major Substantive Rule of the Department of Professional and Financial Regulation, Maine Board of Pharmacy**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 12: Licensure of Manufacturers and Wholesalers, a provisionally adopted major substantive rule of the Department of Professional and Financial Regulation, Maine Board of Pharmacy that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 9, 2020.

**CHAPTER 116  
H.P. 29 - L.D. 28**

**Resolve, Directing the  
Department of Marine  
Resources To Evaluate the  
Limited-entry Lobster and  
Crab Fishing Licensing System**

**Sec. 1. Limited-entry lobster zone management review. Resolved:** That the Department of Marine Resources shall submit a report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by February 15, 2021 that evaluates the limited-entry zone policy in the Maine Revised Statutes, Title 12, section 6448. The report must examine the long waiting periods for new zone entrants to be permitted to obtain a lobster and crab fishing license to fish in a limited-entry zone. In examining the waiting list for participation, the department shall consider:

1. The current biological status of the fishery;
2. Current exit-to-entry ratios in each limited-entry zone;
3. Latency of licenses and trap tags;
4. The current policy for student lobster and crab fishing licenses; and
5. Any other factors the department finds relevant to its examination.

The department shall also revisit the findings and recommendations made in the report prepared for the department by the Gulf of Maine Research Institute pursuant to Resolve 2011, chapter 62. The report must include recommendations regarding the long waiting periods for entry into a limited-entry zone. In making any recommendations, the department shall account for potential impacts to the lobster fishery as a result of any proposed new federal regulations to address protections for endangered right whales. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation to the First Regular Session of the 130th Legislature based upon the report of the department.

See title page for effective date.

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**CHAPTER 117  
H.P. 580 - L.D. 775**

**Resolve, To Authorize the  
Department of Health and  
Human Services To Amend Its  
Rules for Eligibility for  
Community Support Services**

**Sec. 1. Department of Health and Human Services authorized to amend eligibility criteria for community support services. Resolved:** That the Department of Health and Human Services may amend its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services concerning eligibility criteria for services under that section. The department may include in the eligibility determination an assessment of whether an individual has significant impairment or limitation in adaptive behavior or functioning related to the individual's primary clinical diagnosis. The department may also consider:

1. Including in the list of clinical diagnoses that are automatically eligible for services additional clinical diagnoses of conditions that substantially interfere with or limit one or more major life activities; and
2. Expanding the situations in which an individual might be at risk of harm if the individual were to have future episodes related to the individual's primary clinical diagnosis.

**Sec. 2. Report. Resolved:** That the Department of Health and Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters by January 15, 2021 as to whether the department amended its rule Chapter 101: MaineCare Benefits Manual, Chapter II, Section 17, Community Support Services, referred to in this section as "the rule," concerning eligibility criteria for services under that section and, if so, the justification for the changes made by the amendment.

The department also shall provide the committee with:

1. Data regarding:
  - A. The eligibility criteria for determining who has access to community support services; and
  - B. The number of individuals who applied for community support services and, of those:
    - (1) The number initially accepted;
    - (2) The number initially rejected;
    - (3) The number who were rejected who appealed the rejection; and

- (4) Of the number who appealed, the number accepted following the appeal;
- 2. An assessment as to whether the department is fulfilling the intended purpose of the rule, regardless of whether the department has amended the rule, as authorized pursuant to section 1;
- 3. The department's plan for communicating to providers how the department plans to ensure the provision of community support services under the rule; and
- 4. Any other information relevant to the provision of community support services under the rule and the access of individuals to those services.

The joint standing committee may report out legislation to the First Regular Session of the 130th Legislature regarding the subject matter of the report and any rules adopted by the department pursuant to section 1.

See title page for effective date.

**CHAPTER 118**

**H.P. 1342 - L.D. 1876**

**Resolve, To Name Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge**

**Sec. 1. Veterans Memorial Bridge named. Resolved:** That the Department of Transportation shall designate Bridge 3880 in the Town of Dresden the Veterans Memorial Bridge.

See title page for effective date.

**CHAPTER 119**

**H.P. 1433 - L.D. 2012**

**Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory**

**Sec. 1. State Tax Assessor authorized to convey real estate. Resolved:** That the State Tax Assessor is authorized to convey by sale the interest of the State in real estate in the Unorganized Territory as indicated in this resolve. Except as otherwise directed in this resolve, the sale must be made to the highest bidder subject to the following provisions.

- 1. Notice of the sale must be published 3 times prior to the sale, once each week for 3 consecutive weeks, in a newspaper in the county where the real estate lies, except in those cases in which the sale is to be made to a specific individual or individuals as au-

thorized in this resolve, in which case notice need not be published.

- 2. A parcel may not be sold for less than the amount authorized in this resolve. If identical high bids are received, the bid postmarked with the earliest date is considered the highest bid.

If bids in the minimum amount recommended in this resolve are not received after the notice, the State Tax Assessor may sell the property for not less than the minimum amount without again asking for bids if the property is sold on or before April 1, 2021.

Employees of the Department of Administrative and Financial Services, Bureau of Revenue Services and spouses, siblings, parents and children of employees of the Bureau of Revenue Services are barred from acquiring from the State any of the real property subject to this resolve.

Upon receipt of payment as specified in this resolve, the State Tax Assessor shall record the deed in the appropriate registry at no additional charge to the purchaser before sending the deed to the purchaser.

Abbreviations and plan and lot references are identified in the 2017 Unorganized Territory valuation book. Parcel descriptions are as follows:

**2017 MATURED TAX LIENS**

Bancroft TWP, Aroostook County

Map AR110, Plan 05, Lot 7.8 030400035-3  
 Collelo, Sarah 35.90 acres with building

TAX LIABILITY	
2017	\$259.34
2018	\$289.76
2019	\$306.61
2020 (estimated)	\$306.61
Estimated Total	\$1,162.32
Taxes	
Interest	\$35.92
Costs	\$38.00
Deed	\$19.00
Total	\$1,255.24

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$1,255.24. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$1,275.00.

Salem TWP, Franklin County

Map FR027, Plan 01, Lot 49.18 078200334-3

**RESOLVE, C. 119**

**SECOND REGULAR SESSION - 2019**

Kiely, John J. 5.00 acres

2020 (estimated) \$101.09

TAX LIABILITY	
2017	\$119.36
2018	\$134.88
2019	\$140.32
2020 (estimated)	\$140.32
<hr/>	
Estimated Total	\$534.88
Taxes	
Interest	\$16.58
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$608.46

Estimated Total	\$1,323.82
Taxes	
Interest	\$151.71
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$1,532.53

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$608.46. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$625.00.

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$1,532.53. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$1,550.00.

Ebeemee TWP, Piscataquis County

Map PI003, Plan 04, Lot 17 218530127-4

PJ Camp LLC 1.35 acres with building

Albany TWP, Oxford County

Map OX016, Plan 02, Lot 123 178020512-4

Sargent, John Stephen II and Stephanie Sargent Weaver, Trustee 0.22 acre

TAX LIABILITY	
2017	\$31.54
2018	\$33.03
2019	\$36.99
2020 (estimated)	\$36.99
<hr/>	
Estimated Total	\$138.55
Taxes	
Interest	\$4.30
Costs	\$38.00
Deed	\$19.00
<hr/>	
Total	\$199.85

TAX LIABILITY	
2017	\$646.94
2018	\$680.23
2019	\$748.87
2020 (estimated)	\$748.87
<hr/>	
Estimated Total	\$2,824.91
Taxes	
Interest	\$88.34
Costs	\$38.00
Deed	\$19.00
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Total	\$2,970.25

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$199.85. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$200.00.

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$2,970.25. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$2,975.00.

Trescott TWP, Washington County

Map WA032, Plan 01, Lot 147 298110308-2

Rodriguez, Richard 119.00 acres

Argyle TWP, Penobscot County

Map PE035, Plan 02, Lot 64 198012044-2

Walsh, Stephen and Milagros 10.00 acres

TAX LIABILITY	
2017	\$1,021.36
2018	\$100.28
2019	\$101.09

TAX LIABILITY	
2017	\$418.44
2018	\$432.02
2019	\$446.65
2020 (estimated)	\$446.65
<hr/>	
Estimated Total	\$1,743.76
Taxes	
Interest	\$56.90
Costs	\$38.00
Deed	\$19.00
<hr/>	



Total \$1,857.66

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$1,857.66. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$1,875.00.

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$812.07. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$825.00.

See title page for effective date.

Cathance TWP, Washington County

Map WA034, Plan 03, Lot 9 293300040-4

Lifer, Wallace W. 3.00 acres with building

TAX LIABILITY	
2017	\$118.47
2018	\$122.31
2019	\$126.45
2020 (estimated)	\$126.45
Estimated Total	\$493.68
Taxes	
Interest	\$16.11
Costs	\$38.00
Deed	\$19.00
Total	\$566.79

Recommendation: Sell to the immediate former owner or the immediate former owner's heirs or devisees for \$566.79. If payment is not received within 60 days after the effective date of this resolve, sell to the highest bidder for not less than \$575.00.

Lexington TWP, Somerset County

Map SO001, Plan 01, Lot 43.2 258310141-1

Hewett, Esther B. 2.25 acres with building

TAX LIABILITY	
2017	\$182.09
2018	\$190.23
2019	\$197.69
2020 (estimated)	\$197.69
Estimated Total	\$767.70
Taxes	
Interest	\$6.37
Costs	\$19.00
Deed	\$19.00
Total	\$812.07

**CHAPTER 120**

**H.P. 1459 - L.D. 2048**

**Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** the land authorized for transfer by this resolve is within the designations in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may sell or exchange lands or interests in lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized to convey land. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may, by a boundary line agreement and on such other terms and conditions as the director may direct by quitclaim deed without covenant, convey all interests held by the bureau in 2 parcels of land cumulatively totaling 2.923 acres, more or less, to Richard Hatton McAuley and to Richard Hatton McAuley and Anita Baldwin in exchange for 2.923 acres, more or less, to execute a boundary line adjustment to create a straight southeast boundary line at Vaughan Woods Memorial State Park located in South Berwick.

See title page for effective date.

**CHAPTER 121  
H.P. 1470 - L.D. 2069**

**Resolve, Regarding Legislative Review of Portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 27: Standards for Pesticide Applications and Public Notification in Schools, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 17, 2020.

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**CHAPTER 122  
H.P. 1471 - L.D. 2070**

**Resolve, Regarding Legislative Review of Portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 26: Standards for Indoor Pesticide Applications and Notification for All Occupied Buildings Except K-12 Schools, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 17, 2020.

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**CHAPTER 123  
H.P. 1479 - L.D. 2078**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
100: Enforcement Procedures,  
a Major Substantive Rule of  
the Maine Health Data  
Organization**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 100: Enforcement Procedures, a provisionally adopted major substantive rule of the Maine Health Data Organization that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following change is made.

1. The rule must be amended in Section 2 in paragraph M to change the cross-reference in the definition of "pharmacy benefits manager" to Title 24-A, section 4347, subsection 17.

The Maine Health Data Organization is not required to hold hearings or undertake further proceedings prior to the final adoption of the rule in accordance with this section.

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

Effective March 17, 2020.

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**CHAPTER 124  
H.P. 1482 - L.D. 2081**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
311: Portfolio Requirement, a  
Major Substantive Rule of the  
Public Utilities 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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 311: Portfolio Requirement, a provisionally adopted major substantive rule of the Public Utilities Commission that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 17, 2020.

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**CHAPTER 125  
H.P. 1483 - L.D. 2082**

**Resolve, Regarding Legislative Review of Portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 28: Notification Provisions for Outdoor Pesticide Applications, a provisionally adopted major substantive rule of the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 17, 2020.

**CHAPTER 126  
H.P. 1280 - L.D. 1799**

**Resolve, Authorizing the Department of Agriculture, Conservation and Forestry To Convey Certain Land in the Little Moose Unit of Moosehead Junction Township**

**Preamble.** The Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation or recreation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House.

**Whereas,** certain real estate authorized for conveyance by this resolve is under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

**Whereas,** the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may convey lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1814 and section 1851, subsections 1 and 3; now, therefore, be it

**Sec. 1. Director of Bureau of Parks and Lands authorized, but not directed, to convey certain land in Little Moose Unit, Moosehead Junction Township. Resolved:** That the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry may, by quitclaim deed without covenant, for appraised fair market value and other compensation and on such other terms and conditions as the director may direct, convey a parcel of land, totaling approximately 0.23 acre, situated in Little Moose Unit, off Route 15 in Moosehead Junction Township and described in a boundary survey performed by Heart of Maine Surveying entitled "Proposed Land to be conveyed to Charles J. Benevento, Moosehead Jct. Twp." dated February 17, 2016 to an abutter, Charles Benevento. The purpose of the conveyance is to resolve a boundary issue. The conveyance repeals the designation of the parcel as public reserved lands as required by the Maine Revised Statutes, Title 12, section 598-A.

See title page for effective date.

**CHAPTER 127  
H.P. 1352 - L.D. 1886**

**Resolve, To Rename the Sibley Pond Bridge the William Harris Memorial Bridge**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, this legislation renames the Sibley Pond Bridge after William Harris, whose life was dedicated to public service for both the State and his country; and

**Whereas**, it is important that this legislation take effect immediately in order to timely honor the late William Harris; 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

**Sec. 1. Sibley Pond Bridge renamed. Resolved:** That the Department of Transportation shall designate Bridge 2767 in the Town of Canaan and the Town of Pittsfield, currently known as the Sibley Pond Bridge, the William Harris Memorial Bridge.

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

Effective March 18, 2020.

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**CHAPTER 128  
S.P. 662 - L.D. 1915**

**Resolve, Directing the  
Department of Environmental  
Protection To Evaluate  
Emissions from Aboveground  
Petroleum Storage Tanks**

**Sec. 1. Air emissions study. Resolved:** That the Department of Environmental Protection shall study methods to measure and estimate air emissions from aboveground petroleum storage tanks. In conducting the study under this section, the department shall include, but is not limited to, consideration of methods published by the United States Environmental Protection Agency, ASTM International and the National Institute of Standards and Technology, as well as methods used by other states and jurisdictions. As part of the study, the department shall identify methods or programs for assisting municipalities in the use and application of mobile air quality monitoring devices to identify the release of hazardous air pollutants from aboveground petroleum storage tanks.

**Sec. 2. Odor and air emissions control study. Resolved:** That the Department of Environmental Protection shall study methods to control odor and other air emissions from emission sources at oil terminal facilities, including emissions from aboveground petroleum storage tanks, loading racks

and vessel offloading. In conducting the study under this section, the department shall include consideration of best available technologies for the control of odor and emissions being used by other states and jurisdictions.

**Sec. 3. Report. Resolved:** That, by January 1, 2021, the Department of Environmental Protection shall report its findings under sections 1 and 2 to the joint standing committee of the Legislature having jurisdiction over environment and natural resources matters. The report must include recommendations from the department for methods to be applied for emissions measurement and estimates and methods or programs for assisting municipalities in the use and application of mobile air quality monitoring devices, as well as recommended odor and emission control requirements, and must include identification of any procedural steps necessary to implement those recommendations in the State under the federal Clean Air Act.

The joint standing committee of the Legislature having jurisdiction over environment and natural resources matters is authorized to submit legislation related to the report to the First Regular Session of the 130th Legislature.

See title page for effective date.

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**CHAPTER 129  
H.P. 1453 - L.D. 2042**

**Resolve, To Allow the  
Department of Public Safety  
To Transfer Certain Property  
to the LifeFlight Foundation**

**Sec. 1. Transfer of certain property. Resolved:** That the State, by and through the Commissioner of Administrative and Financial Services, upon recommendation of the Commissioner of Public Safety, shall transfer to the LifeFlight Foundation title and ownership of a 2014 Ford Expedition motor vehicle and computerized training equipment that were purchased by the Department of Public Safety with funds provided by the LifeFlight Foundation. The Department of Public Safety shall transfer to the LifeFlight Foundation any funds remaining in a dedicated special revenue account maintained by the Department of Public Safety. The Department of Public Safety shall terminate the Memorandum of Understanding, dated June 1, 2014, between the Department of Public Safety, Maine Emergency Medical Services and the LifeFlight Foundation.

See title page for effective date.

**CHAPTER 130**  
**H.P. 1469 - L.D. 2068**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
15: Death with Dignity Act  
Reporting Rule, a Major  
Substantive Rule of the  
Department of Health and  
Human Services, Maine Center  
for Disease Control and  
Prevention**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 15: Death with Dignity Act Reporting Rule, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

See title page for effective date.

**CHAPTER 131**  
**H.P. 1472 - L.D. 2071**

**Resolve, Regarding Legislative  
Review of Chapter 125: Basic  
Approval Standards: Public  
Schools and School  
Administrative Units, a Major  
Substantive Rule of the  
Department of Education and  
the State Board of Education**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of Chapter 125: Basic Approval Standards: Public Schools and School Administrative Units, a provisionally adopted major substantive joint rule of the Department of Education and the State Board of Education, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. The rule must be amended in Section 2 to add definitions for "evidence-based," "progress monitoring" and "screening."

2. The rule must be amended in Section 2.09 to change the word "authorizing" to "approving" before the word "entity."

3. The rule must be amended in Section 4.02(C) to add that the goals and strategies must consider and coordinate with prekindergarten, applied technology education and adult and community education programs, where such programs exist.

4. The rule must be amended in Section 5.18 to reflect the following:

A. In Tier I, the phrase "core, curriculum-based instruction" must be replaced with "core curriculum";

B. The terms "high-quality" and "quality, research-based" must be replaced with the term "evidence-based";

C. The consistent process of screening must be amended to provide that it is a consistent process of valid, reliable and age-appropriate screening and progress monitoring to evaluate student progress at all tiers; and

D. The bullet points outlining what the development and implementation of a multi-tiered system of support include must be reorganized to make the sequence clearer.

5. The rule must be amended, throughout, to add cross-references to statutory authority or other departmental or agency rule as necessary.

6. All necessary grammatical, formatting, punctuation and other technical nonsubstantive editing changes must be made to the rule, including but not limited to relettering and renumbering any section as necessary to implement the changes pursuant to this resolve.

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

Effective March 18, 2020.

**CHAPTER 132  
H.P. 1473 - L.D. 2072**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
132: Learning Results:  
Parameters for Essential  
Instruction, a Major  
Substantive Rule of the  
Department of Education**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 132: Learning Results: Parameters for Essential Instruction, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A is authorized only if the following changes are made:

1. The rule must be amended in the preamble to the language strand in the English language arts standards to emphasize that these standards are not a checklist but key components of reading, writing, speaking and listening instruction and that these standards should be treated as such;
2. The rule must be amended in the preamble to the reading strand of the English language arts standards to include reference to texts in cursive, print and digital fonts; and
3. The rule must be amended in mathematics standards, coding reference 3.MD.A.1 to add a reference to analog and digital clocks.

See title page for effective date.

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**CHAPTER 133  
H.P. 1474 - L.D. 2073**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
4: Water-based Fire Protection  
Systems, a Major Substantive  
Rule of the Department of  
Public Safety, Office of the  
State Fire Marshal**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 4: Water-based Fire Protection Systems, a provisionally adopted major substantive rule of the Department of Public Safety, Office of the State Fire Marshal that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 18, 2020.

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**CHAPTER 134  
H.P. 1476 - L.D. 2075**

**Resolve, Regarding Legislative  
Review of Portions of Chapter  
115: Part II Requirements for  
Specific Certificates and  
Endorsements, a Major  
Substantive Rule of the State  
Board of Education**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 115: Part II Requirements for Specific Certificates and Endorsements, a provisionally adopted major substantive rule of the State Board of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective March 18, 2020.

**CHAPTER 135**

**H.P. 1478 - L.D. 2077**

**Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Major Substantive Rule of the Department of Education**

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a provisionally adopted major substantive rule of the Department of Education that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A is authorized only if the rule is amended in Section 9, subsection 2 to reorder the effectiveness ratings to be consistent with Section 8 of the rule in the following order: highly effective, effective, partially effective and ineffective.

See title page for effective date.

**CHAPTER 136**

**H.P. 1481 - L.D. 2080**

**Resolve, Regarding Legislative Review of Portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a Major Substantive Rule of the Department of Health and Human Services**

**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 Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

**Whereas,** a major substantive rule has been submitted to the Legislature for review; and

**Whereas,** immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

**Sec. 1. Adoption. Resolved:** That final adoption of portions of Chapter 104: Maine State Services Manual, Section 8, Wholesale Prescription Drug Importation Program, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following changes are made.

1. The rule must be amended in Section 8.01 in the last sentence to provide that the department shall submit an application no later than May 1, 2020, and, if the federal rule is not finalized prior to May 1, 2020, that the department shall submit a subsequent or revised application as soon as practicable after finalization of the federal rule.

2. The rule must be amended in Section 8.02 by amending the time allowed for input from between January 1, 2020 and July 1, 2020 to between January 1, 2020 and March 16, 2020 and to allow for additional input from stakeholders as necessary after the federal rule is finalized.

3. The rule must be amended in Section 8.03 to require the department, following the conclusion of the stakeholder input process and as required by Title 5, section 2042, to submit an application to the United States Department of Health and Human Services to establish a state importation program no later than May 1, 2020. The rule must be amended to also require that, if the final federal rule is not released before May 1, 2020, the department shall submit a subsequent or revised application to establish a state importation program as soon as is practicable after the release of the final federal rule. The rule must be amended to also require that, if the department determines further rulemaking is necessary to implement the requirements of the program design, additional rules will be proposed.



The Department of Health and Human Services is not required to hold hearings or undertake further proceedings prior to the final adoption of the rule in accordance with this section.

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

Effective March 18, 2020.

**CHAPTER 137**

**S.P. 761 - L.D. 2122**

**Resolve, Designating Portions of Route 139 and Route 201A in Somerset County the Corporal Eugene Cole Way**

**Sec. 1. Designate portions of Route 139 and Route 201A the Corporal Eugene Cole Way. Resolved:** That the Department of Transportation shall designate Route 139 from its intersection with Route 201 in the Town of Fairfield to its intersection with Route 201A in the Town of Norridgewock and Route 201A from that intersection in the Town of Norridgewock to the town line of the Town of Madison the Corporal Eugene Cole Way.

See title page for effective date.

**CHAPTER 138**

**H.P. 415 - L.D. 571**

**Resolve, Directing the Department of Transportation To Conduct an Economic Feasibility Study for Commuter and Passenger Train Service between Portland and the Lewiston and Auburn Area**

**Sec. 1. Economic feasibility study. Resolved:** That, if the Department of Transportation receives funding in accordance with section 2, the department shall conduct an economic feasibility study for commuter and passenger train service between Portland and the Lewiston and Auburn area. The study must include an economic evaluation of commuter and passenger train service along the corridor route and any analysis necessary to secure potential funding sources identified in the Lewiston-Auburn Passenger Rail Service Plan report published May 2019. The department shall submit a report of its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 1, 2021. The joint

standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the First Regular Session of the 130th Legislature based on the findings provided in the department's report.

**Sec. 2. Funding. Resolved:** That the Department of Transportation shall accept funding contributions to fully fund the costs of the study under section 1. The total cost of the study must be determined by the department. One third of the costs of the study must come from the Multimodal Transportation Fund established in the Maine Revised Statutes, Title 23, section 4210-B and 2/3 of the costs must be provided by municipalities that would be directly impacted by commuter and passenger train service between Portland and the Lewiston and Auburn area and private entities interested in commuter and passenger train service between Portland and the Lewiston and Auburn area. No funds may be collected by or transferred to the department for the purpose of conducting the study unless the department receives commitments from the municipalities and private entities sufficient to fund 2/3 of the costs of the study. Once the municipalities and private entities have committed to providing the required funding for the study, the department shall accept the funds and may transfer funds equaling 1/3 of the costs of the study from the Multimodal Transportation Fund to cover the costs of the study. By August 1, 2020, if the municipalities and private entities have not committed to providing the required funding for the study, the department is not authorized to accept any funds or conduct the study and no expenses of any kind may be incurred or reimbursed for the study.

**Sec. 3. Appropriations and allocations. Resolved:** That the following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF Multimodal - Passenger Rail Z139**

Initiative: Provides a one-time allocation for an economic feasibility study for commuter and passenger train service between Portland and the Lewiston and Auburn area. Two thirds of the cost of the study must be provided by municipalities that would be directly impacted by and private entities interested in the train service with the remaining 1/3 provided by existing funding within this account.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$0	\$250,000
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$250,000</b>

See title page for effective date.



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**CONSTITUTIONAL RESOLUTIONS OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
2019**

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(There were none.)



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**JOINT STUDY ORDERS**

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(There were none.)



CHAPTER 1  
PART A

**Sec. A-1. 1 MRSA §1024, sub-§1**, as amended by PL 2019, c. 57, §1, is corrected to read:

**1. Actions precluded beginning with the 127th Legislature.** Beginning with the convening of the 127th Legislature, a person who has served as a Legislator may not engage in activities that would require registration as a lobbyist or lobbyist associate as defined by Title 3, section 312-A, subsections 10 and 10-A, respectively, until one year after that person's term as a Legislator ends. This subsection may not be construed to prohibit uncompensated lobbying by a former Legislator during the one-year period following the end of that Legislator's most recent term in office.

This subsection is repealed December 1, 2020.

EXPLANATION

This section corrects a subsection headnote to properly reflect the content of the subsection.

**Sec. A-2. 3 MRSA §41, 2nd ¶**, as amended by PL 2019, c. 475, §15, is corrected to read:

In case of vacancy in the office of the clerk, or the clerk's absence or inability to perform the duties, the the clerk's assistant shall perform the duties.

EXPLANATION

This section corrects a clerical error.

**Sec. A-3. 4 MRSA §1555**, as amended by PL 2017, c. 402, Pt. C, §11 and affected by PL 2019, c. 417, Pt. B, §14, is corrected to read:

**§1555. Appointment of guardians ad litem in Title 18-A 18-C and Title 19-A cases**

**1. Appointment of guardian ad litem.** In proceedings to determine parental rights and responsibilities and guardianship of a minor under Title 18-C and in contested proceedings pursuant to Title 19-A, section 904, 1653 or 1803 in which a minor child is involved, the court may appoint a guardian ad litem for the child when the court has reason for special concern as to the welfare of the child. The court may appoint a guardian ad litem on the court's own motion, on the motion of one of the parties or upon agreement of the parties.

A. A court may appoint, without any findings, any person listed on the roster. In addition, when a suitable guardian ad litem included on the roster

is not available for appointment, a court may, for good cause shown and after consultation with the parties, appoint an attorney admitted to practice in this State who, after consideration by the court of all of the circumstances of the particular case, in the opinion of the appointing court has the necessary skills and experience to serve as a guardian ad litem. For the purposes of this paragraph, good cause may include the appointment of a guardian ad litem on a pro bono basis.

B. In determining whether to make an appointment, the court shall consider:

- (1) The wishes of the parties;
- (2) The age of the child;
- (3) The nature of the proceeding, including the contentiousness of the hearing;
- (4) The financial resources of the parties;
- (5) The extent to which a guardian ad litem may assist in providing information concerning the best interests of the child;
- (6) Whether the family has experienced a history of domestic abuse;
- (7) Abuse of the child by one of the parties; and
- (8) Other factors the court determines relevant.

**2. Order.** An appointment of a guardian ad litem must be by court order.

A. The appointment order must be written on a court-approved form and must specify the guardian ad litem's length of appointment, the specific duties for the particular case, including the filing of a written report, and fee arrangements.

B. The guardian ad litem has no authority to perform and may not be expected to perform any duties beyond those specified in the appointment order, unless subsequently ordered to do so by the court.

C. If, in order to perform any specified duties, the guardian ad litem needs information concerning the child or parents, the court may order the parents to sign an authorization form allowing the release of the necessary information. The court order may specify that the guardian ad litem must be allowed access to the child by the caretakers of the child, whether the caretakers are individuals, authorized agencies or child care providers.

D. When appointment of the guardian ad litem or the fee arrangements for payment of the guardian ad litem are not agreed to by the parties, the court shall state in the appointment order its findings, based on the criteria stated in this section, supporting the appointment of the guardian ad litem and the fee payment order.

**3. Payment for services; fees and billing; enforcement.** The order under subsection 2 must specify that payment for the services of the guardian ad litem is the responsibility of the parties, with the terms of payment specified in the order.

A. The fee arrangements in the order must specify hourly rates or a flat fee, the timing of payments to be made and by whom and the maximum amount of fees that may be charged for the case without further order of the court. If the payments ordered to be made before the guardian ad litem commences the investigation, if any, are not paid as ordered, the guardian ad litem shall notify the court, and the court may vacate the appointment order or take such other action it determines appropriate under the circumstances.

B. In determining the responsibility for payment, the court shall consider:

- (1) The income of the parties;
- (2) The marital and nonmarital assets of the parties;
- (3) The division of property made or anticipated as part of the final divorce or separation;
- (4) Which party requested appointment of a guardian ad litem; and
- (5) Other factors considered relevant by the court, which must be stated with specificity in the appointment order.

C. The guardian ad litem shall use standardized billing, itemization requirements and time reporting processes as established by the division. The guardian ad litem may collect fees, if a collection action is necessary, pursuant to Title 14 and may not pursue collection in the action in which the guardian ad litem is appointed.

**4. Best interests of the child.** In performance of duties specified in the appointment order, the guardian ad litem shall use the standard of the best interests of the child.

**5. Wishes of the child.** The guardian ad litem shall make the wishes of the child known to the court if the child has expressed them, regardless of the recommendation of the guardian ad litem.

**6. Report.** The guardian ad litem shall provide a copy of each report ordered by the court to the parties

and the court at least 14 days before each report is due. A guardian ad litem shall provide a copy of the final written report to the parties and the court at least 14 days in advance of the final hearing. Reports are admissible as evidence and subject to cross-examination and rebuttal, whether or not objected to by a party. Any objections to a report must be filed at least 7 days before the applicable hearing.

**EXPLANATION**

This section corrects a section headnote to reflect the repeal of the Maine Revised Statutes, Title 18-A and enactment of Title 18-C pursuant to Public Law 2017, chapter 402 and Public Law 2019, chapter 417.

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**Sec. A-4. 5 MRSA §200-K,** as enacted by PL 2019, c. 410, §1, is reallocated to 5 MRSA §200-L.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 410 and 435, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-5. 5 MRSA §4553, sub-§8-E,** as enacted by PL 2019, c. 464, §1, is reallocated to 5 MRSA §4553, sub-§8-F.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 464 and 490, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. A-6. 5 MRSA §4572-A, sub-§2-A, ¶C,** as enacted by PL 2019, c. 490, §2, is corrected to read:

C. Reasonable accommodations for a pregnancy-related condition may include, but are not limited to, providing more frequent or longer breaks; temporary modification in work schedules, seating or equipment; temporary relief from lifting requirements; temporary transfer to less strenuous or hazardous work; and provisions for lactation in compliance with Title 26, section 604.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-7. 5 MRSA §12004-I, sub-§74-J,** as enacted by PL 2019, c. 435, §2, is reallocated to 5 MRSA §12004-I, sub-§74-K.

**Sec. A-8. 5 MRSA §12004-I, sub-§74-J,** as enacted by PL 2019, c. 446, §6, is reallocated to 5 MRSA §12004-I, sub-§74-L.



**EXPLANATION**

These sections correct a numbering problem created by Public Law 2019, chapters 435, 446 and 457, which enacted 3 substantively different provisions with the same subsection number.

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**Sec. A-9. 5 MRSA §13080-S, sub-§3, ¶A,** as enacted by PL 2019, c. 356, §1, is corrected to read:

A. At any time during the 12 months preceding the July 31, 2020 payment date, the assessor, at the direction of the Governor or upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Commissioner of Administrative and Financial Services, shall deposit into the contingent account and pay to the fund an amount not to exceed the anticipated payment amount to the fund or the amount paid the previous year, whichever is greater. Any difference between the amount advanced and the amount finally determined to be due, in the event of an underpayment, must be added to the final payment due by July 31, 2020 or, in the event of an overpayment, must be deducted from the final payment due by July 31, 2021.

This paragraph is repealed August 1, 2021.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-10. 8 MRSA §288,** as enacted by PL 1997, c. 528, §46, is corrected to read:

**§288. Payment to Sire Stakes Fund share**

Amounts calculated as ~~Sires~~ Sire Stakes Fund share under section 286 must be paid to the Treasurer of State for deposit in the Sire Stakes Fund for use as provided in section 281.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-11. 12 MRSA §12808, sub-§1, ¶D,** as amended by PL 2019, c. 267, §1, is corrected to read:

D. Feed or set bait for any endangered or threatened species. A person who violates this paragraph commits a Class E crime for which a fine of \$1,000 must be adjudged, none of which may be suspended.

**EXPLANATION**

This section corrects a clerical error.

**Sec. A-12. 12 MRSA §12808, sub-§1-A, ¶D,** as amended by PL 2019, c. 267, §2, is corrected to read:

D. Feed or set bait for any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-13. 14 MRSA §6000, sub-§2-A,** as enacted by PL 2019, c. 351, §1, is corrected to read:

**2-A. Sexual harassment.** "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. "Sexual harassment" includes retaliation for communicating about or filing a complaint of sexual harassment.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-14. 14 MRSA §6321-A, sub-§11,** as amended by PL 2019, c. 363, §2, is corrected to read:

**11. Parties to mediation.** A mediator shall include in the mediation process under this section any person the mediator determines is necessary for effective mediation. Mediation and appearance in person ~~is~~ are mandatory for:

- A. The mortgagee, who has the authority to agree to a proposed settlement, loan modification or dismissal of the action, except that the mortgagee may participate by telephone or electronic means as long as that mortgagee is represented with authority to agree to a proposed settlement;
- B. The defendant;
- C. Counsel for the plaintiff; and
- D. Counsel for the defendant, if represented.

A mortgage servicer as defined in section 6113, subsection 1, paragraph B participating in the mediation process submits to the jurisdiction of the court with respect to the power of the court to sanction parties who fail to participate in the mediation process in good faith as required by section 6113, subsection 2.

**EXPLANATION**

This section corrects a grammatical error.

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**Sec. A-15. 17 MRSA §1021, sub-§3-A,** as enacted by PL 2019, c. 237, §2, is corrected to read:

**3-A. Emergency euthanasia.** If an animal in the possession of a humane agent, state veterinarian, sheriff, deputy sheriff, constable, police officer, animal control officer, person authorized to make arrests or the commissioner is in a condition that could cause the animal to suffer while in custody or if the animal is severely sick or severely injured and there is no possibility of recovery, the animal may be euthanized. The custodian of the animal shall submit in writing to the district attorney in the prosecutorial district where the animal is located a written report including a statement from a veterinarian stating the condition of the animal and how continued care could cause greater harm or damage to the animal. An animal euthanized under this subsection must receive a full necropsy to detail the condition of the animal and confirm the veterinarian's diagnosis.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-16. 18-C MRSA §2-704, sub-§2,** as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is corrected to read:

**2. Does not impair a maternal material purpose.** The powerholder's manner of attempted exercise does not impair a material purpose of the donor in imposing the requirement.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-17. 20-A MRSA §6358, sub-§1,** as amended by PL 2019, c. 154, §4, is corrected to read:

**1. Rules authorized.** The commissioner and the Director of the Maine Center for Disease Control and Prevention within the Department of Health and Human Services, shall jointly issue rules necessary for the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school. The rules may not include any provision governing medical exemptions. Rules adopted pursuant to this subchapter are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A except that rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**EXPLANATION**

This section corrects a clerical error.

**Sec. A-18. 20-A MRSA §6602, sub-§1, ¶D,** as enacted by PL 2019, c. 428, §1, is reallocated to 20-A MRSA §6602, sub-§1, ¶E.

**EXPLANATION**

This section corrects a lettering problem created by Public Law 2019, chapters 343 and 428, which enacted 2 substantively different provisions with the same paragraph letter.

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**Sec. A-19. 20-A MRSA §12306,** as enacted by PL 2019, c. 102, §8, is corrected to read:

**§12306. Stakeholder consultation**

In administering the program and assessing its effectiveness, the chief executive officer may consult stakeholders from the dental community, including, but not limited to, representatives of dental education and practitioner communities in the State and organizations representing the interests of low-income communities ~~communities~~ communities in the State.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-20. 22 MRSA §1471-C, sub-§3,** as enacted by PL 1975, c. 397, §2, is corrected to read:

**3. Board.** "Board" means the State Board of Pesticides Control as established in section 1471-B.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-21. 22 MRSA §2157, sub-§14, ¶C,** as amended by PL 2019, c. 528, §9, is corrected to read:

C. The owner or manager of a retail outlet shall ensure that produce without post-harvest treatment, as determined by the commissioner, is identified by a sign contiguous to the specific produce; ~~or~~

**Sec. A-22. 22 MRSA §2157, sub-§15,** as enacted by PL 2019, c. 455, §1, is reallocated to 22 MRSA §2157, sub-§16.

**Sec. A-23. 22 MRSA §2157, sub-§15,** as enacted by PL 2019, c. 528, §10, is corrected to read:

**15. Hemp or cannabidiol derived from hemp.** If it contains hemp or cannabidiol derived from hemp unless:

A. The package in which the food, food additive or food product is offered for sale conspicuously bears a label or stamp that:

(1) Indicates that the food, food additive or food product contains hemp or cannabidiol derived from hemp;

(2) Describes the cannabidiol content by weight or volume;

(3) Includes the source of the hemp from which the cannabidiol was derived;

(4) In the case of extracts or tinctures, indicates the batch number; and

(5) Includes a disclosure statement that the food, food additive or food product has not been tested or evaluated for safety; or

B. In the case of food, food additives or food products sold, offered for sale or served for consumption unpackage:

(1) A conspicuous label or sign indicating that the food, food additive or food product contains cannabidiol is placed on or immediately next to the food, food additive or food product or immediately next to the food's listing on the menu or in an open manner where the food order or food product is served; and

(2) The retail store, hotel, restaurant or other public eating place conspicuously displays a directory for use by customers that contains information on the contents of all unpackage products sold, offered for sale or served that contain cannabidiol derived from hemp.

For the purposes of this subsection, "hemp" has the same meaning as in Title 7, section 2231, subsection 1-A, paragraph D; or

#### EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 455 and 528, which enacted 2 substantively different provisions with the same subsection number, and make technical corrections.

**Sec. A-24. 22 MRSA §3174-AAA**, as enacted by PL 2017, c. 421, §1, is reallocated to 22 MRSA §3174-CCC.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2017, chapters 421 and 454, which enacted 2 substantively different provisions with the same section number.

**Sec. A-25. 22 MRSA §3174-BBB**, as enacted by PL 2019, c. 165, §3, is reallocated to 22 MRSA §3174-DDD.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 130 and 165, which enacted 2 substantively different provisions with the same section number.

**Sec. A-26. 24-A MRSA §4320-M**, as enacted by PL 2019, c. 295, §1, is reallocated to 24-A MRSA §4320-N.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 274 and 295, which enacted 2 substantively different provisions with the same section number.

**Sec. A-27. 25 MRSA §2804-C, sub-§2-E**, as enacted by PL 2019, c. 410, §3, is reallocated to 25 MRSA §2804-C, sub-§2-F.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 410 and 411, which enacted 2 substantively different provisions with the same subsection number.

**Sec. A-28. 25 MRSA c. 411**, as enacted by PL 2019, c. 80, §1, is reallocated to 25 MRSA c. 413.

**Sec. A-29. 25 MRSA §3851**, as enacted by PL 2019, c. 80, §1, is reallocated to 25 MRSA §3871.

#### EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 80 and 221, which enacted 2 substantively different provisions with the same chapter and section numbers.

**Sec. A-30. 26 MRSA §637**, as enacted by PL 2019, c. 350, §1, is reallocated to 26 MRSA §638.

**Sec. A-31. 26 MRSA §637**, as enacted by PL 2019, c. 461, §1, is reallocated to 26 MRSA §639.

#### EXPLANATION

These sections correct a numbering problem created by Public Law 2019, chapters 156, 350 and 461, which enacted 3 substantively different provisions with the same section number.

**Sec. A-32. 26 MRSA §979-T**, as enacted by PL 2019, c. 393, §1, is reallocated to 26 MRSA §979-U.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2019, chapters 389 and 393, which

enacted 2 substantively different provisions with the same section number.

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**Sec. A-33. 26 MRSA c. 43**, as enacted by PL 2019, c. 278, §2, is reallocated to 26 MRSA c. 45.

**Sec. A-34. 26 MRSA §3501**, as enacted by PL 2019, c. 278, §2, is reallocated to 26 MRSA §3601.

**EXPLANATION**

These sections correct a numbering problem created by Public Law 2019, chapters 278 and 347, which enacted 2 substantively different provisions with the same chapter and section numbers.

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**Sec. A-35. 29-A MRSA §2301, sub-§5-C**, as enacted by PL 2019, c. 318, §2, is reallocated to 29-A MRSA §2301, sub-§5-D.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 318 and 413, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. A-36. 30-A MRSA §4301, sub-§1-B**, as enacted by PL 2019, c. 145, §1, is reallocated to 30-A MRSA §4301, sub-§1-C.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 38 and 145, which enacted 2 substantively different provisions with the same subsection number.

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**Sec. A-37. 30-A MRSA §4312, sub-§3, ¶L**, as enacted by PL 2019, c. 38, §4, is corrected to read:

L. To encourage municipalities to develop policies that accommodate older adults with aging in place and that encourage the creation of age-friendly communities;

**Sec. A-38. 30-A MRSA §4312, sub-§3, ¶L**, as enacted by PL 2019, c. 145, §4, is reallocated to 30-A MRSA §4312, sub-§3, ¶M.

**Sec. A-39. 30-A MRSA §4312, sub-§3, ¶L**, as enacted by PL 2019, c. 153, §3, is reallocated to 30-A MRSA §4312, sub-§3, ¶N.

**EXPLANATION**

These sections correct a lettering problem created by Public Law 2019, chapters 38, 145 and 153, which enacted 3 substantively different provisions with the same paragraph letter, and make a technical correction.

**Sec. A-40. 30-A MRSA §4326, sub-§3-A, ¶K**, as amended by PL 2019, c. 38, §8 and c. 145, §8, is corrected to read:

K. Encourage policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

**Sec. A-41. 30-A MRSA §4326, sub-§3-A, ¶L**, as enacted by PL 2019, c. 38, §9, is corrected to read:

L. Ensure that land use policies encourage aging in place and appropriate housing options for older residents and address issues of special concern to older adults, including transportation to and accessibility and availability of needed services; ~~and~~

**Sec. A-42. 30-A MRSA §4326, sub-§3-A, ¶L**, as enacted by PL 2019, c. 145, §9, is reallocated to 30-A MRSA §4326, sub-§3-A, ¶M.

**EXPLANATION**

These sections correct a lettering problem created by Public Law 2019, chapters 38 and 145, which enacted 2 substantively different provisions with the same paragraph letter, and make technical corrections.

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**Sec. A-43. 32 MRSA §1528-A, sub-§1**, as amended by PL 2019, c. 284, §17, is corrected to read:

**1. Limited interpreters.** A holder of a limited interpreter ~~licensed license~~ under former section 1524 or limited deaf interpreter license under former section 1524-A must complete at least 20 hours annually of continuing education in American Sign Language or the interpreting process.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-44. 32 MRSA §2600-D**, as enacted by PL 2019, c. 317, §1, is reallocated to 32 MRSA §2600-F.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-45. 32 MRSA §3300-G**, as enacted by PL 2019, c. 317, §2, is reallocated to 32 MRSA §3300-I.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-46. 32 MRSA §7006**, as enacted by PL 2019, c. 317, §5, is reallocated to 32 MRSA §7007.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-47. 32 MRSA §13866**, as enacted by PL 2019, c. 317, §6, is reallocated to 32 MRSA §13867.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 165 and 317, which enacted 2 substantively different provisions with the same section number.

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**Sec. A-48. 33 MRSA §2101, sub-§1**, as enacted by PL 2019, c. 498, §22, is corrected to read:

**1. Notice to apparent owner.** Subject to subsection 2, the holder of property presumed abandoned shall send to the apparent owner notice by first class United States mail that complies with section 2102 in a format acceptable to the administrator not more than 180 days nor less than 60 days before filing the report under section 2091 if:

A. The holder has in its records an address for the apparent owner that the holder's records do not disclose to be invalid and is sufficient to direct the delivery of first class United States mail to the apparent owner; and

B. The value of the property held for an owner in aggregate is \$50 or more.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-49. 35-A MRSA §3106**, as enacted by PL 2019, c. 88, §1, is reallocated to 35-A MRSA §3107.

**Sec. A-50. 35-A MRSA §3106**, as enacted by PL 2019, c. 104, §1, is reallocated to 35-A MRSA §3108.

**EXPLANATION**

These sections correct a numbering problem created by Public Law 2019, chapters 81, 88 and 104, which enacted 3 substantively different provisions with the same section number.

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**Sec. A-51. 35-A MRSA §3209-B, sub-§1, ¶C**, as enacted by PL 2019, c. 478, Pt. A, §4, is corrected to read:

C. "Distributed generation resource" has the same meaning as in section 3209-A, subsection 1, paragraph B.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-52. 35-A MRSA §3484, sub-§3, ¶G**, as enacted by PL 2019, c. 478, Pt. B, §1, is corrected to read:

G. If no contracts are awarded under paragraph E, the commission shall:

(1) Conduct another competitive solicitation under this subsection with the bid acceptance period to open approximately 12 months after the bid acceptance period determined in paragraph B; and

(2) Examine the reasons for the inability of the procurement to secure the target amount and submit a report of its findings and any recommended legislation to the joint standing committee of the ~~legislature~~ Legislature having jurisdiction over energy matters.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-53. 35-A MRSA §4151, sub-§6**, as enacted by PL 1987, c. 141, Pt. A, §6, is corrected to read:

**6. Bonds or notes secured.** In the discretion of the agency, the bonds, notes or other evidences of indebtedness may be secured by a trust indenture by and between the agency and a corporate trustee, which may be any trust company or bank having the power of a trust company inside or outside the State. The trust indenture may contain provisions for protecting and enforcing the rights and remedies of the noteholders or bondholders that may be reasonable and proper and not in violation of law, including ~~covenants~~ covenants setting forth the duties of the agency in relation to the exercise of its corporate powers and the custody, safeguarding and application of all money. The agency may provide by the trust indenture for the payment of the proceeds of the bonds or notes and the revenue to the trustee under the trust indenture or other depository

and for the method of disbursement, with safeguards and restrictions as it may determine. All expenses incurred in carrying out the trust indenture may be treated as a part of the operating expense of the agency. If the bonds or notes are secured by a trust indenture, the trust indenture may provide that the noteholders and bondholders may not appoint a separate trustee to represent them.

**EXPLANATION**

This section corrects a clerical error.

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**Sec. A-54. 35-A MRSA §10124**, as enacted by PL 2019, c. 258, §1, is reallocated to 35-A MRSA §10126.

**Sec. A-55. 35-A MRSA §10124**, as enacted by PL 2019, c. 347, §3, is reallocated to 35-A MRSA §10127.

**EXPLANATION**

These sections correct a numbering problem created by Public Law 2019, chapters 169, 258 and 347, which enacted 3 substantively different provisions with the same section number.

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**Sec. A-56. 36 MRSA §191, sub-§2, ¶HHH**, as enacted by PL 2019, c. 401, Pt. E, §1, is reallocated to 36 MRSA §191, sub-§2, ¶JJJ.

**EXPLANATION**

This section corrects a lettering problem created by Public Law 2019, chapters 386 and 401, which enacted 2 substantively different provisions with the same paragraph letter.

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**Sec. A-57. 36 MRSA §1752, sub-§6-E**, as enacted by PL 2019, c. 231, Pt. A, §7, is reallocated to 36 MRSA §1752, sub-§6-H.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 231 and 441, which enacted 2 substantively different provisions with the same subsection number.

---

**Sec. A-58. 36 MRSA §1752, sub-§6-F**, as enacted by PL 2019, c. 231, Pt. A, §8, is reallocated to 36 MRSA §1752, sub-§6-I.

**EXPLANATION**

This section corrects a numbering problem created by Public Law 2019, chapters 231 and 441, which enacted 2 substantively different provisions with the same subsection number.

**Sec. A-59. 36 MRSA §1760, sub-§9-B**, as repealed and replaced by PL 2011, c. 673, §1, is corrected to read:

**9-B. Residential electricity.** Sale and delivery of residential electricity as follows:

A. The first 750 kilowatt hours of residential electricity per month; and

B. Off-peak residential electricity used for space heating or water heating by means of an electric thermal storage device. For the purpose of this paragraph, "off-peak residential electricity" means the off-peak delivery of residential electricity pursuant to tariffs on file with the Public Utilities Commission and the electricity supplied.

For the purpose of this subsection, "residential electricity" means electricity furnished to buildings designed and used for both human habitation and sleeping, with the exception of hotels. When residential electricity is furnished through one meter to more than one residential unit and when the transmission and distribution utility applies its tariff on a per unit basis, the furnishing of electricity is considered a separate sale for each unit to which the tariff applies. For the purpose of this subsection, "delivery" means transmission and distribution.

**EXPLANATION**

This section makes a technical correction.

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**Sec. A-60. 36 MRSA §1760, sub-§12-A, ¶B**, as enacted by PL 1995, c. 634, §1 and affected by §2, is corrected to read:

B. Persons for use in packing, packaging or shipping tangible personal property sold by them or on which they have performed the service of cleaning, pressing, dyeing, washing, repairing or reconditioning in their regular course of business that are transferred to the possession of the purchaser of that tangible personal property.

**EXPLANATION**

This section makes a technical correction.

---

**Sec. A-61. 36 MRSA §1760, sub-§33**, as amended by PL 2017, c. 211, Pt. B, §1, is corrected to read:

**33. Diabetic supplies.** All equipment and supplies, whether medical or otherwise, used in the diagnosis or treatment of human diabetes.

**EXPLANATION**

This section makes a technical correction.

**Sec. A-62. 36 MRSA §1760, sub-§47-A**, as amended by PL 2017, c. 288, Pt. A, §46, is corrected to read:

**47-A. Emergency shelter and feeding organizations.** Sales to incorporated nonprofit organizations that provide free temporary emergency shelter or food for underprivileged individuals in this State.

#### EXPLANATION

This section makes a technical correction.

**Sec. A-63. 36 MRSA §1760, sub-§51**, as repealed and replaced by PL 1985, c. 737, Pt. A, §95, is corrected to read:

**51. Veterans' Memorial Cemetery Associations.** Sales to incorporated nonprofit Veterans' Memorial Cemetery Associations.

#### EXPLANATION

This section makes a technical correction.

**Sec. A-64. 36 MRSA §1760, sub-§52**, as enacted by PL 1985, c. 737, Pt. A, §96, is corrected to read:

**52. Railroad track materials.** Railroad track materials purchased and installed on railroad lines located within the boundaries of the State. The track materials shall include rail, ties, ballast, joint bars and associated materials, such as bolts, nuts, tie plates, spikes, culverts, steel, concrete or stone, switch stands, switch points, frogs, switch ties, bridge ties and bridge steel.

In order for a taxpayer to qualify for an exemption under this subsection, the taxpayer may not require any landowner to pay any fee or charge for maintenance or repair or to assume liability for crossings or rights-of-way if the landowner was not required to do so prior to July 1, 1981, and the taxpayer must continue to maintain crossings and rights-of-way which that it was required to maintain on that date and may not remove the crossings if there is any objection to their being removed, and.

#### EXPLANATION

This section makes grammatical changes and a technical correction.

**Sec. A-65. 36 MRSA §1760, sub-§56**, as amended by PL 1989, c. 533, §7, is corrected to read:

**56. Nonprofit youth organizations.** Sales to nonprofit youth organizations whose primary purpose is to provide athletic instruction in a nonresidential setting, or to councils and local units of incorporated nonprofit national scouting organizations.

#### EXPLANATION

This section makes a technical correction.

**Sec. A-66. 36 MRSA §1760, sub-§69**, as enacted by PL 1989, c. 533, §8, is corrected to read:

**69. Vietnam veteran registries.** Sales to incorporated, nonprofit organizations whose sole purpose is to create, maintain and update a registry of Vietnam veterans.

#### EXPLANATION

This section makes a technical correction.

**Sec. A-67. 36 MRSA §1760, sub-§102**, as enacted by PL 2017, c. 445, §1 and affected by §5, is reallocated to 36 MRSA §1760, sub-§103.

#### EXPLANATION

This section corrects a numbering problem created by Public Law 2017, chapters 399 and 445, which enacted 2 substantively different provisions with the same subsection number.

**Sec. A-68. 36 MRSA §5122, sub-§1, ¶LL**, as enacted by PL 2017, c. 474, Pt. C, §2, is corrected to read:

LL. An amount equal to the net operating loss carry-forward claimed as a deduction under the Code, Section 172 in determining federal taxable income for the taxable year that was previously allowed as a deduction pursuant to subsection 2, paragraph PP TT.

**Sec. A-69. 36 MRSA §5122, sub-§2, ¶PP**, as enacted by PL 2017, c. 474, Pt. C, §3, is reallocated to 36 MRSA §5122, sub-§2, ¶TT.

#### EXPLANATION

These sections correct a lettering problem created by Public Law 2017, chapters 452 and 474, which enacted 2 substantively different provisions with the same paragraph letter, and correct a cross-reference.

**Sec. A-70. 36 MRSA §5122, sub-§2, ¶QQ**, as enacted by PL 2019, c. 527, Pt. A, §2, is reallocated to 36 MRSA §5122, sub-§2, ¶RR.

**Sec. A-71. 36 MRSA §5122, sub-§2, ¶QQ**, as enacted by PL 2019, c. 530, Pt. C, §1, is reallocated to 36 MRSA §5122, sub-§2, ¶SS.

#### EXPLANATION

These sections correct a lettering problem created by Public Law 2019, chapters 348, 527 and 530, which

enacted 3 substantively different provisions with the same paragraph letter.

**Sec. A-72. 36 MRSA §5200-A, sub-§1, ¶DD**, as enacted by PL 2017, c. 474, Pt. C, §6, is corrected to read:

DD. An amount equal to the net operating loss carry-forward claimed as a deduction under the Code, Section 172 in determining federal taxable income for the taxable year that was previously allowed as a deduction pursuant to subsection 2, paragraph ~~BB~~ GG.

**Sec. A-73. 36 MRSA §5200-A, sub-§2, ¶BB**, as enacted by PL 2017, c. 474, Pt. C, §7, is reallocated to 36 MRSA §5200-A, sub-§2, ¶GG.

**EXPLANATION**

These sections correct a lettering problem created by Public Law 2017, chapters 452 and 474, which enacted 2 substantively different provisions with the same paragraph letter, and correct a cross-reference.

**Sec. A-74. 37-B MRSA §158, first ¶**, as amended by PL 2017, c. 114, §3, is corrected to read:

The Maine Military Family Relief Fund, referred to in this section as "the fund," is established as a nonlapsing fund in the department administered according to rules adopted by the Adjutant General. The funds deposited in the fund include, but are not limited to, fines imposed by the court on any person convicted under Title 17-A, section 354, subsection 2, paragraph A of theft by deception due to that person's intentional creation or reinforcement of a false impression that the person is a veteran or a member of the Armed Forces of the United States or a state military force. The Adjutant General is authorized to award loans and grants from the fund for emergencies and other special needs to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States and to distribute funds to a statewide nonprofit organization established for the purpose of providing assistance to members or families of members of the Maine National Guard or residents of the State who are members or families of members of the Reserves of the Armed Forces of the United States. The Adjutant General is authorized to distribute money from the fund to state military welfare societies that the Adjutant General has designated in accordance with section 3, subsection 1, paragraph D, subparagraph ~~(22)~~ (23) for the purpose of providing emergency relief to members of the state military forces and their families in accordance with this section and rules adopted in accordance with this section. The Adjutant General shall require that funds distributed to a designated military welfare society must be segregated from all other funds administered by the society

and shall require regular reports on how the society distributed the funds. The Military Bureau shall adopt rules establishing eligibility criteria for the loans and grants. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**EXPLANATION**

This section corrects a cross-reference.

**Sec. A-75. 38 MRSA §467, sub-§15, ¶E**, as amended by PL 2019, c. 463, §12, is corrected to read:

E. Meduxnekeag River Drainage.

- (1) Meduxnekeag River, main stem.
  - (a) From the outlet of Meduxnekeag Lake to the international boundary - Class B. This segment is subject to a sustenance fishing designated use pursuant to section 466-A.
- (2) Meduxnekeag River, tributaries - Class B unless otherwise specified.
  - (a) North Branch of the Meduxnekeag River and its tributaries above the Monticello - T.C, R.2, W.E.L.S. boundary - Class A.
    - (a-1) The North Branch of the Meduxnekeag River and its tributaries, including Dead Stream, from the source in T.8 R.3 W.E.L.S. to the international boundary are subject to a sustenance fishing designated use pursuant to section 466-A.
  - (b) Moose Brook and its tributaries, upstream of the Ludlow Road in Ludlow - Class A.
  - (c) South Branch of the Meduxnekeag River and its tributaries, upstream of the Oliver Road in Cary - Class A.
  - (d) Captain Ambrose Bear Stream and tributaries upstream of the Burnt Brow Bridge in Hammond - Class A.
  - (e) All tributaries from the outlet of Meduxnekeag Lake to the international boundary are subject to a sustenance fishing designated use pursuant to section 466-A.

**EXPLANATION**

This section corrects clerical errors.

**Sec. A-76. PL 2019, c. 432, §4** is corrected to read:



**Sec. 4. Appropriations and allocations.**  
The following appropriations and allocations are made.

**STATEWIDE ACTIVITIES LEGISLATURE**

**Legislature 0081**

Initiative: Deappropriates funds as a result of reducing the number of legislative members on the Substance Use Disorder Services Commission from 6 to 4.

GENERAL FUND	2019-20	2020-21
Personal Services	(\$550)	(\$550)
All Other	(\$1,680)	(\$1,680)
<hr/>		
GENERAL FUND TOTAL	(\$2,230)	(\$2,230)

**EXPLANATION**

This section makes a technical correction.

**Sec. A-77. PL 2019, c. 453, §1** is corrected to read:

**Sec. 1. Appropriations and allocations.**  
The following appropriations and allocations are made.

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Land Management and Planning ~~0239~~ Z239**

Initiative: Establishes one Chief Planner position and one Planning and Research Associate II position in the Bureau of Land Management and Planning.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNT	2.000	2.000
Personal Services	\$169,110	\$177,230
<hr/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$169,110	\$177,230

**EXPLANATION**

This section makes a technical correction.

**Sec. A-78. PL 2019, c. 475, §1** is corrected to read:

**Sec. 1. 1 MRSA §8**, as amended by PL 1981, c. 456, Pt. A, §1, is further amended to read:

**§8. Transfer of legislative jurisdiction**

**1. Notice.** In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in the

Constitution of the United States, Article I, Section 8, Clause 17 over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, ~~which that~~ may be vested in the United States; the United States acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies ~~thereof~~ of the notice to meet the recording requirements of subsection 3, with the Governor. The notice ~~shall~~ must contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the Governor shall furnish the Attorney General with a copy ~~thereof~~ of the notice and shall request ~~his~~ the Attorney General's comments and recommendations ~~thereon~~ on the notice.

**2. Legislative approval of transfer of jurisdiction.** The Governor shall transmit ~~said~~ the notice filed pursuant to subsection 1 together with ~~his~~ the Governor's comments and recommendations, if any, and the comments and recommendations of the Attorney General, if any, to the next session of the Legislature ~~which shall be that is~~ that is constitutionally competent to consider the ~~same~~ transfer of jurisdiction. Unless prior to the expiration of the legislative session to which ~~said~~ the notice is transmitted ~~as provided~~, the Legislature ~~has adopted~~ adopts an Act approving the transfer of legislative jurisdiction as proposed in ~~said~~ the notice, the ~~said~~ transfer ~~shall not be effective~~ does not take effect.

**3. Recordation.** The Governor shall cause a duly authenticated copy of the notice and Act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction ~~shall take~~ takes effect. If the land or other area ~~shall be~~ is situated in more than one county, a duly authenticated copy of the notice and Act ~~shall~~ must be recorded in the registry of deeds of each such county.

**EXPLANATION**

This section corrects a clerical error.

**PART B**

**Sec. B-1. 37-B MRSA §103**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§103. Commander in Chief**

The Governor ~~shall be~~ is the constitutional Commander in Chief of the military forces of the State, except for components ~~thereof~~ of the military forces of the State that may, at times, be in the service

of the United States. It ~~shall be~~ is the duty of the Governor as Commander in Chief to prescribe orders, rules and other administrative procedures necessary to maintain the standard of organization and armament for the state military forces required by the laws and regulations of the United States. Subject to regulations prescribed by the federal military establishment, the Governor shall establish administrative procedures necessary to insure that adequate numbers of officers, warrant officers and enlisted ~~men~~ personnel are appointed, commissioned and enlisted into the state military forces.

**Sec. B-2. 37-B MRSA §141, first ¶**, as enacted by PL 1983, c. 460, §3, is corrected to read:

All military accounts, unless otherwise specially provided by law, ~~shall~~ must be approved by the person authorized to contract the accounts and transmitted to the Adjutant General for ~~his~~ the Adjutant General's examination and approval. They ~~shall~~ must then be presented to the State Controller.

**Sec. B-3. 37-B MRSA §144**, as repealed and replaced by PL 1983, c. 594, §5, is corrected to read:

#### §144. Civilian employees

The Commander in Chief may authorize the employment of civilian personnel in organizations in which there are vacancies of necessary personnel when the organizations are on duty under ~~his~~ the Commander in Chief's orders or are called upon in aid of civil authorities. These civilian personnel, during this employment, are subject to the laws and regulations for the government of the state military forces and ~~shall~~ must receive pay commensurate with these duties.

**Sec. B-4. 37-B MRSA §145, sub-§2**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**2. Bond.** The United States property and fiscal officer shall give a bond to the United States for the faithful performance of ~~his~~ the officer's duties and for the safekeeping and proper disposition of federal property and funds entrusted to ~~his~~ the officer's care. The amount of the bond ~~shall be~~ is determined by the United States Secretary of the Army or the United States Secretary of the Air Force.

**Sec. B-5. 37-B MRSA §146, sub-§1**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**1. Conflict of interest.** No officer authorized to make purchases or sales of military property may be personally interested, directly or indirectly, in the purchase or sale of the property; nor may an officer take pay other than that allowed by law for negotiating or transacting the business of ~~his~~ the officer's office.

**Sec. B-6. 37-B MRSA §149**, as enacted by PL 1983, c. 460, §3, is corrected to read:

#### §149. New organizations

When authorized by the national military establishment, new organizations may be raised on petition to the Governor, or by ~~his~~ the Governor's order. When the minimum number of persons required by law has been enlisted and notice thereof given to the Governor, ~~he~~ the Governor shall order an inspection to be made by an officer of the National Guard, and if it is found that the condition contemplated by law for federal recognition can be met by the new organization, the Governor shall appoint commissioned officers for the new unit and request an inspection to be made by an officer of the national military establishment with a view to federal recognition.

**Sec. B-7. 37-B MRSA §187, sub-§1**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**1. Fixing the limits.** ~~Every~~ A commanding officer on duty may fix necessary bounds and limits to ~~his~~ the commanding officer's camp or parade. In doing so, ~~he~~ the commanding officer may not prevent passage along a through road. By order of the Governor, the commanding officer may, as described in subsection 2, restrict use or passage through an extended area not more than 1/2 mile around the camp. The owners of land within that surrounding security area and their agents ~~shall~~ may not be prevented from using, occupying or improving their land in the same manner as they were accustomed to do at the time the camp was occupied.

**Sec. B-8. 37-B MRSA §187, sub-§2**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**2. Confinement of intruders.** Any person who intrudes within the fixed limits after being forbidden, or resists a sentinel attempting to put or keep ~~him~~ the person out of those limits, or disturbs, interrupts or otherwise hinders the passage of troops or the discharge of their duty, may be confined under guard for up to 14 hours at the discretion of the commanding officer.

**Sec. B-9. 37-B MRSA §221, sub-§1**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**1. Organization.** When necessary to provide for the adequate protection of the State, the Governor as Commander in Chief may organize as components of the state military forces an adequate number of Army and Navy units for the length of time ~~which he~~ that the Governor directs. Those components ~~shall~~ consist of the militia, the naval militia and the Maine State Guard.

**Sec. B-10. 37-B MRSA §221, sub-§2**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**2. Duties.** In the event of the organization of other forces described in subsection 1, those units may be ordered by the Governor to perform duties ~~which he~~ that the Governor directs, including duties that the

National Guard would be called to perform, consistent with this chapter and other applicable laws.

**Sec. B-11. 37-B MRSA §223, sub-§2**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**2. Administration.** The Commander in Chief may organize the forces prescribed in subsection 1 as ~~he deems the Commander in Chief considers~~ proper. When in ~~his~~ the Commander in Chief's judgment the efficiency of the naval militia will be increased thereby, or whenever public interest may demand it, ~~he~~ the Commander in Chief may alter, reorganize or disband any or all of the naval militia. ~~He~~ The Commander in Chief may, at any time, change the organization of the naval militia so as to conform to any organization, or system of drill or instruction adopted for the United States Navy, and increase and decrease for that purpose the number of officers, warrant officers, chief petty officers, petty officers and enlisted ~~men~~ personnel and to change their grades, titles and designations.

The system of administration, drill and instruction of the naval militia ~~shall~~ must conform, as nearly as practicable, to that of the United States Navy.

**Sec. B-12. 37-B MRSA §224, sub-§1**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**1. Composition.** When activated, the Maine State Guard ~~shall~~ must be composed of those persons enlisted, appointed or commissioned from the militia and other able-bodied citizens of the State and such other able-bodied soldiers and sailors who have previously served honorably in the United States Armed Services or the National Guard. A person may not become a member of the Maine State Guard; if ~~he~~ the person is a member of the National Guard or any component of the United States Armed Forces, active or reserve.

**Sec. B-13. 37-B MRSA §224, sub-§2**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**2. Administration; rules.** The Governor may from time to time prescribe rules not inconsistent with this section, for the enlistment, designation and location of units, and the organization, administration, equipment, maintenance, training and discipline of the Maine State Guard. The organization ~~shall~~ may not conflict with the laws of the United States or of this State as applicable to the state military forces, generally. These rules, insofar as the Governor ~~deems~~ considers practicable and desirable, ~~shall~~ must conform to existing laws, rules and regulations pertaining to the National Guard. The oath to be taken by officers and enlisted ~~men~~ personnel in the Maine State Guard ~~shall~~ must be substantially the same as that prescribed for officers and enlisted ~~men~~ personnel of the National Guard. The words "Maine State Guard" ~~shall~~ must be substituted where necessary. The term of service of officers or enlisted ~~men~~ personnel in the Maine State Guard ~~shall~~ must be the same as that prescribed for

officers and enlisted ~~men~~ personnel of the National Guard.

**Sec. B-14. 37-B MRSA §224, sub-§3**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Officers; appointment; authority.** The Governor, acting by and through the Adjutant General, shall appoint officers for such units and organizations of the Maine State Guard as ~~he~~ the Governor may establish in conformance with applicable federal regulations, and these officers shall, subject to removal by the Commander in Chief, exercise the same military authority over their several commands as officers of the National Guard.

**Sec. B-15. 37-B MRSA §224, sub-§5**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**5. Requisitions.** For the use of the Maine State Guard, the Governor may requisition from the United States Secretary of the Army arms, ammunition, clothing and equipment ~~which that~~ the United States Secretary of the Army in ~~his~~ the secretary's discretion, and under regulations determined by ~~him~~ the secretary, may issue and may make available to the Maine State Guard the facilities of state armories and their equipment and other state premises and property ~~which that~~ are available.

**Sec. B-16. 37-B MRSA §224, sub-§7**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**7. Federal service.** Nothing in this subsection may be construed as authorizing the Maine State Guard or any part thereof, to be called, ordered or in any manner drafted as a unit into the military service of the United States. No person may, by reason of ~~his~~ the person's enlistment or commission in the Maine State Guard, be exempted from military service under any law of the United States.

**Sec. B-17. 37-B MRSA §225**, as enacted by PL 1983, c. 460, §3, is corrected to read:

#### §225. Enrollment other than National Guard

**1. Citizen enrollment; penalty for noncompliance.** Each citizen who is more than 18 years of age and less than 45 years of age, unless exempted by order of the Governor, who is a resident of this State, ~~shall~~ must, whenever the Governor ~~deems~~ considers it necessary, be enrolled with the militia. Each citizen ~~shall~~ must be enrolled in the municipality in which ~~he~~ the citizen resides by the assessor or assessors for that municipality according to rules ~~which that~~ the Governor may prescribe.

Any person knowingly refusing to give required information concerning ~~himself~~ that person or another person who is required to be enrolled, or giving false information to an assessor making the enrollment, is for each act of concealment, refusal or falsification guilty of a Class E crime. Within 10 days, the assessor

making the enrollment shall report all persons violating this subsection to the Adjutant General.

**2. Exemptions.** The Vice-President of the United States; judicial and executive officers of the government of the United States and of the several states and territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail, artificers and ~~workmen~~ workers employed in the armories, arsenals and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, ~~shall be~~ are exempt from militia duty without regard to age. All persons, who because of religious belief, claim exemption from militia service, if the conscientious holding of that belief by that person ~~shall be~~ is established under regulations prescribed by the President, ~~shall be~~ are exempted from militia service in a combatant capacity. A person exempted because of religious beliefs ~~shall is~~ is not be exempt from militia service in a capacity that the President declares to be noncombatant.

**3. Burden of proof in exemption.** Any person claiming exemption shall satisfy the assessor of ~~his~~ the person's right to the exemption. In case of doubt, the burden of proof ~~shall be~~ is upon the person claiming exemption. The assessor may require ~~him~~ the person to submit to examination under oath and may administer the oath.

**4. Responsibilities of assessor and clerk; penalty for failure to perform.** On the roll, opposite the name of each person who is exempt from duty under subsection 2, or who is serving in the active state or federal military forces, or who is unable by reason of physical disability to perform military duty, the assessor shall write the word "exempt" and state in each case the cause of the exemption. The assessor shall subscribe the list and make oath that the list is true to the best of ~~his~~ the assessor's knowledge and belief, and shall immediately file the list with the clerk of the municipality. Within 10 days, the clerk shall make a certified statement of the total number enrolled, the number marked exempt with the reason for exemption and the number in active service. The clerk shall forward the statement to the Military Bureau. Any assessor neglecting or refusing faithfully to perform the enrolling duties required by law, making a false entry upon the rolls or committing any other related fraud and any clerk neglecting to make and forward the statement required is guilty of a Class E crime.

**Sec. B-18. 37-B MRSA §266, sub-§1, ¶B,** as enacted by PL 1987, c. 208, §1, is corrected to read:

B. In case an officer or enlisted ~~man~~ person of the state military forces through carelessness or inattention loses, destroys or causes the loss or destruction of government property ~~which that~~ has been issued for ~~his~~ that officer's or enlisted per-

son's use, the Adjutant General shall retain, out of the pay, allowances or money due the officer or enlisted ~~man~~ person for any military services an amount equal to the value of the property lost or destroyed. That portion of the money ~~which that~~ is for state property ~~shall must~~ be turned in to the Treasurer of State and credited to the Military Fund. That portion ~~which that~~ is for United States property ~~shall must~~ be turned ~~into in to~~ in to the United States Treasury and credited to the State on its property returns.

**Sec. B-19. 37-B MRSA §266, sub-§3,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Uniform forbidden to unauthorized persons.** It is unlawful for any person not an officer or enlisted ~~man~~ person in the federal or state military forces to wear the duly prescribed uniform of any military forces or any distinctive part of the uniform, or a uniform any part of which is similar to a distinctive part of a prescribed uniform. This subsection ~~shall may~~ not be construed to prevent authorized persons from wearing the uniforms. The term "distinctive part of the uniform" in this subsection ~~shall must~~ be construed to mean such parts of the uniform as may be designated as "distinctive" by the regulations of the federal military establishment. Violation of this subsection is a Class E crime.

**Sec. B-20. 37-B MRSA §342, sub-§3,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Enlistment of minors into the military.** Any person who knowingly enlists, or causes or induces, a person under ~~the age of~~ 18 years of age to enlist into the state military forces without written consent of ~~his~~ the parent or guardian of the person under 18 years of age is guilty of a Class E crime.

**Sec. B-21. 37-B MRSA §342, sub-§4,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**4. Obstruction of the right-of-way.** The commander of any part of the state military forces parading or performing any military duty in any street or highway may require any or all persons to yield the right-of-way to ~~his~~ the commander's troops, ~~provided that as long as~~ provided that the transport of the United States mail, the legitimate functions, progress and operations of police, ambulances, firefighters and other authorized emergency vehicles ~~shall are~~ are not be interfered with by the troops.

Anyone who hinders, delays or obstructs any portion of the state military forces when parading or performing their military duty, or who attempts to do so, is guilty of a Class E crime.

**Sec. B-22. 37-B MRSA §382, first ¶,** as enacted by PL 1983, c. 460, §3, is corrected to read:

Whenever a state of war exists or is imminent between the United States and a foreign country, the

Governor may by proclamation direct every citizen or subject of that foreign country within this State to personally appear within 24 hours after the proclamation or within 24 hours after ~~his~~ the citizen's or subject's arrival in this State, whichever is later, before the public authorities named by the Governor in the proclamation. At that time the citizen or subject of the foreign country shall register ~~his~~ the citizen's or subject's name, residence, business, length of stay and other information ~~which~~ that the Governor may prescribe in the proclamation.

**Sec. B-23. 37-B MRSA §406, sub-§3**, as amended by PL 1983, c. 594, §21, is corrected to read:

**3. By civil authority.** Any civil officer having authority to apprehend offenders under the laws of this State may apprehend a deserter or a member of the military forces absent without leave and deliver ~~him~~ the deserter or member into the custody of the appropriate component of the military force. Without limiting the authority granted in this subsection, upon written certification from the Adjutant General that a member is absent without leave from military duty, the civil officer, upon the Adjutant General's request, shall apprehend the member and deliver ~~him~~ the member to duty in accordance with the request.

**Sec. B-24. 37-B MRSA §407, sub-§1, ¶A**, as enacted by PL 1983, c. 460, §3, is corrected to read:

A. "Arrest" is the restraint of a person by an order directing ~~him~~ the person to remain within certain specified limits and ~~which~~ that is not imposed as a punishment for an offense.

**Sec. B-25. 37-B MRSA §410**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§410. Information on charges; speedy trial**

When any person subject to this Code is arrested or confined prior to trial, immediate steps ~~shall~~ must be taken to inform ~~him~~ the person of the specific wrong of which ~~he~~ the person is accused and to try ~~him~~ the person or to dismiss the charges and release ~~him~~ the person.

**Sec. B-26. 37-B MRSA §412**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§412. Receiving prisoners**

When an officer of the military forces delivers a prisoner and furnishes a statement of the offense charged against that prisoner to a provost marshal, commander of the guard, warden, keeper or officer of a city or county jail or other correctional center designated under section 408, that official shall commit the prisoner to ~~his~~ the official's charge.

**Sec. B-27. 37-B MRSA §413**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§413. Report of persons held**

Every provost marshal, commander of the guard, warden, keeper or officer of a city or county jail or other correctional center designated under section 408 to whose charge a prisoner is committed shall, within 24 hours after such commitment or as soon as ~~he~~ the official is relieved from guard, report to ~~his~~ the official's commanding officer the name of the prisoner, the offense charged against ~~him~~ the prisoner and the name of the person who ordered or authorized commitment.

**Sec. B-28. 37-B MRSA §420, sub-§4**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**4. Rank or grade.** Except where it cannot be avoided, a member of the military forces ~~shall~~ may not be tried by a court-martial any member of which is junior ~~to him~~ in rank or grade to the member being tried. When convening a court-martial, the convening authority shall detail persons in the military forces who, in ~~his~~ the convening authority's opinion, are qualified for the duty by reason of age, education, training, experience, length of service and judicial temperament. No member of the military forces may serve as a member of a court-martial when ~~he~~ the member is the accuser or a witness for the prosecution or has acted as investigating officer or as counsel in the same case.

**Sec. B-29. 37-B MRSA §421, sub-§3**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Accuser or witness ineligible.** No person is eligible to act as military judge in a case if ~~he~~ the person is the accuser or a witness for the prosecution or has acted as investigation officer or a counsel in the same case.

**Sec. B-30. 37-B MRSA §421, sub-§4**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**4. Duties.** A commissioned officer who is certified to be qualified for duty as a military judge of a court-martial may perform those duties only when ~~he~~ the commissioned officer is assigned and directly responsible to the Adjutant General. ~~He~~ The commissioned officer may perform duties of a judicial or non-judicial nature other than those relating to ~~his~~ the commissioned officer's duty as a military judge of a court-martial when those duties are assigned to ~~him~~ the commissioned officer by or with the approval of the state judge advocate. The military judge of a court-martial may not consult with the members of the court, except in the presence of the accused, trial counsel and defense counsel, nor may ~~he~~ the military judge vote with the members of the court.

**Sec. B-31. 37-B MRSA §422, sub-§1**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**1. Appointment.** For each court-martial, the authority convening the court shall detail trial counsel

and defense counsel, and such assistants as ~~he~~ the authority considers appropriate. No person who has acted as investigating officer, military judge or court member in any case may act later as trial counsel, assistant trial counsel, or unless expressly requested by the accused, as defense counsel or assistant defense counsel in the same case. No person who has acted for the prosecution may act later in the same case for the defense, nor may any person who has acted for the defense act later in the same case for the prosecution.

**Sec. B-32. 37-B MRSA §431**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§431. Approval of findings and sentence**

In acting on the findings and sentence of a court-martial, the convening authority may approve only such findings of guilty, and the sentence or such part or amount of the sentence, as ~~he~~ the convening authority finds correct in law and fact and as ~~he~~ the convening authority in ~~his~~ the convening authority's discretion determines should be approved. Unless ~~he~~ the convening authority indicates otherwise, approval of the sentence is approval of the findings and sentence.

**Sec. B-33. 37-B MRSA §432, sub-§3**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Rehearing.** A rehearing ~~shall~~ must be ordered as follows.

A. If the convening authority disapproves of the findings and sentence, ~~he~~ the convening authority shall state the reasons for disapproval, and ~~he~~ may order a rehearing, except where there is lack of sufficient evidence in the record to support the findings. If ~~he~~ the convening authority disapproves the findings and sentence and does not order a rehearing, ~~he~~ the convening authority shall dismiss the charges.

B. Each rehearing ~~shall~~ must take place before a court-martial composed of members who were not members of the court-martial ~~which~~ that first heard the case. Upon a rehearing, the accused may not be tried for any offense of which ~~he~~ the accused was found not guilty by the first court-martial. No sentence more severe than the original sentence may be imposed, unless the sentence is based upon a finding of guilty of an offense not considered upon the merits in the original proceedings, or unless the sentence prescribed for the offense is mandatory.

**Sec. B-34. 37-B MRSA §435**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§435. Approval by the Governor**

No court-martial sentence may be executed until approved by the Governor. The Governor shall approve the sentence or such part, amount or commuted form of the sentence as ~~he~~ the Governor sees fit, and

may suspend the execution of the sentence or any part of the sentence.

**Sec. B-35. 37-B MRSA §436**, as amended by PL 1983, c. 594, §30, is corrected to read:

**§436. New trial**

At any time after approval by the convening authority of a court-martial sentence, the accused may petition the state judge advocate for a new trial on the grounds of newly discovered evidence or fraud on the court. The state judge advocate shall review the petition, the record and such other evidence as ~~he deems~~ the state judge advocate considers appropriate and report to the convening authority ~~his~~ the state judge advocate's recommendation to grant or deny a new trial. If a new trial is recommended, the convening authority shall order a rehearing as provided in section 432, subsection 3. Upon filing of the petition for a new trial, any proceedings pending upon appeal or review of sentence ~~shall~~ must be dismissed.

**Sec. B-36. 37-B MRSA §441, sub-§1**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**1. Acts constituting.** Any member of the military forces who commits any of the following acts is guilty of desertion:

A. Without authority, goes or remains absent from ~~his~~ the member's unit, organization or place of duty with intent to remain away permanently;

B. Quits ~~his~~ the member's unit, organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

C. Being a commissioned officer of the military forces who, after tender of ~~his~~ the member's resignation and before notice of ~~his~~ acceptance, quits ~~his~~ the member's post or proper duties without leave and with intent to remain away permanently.

**Sec. B-37. 37-B MRSA §442**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§442. Absent without leave**

Any member of the military forces who, without authority, fails to go to ~~his~~ the member's appointed place of duty at the time prescribed, or goes from that place, or ~~absents himself~~ leaves or remains absent from ~~his~~ the member's unit, organization or place of duty at which ~~he~~ the member is required to be at the time prescribed, ~~shall~~ must be punished as a court-martial may direct.

**Sec. B-38. 37-B MRSA §443**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§443. Missing movement**

Any person subject to this Code who through neglect or design misses the movement of a ship, aircraft

or unit with which ~~he~~ the person is required in the course of duty to move ~~shall~~ must be punished as a court-martial may direct.

**Sec. B-39. 37-B MRSA §447**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§447. Failure to obey order**

Any person subject to this Code who violates or fails to obey any lawful general order or regulation, or having knowledge of any other lawful order issued by a member of the military forces, ~~which that~~ it is ~~his~~ the person's duty to obey, fails to obey the order, or is derelict in the performance of ~~his~~ the person's duties, ~~shall~~ must be punished as a court-martial may direct.

**Sec. B-40. 37-B MRSA §448, sub-§1, ¶A**, as enacted by PL 1983, c. 460, §3, is corrected to read:

A. With intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do ~~his~~ the person's duty or creates any violence or disturbance is guilty of mutiny;

**Sec. B-41. 37-B MRSA §448, sub-§1, ¶C**, as enacted by PL 1983, c. 460, §3, is corrected to read:

C. Fails to do ~~his~~ the person's utmost to prevent and suppress a mutiny or sedition being committed in ~~his~~ the person's presence, or fails to take all reasonable means to inform ~~his~~ the person's superior commissioned officer or commanding officer of a mutiny or sedition ~~which he~~ that the person knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

**Sec. B-42. 37-B MRSA §451**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§451. Sentinels**

Any sentinel or lookout who is found sleeping upon ~~his~~ the sentinel's or lookout's post or who leaves it before ~~he~~ the sentinel or lookout is regularly relieved ~~shall~~ must be punished as a court-martial may direct.

**Sec. B-43. 37-B MRSA §507-A**, as enacted by PL 1983, c. 594, §31, is corrected to read:

**§507-A. Custodian to provide copies**

When a copy of any public record is required by the United States Veterans' Administration to be used in determining the eligibility of any person to participate in benefits made available by the United States Veterans' Administration, the official custodian of that public record shall, without charge, provide the applicant for these benefits, or any person acting on ~~his~~ the applicant's behalf or the authorized representative of the United States Veterans' Administration, with a certified copy of that record.

**Sec. B-44. 37-B MRSA §604, sub-§3**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Selection of officers.** At its first annual meeting, which ~~shall~~ must be held in July each year, the board shall elect a ~~chairman~~ chair and secretary for that fiscal year.

**Sec. B-45. 37-B MRSA §743, sub-§1**, as enacted by PL 1983, c. 594, §34, is corrected to read:

**1. Proclamation by Governor.** Whenever the Governor is satisfied that a disaster or civil emergency no longer exists, ~~he~~ the Governor shall terminate the emergency proclamation by another proclamation affecting the sections of the State covered by the original proclamation, or any part thereof. That proclamation ~~shall~~ must be published in newspapers of the State and posted in places ~~which that~~ the Governor ~~deems~~ considers appropriate.

**Sec. B-46. 37-B MRSA §744, sub-§1, ¶A**, as enacted by PL 1983, c. 460, §3, is corrected to read:

A. Accept a grant of financial assistance from the Federal Government, subject to such terms and conditions as may be imposed upon the grant and upon ~~his~~ the Governor's determination that financial assistance is essential to meet necessary expenses or serious needs of individuals or families caused by the disaster ~~which that~~ cannot otherwise adequately be met;

**Sec. B-47. 37-B MRSA §744, sub-§2-A, ¶B**, as enacted by PL 1985, c. 794, Pt. A, §5, is corrected to read:

B. If the President of the United States declares that a major disaster exists in the State, the Governor may:

- (1) Apply for a loan from the Federal Government on behalf of a unit of local government if ~~he~~ the Governor determines that the unit will suffer a substantial loss of tax and other revenues as a result of a major disaster and has demonstrated a need for financial assistance to perform its governmental functions;
- (2) Receive and disburse the proceeds of any approved loan to an applicant local government;
- (3) Determine the amount needed by any applicant local government to restore or resume its governmental functions and certify the amount to the Federal Government, ~~provided~~ except that no application amount may exceed 25% of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs; and
- (4) Recommend to the Federal Government, based upon ~~his~~ the Governor's review, the

cancellation of all or any part of repayment when, after 3 full fiscal years following the major disaster, the revenues of the local government are insufficient to meet its operating expenses, including additional municipal expenses related to the disaster.

**Sec. B-48. 37-B MRSA §744, sub-§3, ¶A,** as enacted by PL 1983, c. 460, §3, is corrected to read:

A. Whenever the Governor has proclaimed a disaster emergency under the laws of this State, or the President has declared an emergency or a major disaster to exist in this State, the Governor may:

(1) Enter into purchase, lease or other arrangements with any agency of the United States for temporary housing units to be occupied by disaster victims and make these units available to any political subdivision of the State;

(2) Assist any political subdivision of the State, in which is located temporary housing for disaster victims, acquire sites necessary for the temporary housing and do all things required to prepare the sites to accommodate temporary housing units. This may be accomplished by advancing or lending funds available to the Governor from any appropriation made by the Legislature or from any other source, and "passing through" funds made available by any agency, public or private; or by becoming a partner with the political subdivision for the execution and performance of any temporary housing project for disaster victims. For those purposes, the Governor may pledge the credit of the State on terms which he deems that the Governor considers appropriate, having due regard for current debt transactions of the State; and

(3) Suspend or modify a state health, safety, zoning, transportation or other requirement of law or rule when he deems the Governor considers suspension or modification necessary to provide temporary housing for disaster victims. That suspension or modification shall must be in accordance with rules adopted by the Governor and shall may not exceed 60 days' duration.

**Sec. B-49. 37-B MRSA §821, first ¶,** as enacted by PL 1983, c. 460, §3, is corrected to read:

When the Governor has issued a proclamation in accordance with section 742 and, when in his the Governor's judgment for the protection and welfare of the State and its inhabitants, the situation requires it as a matter of public necessity or convenience, he the Governor may take possession of any real or personal

property located within the State for public uses in furtherance of this chapter.

**Sec. B-50. 37-B MRSA §821, sub-§3,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**3. Compensation.** The Governor shall award reasonable compensation to the owners of the property which he that the Governor takes under this section and for its use and for any injury thereto or destruction thereof caused by that use.

**Sec. B-51. 37-B MRSA §821, sub-§4,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**4. Appeal.** The owner of property of which possession has been taken under this section and to whom no award has been made or who is dissatisfied with the amount awarded him the owner as compensation may bring an action in the Superior Court in the county in which he the owner lives or has a usual place of business or in the County of Kennebec to have the amount of damages to which he the owner is entitled determined. The plaintiff may bring the action within 6 years after the date when possession of the property was taken under this section, except that, if the owner of the property is in the military service of the United States at any time during which he the owner should otherwise have brought his the action, he the owner may bring the action within 6 years after his the owner's discharge from that military service. The plaintiff and the State shall severally have the right to have the damages assessed by a jury.

**Sec. B-52. 37-B MRSA §821, sub-§5,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**5. Continuation of right of action.** In the event the owner of property seized under this section dies, preventing him the owner from bringing or continuing the action provided in subsection 4, his the owner's executor or administrator may bring or continue the action.

**Sec. B-53. 37-B MRSA §1007,** as enacted by PL 1983, c. 460, §3, is corrected to read:

**§1007. Conspirators**

If 2 or more persons conspire to commit any crime defined by this chapter, each of those persons is guilty of conspiracy, which shall be is a crime of the same class as the crime which that those persons conspired to commit, whether or not any act was done in furtherance of the conspiracy. It shall does not constitute a defense or a ground of suspension of judgement, sentence or punishment on behalf of a person prosecuted under this section that any of his the person's fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.



**Sec. B-54. 37-B MRSA §1010**, as enacted by PL 1983, c. 460, §3, is corrected to read:

**§1010. Questioning and detaining suspected persons**

Any peace officer or any person employed as ~~watchman~~, guard or in a supervisory capacity on premises posted, as provided in section 1009, may stop any person found on any premises to which entry without permission is forbidden by section 1009 and may detain ~~him~~ the person for the purpose of questioning and may question ~~him~~ the person with respect to ~~his~~ the person's name, address and business in that place. If the peace officer or employee has reason to believe from the answers of the person so interrogated that the person has no right to be in that place, the peace officer shall forthwith either release that person or arrest the person without a warrant on the charge of violating section 1009. The employee shall forthwith release the person or turn ~~him~~ the person over to a peace officer, who may arrest ~~him~~ the person without a warrant on the charge of violating section 1009.

**EXPLANATION**

Pursuant to Public Law 2019, chapter 475, this Part corrects gender-specific references within statutory units in the Maine Revised Statutes, Title 37-B and incorporates certain administrative changes and corrections authorized under Title 1, section 93 to those statutory units.

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SELECTED MEMORIALS AND JOINT RESOLUTIONS

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**JOINT RESOLUTION  
MEMORIALIZING THE  
UNITED STATES  
CONGRESS TO PROVIDE  
ACCESS TO BANKING AND  
INSURANCE SERVICES TO  
LEGAL CANNABIS AND  
CANNABIS-RELATED  
BUSINESSES**

**H.P. 1440**

**WE**, your Memorialists, the Members of the One Hundred and Twenty-ninth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the members of the Congress of the United States as follows:

**WHEREAS**, despite being illegal at the federal level, cannabis is now legal in 33 states, the District of Columbia, Guam and the Commonwealth of Puerto Rico, which account for 68% of the population of the United States; and

**WHEREAS**, due to the conflict between state and federal law, the vast majority of financial institutions and insurers are unwilling to provide services to legal cannabis businesses, and those that do could be subject to severe criminal and civil penalties; and

**WHEREAS**, in addition to legal cannabis businesses being denied access to banking services, businesses that serve the cannabis industry, either directly or indirectly, may be denied banking services simply because they are being paid with money derived from cannabis sales; and

**WHEREAS**, lacking banking services, many legal cannabis businesses operate solely in cash, and cash-based systems are inefficient, expensive and opaque and make illicit activity more difficult for law enforcement agencies and state regulators to track; and

**WHEREAS**, lacking access to insurance, many legal cannabis businesses are unable to obtain sufficient coverage for business risks, leaving consumers, employees, vendors and owners without adequate financial protection; and

**WHEREAS**, a bipartisan group of 38 attorneys general has identified cash associated with the cannabis industry as a public safety concern; and

**WHEREAS**, despite guidance from the United States Department of the Treasury, Financial Crimes Enforcement Network to clarify federal Bank Secrecy Act expectations, federal banking regulators lack the legal authority to provide banks a safe harbor from federal law; and

**WHEREAS**, the Congress of the United States has the sole authority to solve the banking and insurance issue by enacting legislation that provides protections for insurers, including surety bond writers, and financial institutions that offer services to legal cannabis businesses and service providers for such businesses; now, therefore, be it

**RESOLVED:** That We, your Memorialists, respectfully urge and request that the Congress of the United States enact federal laws regarding the use and sale of cannabis that respect state law and promote public safety without compromising federal enforcement of money laundering laws against criminal enterprises; and be it further

**RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of the Maine Congressional Delegation.

**Read and adopted by the House of Representatives  
January 14, 2020 and the Senate January 21, 2020.**

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**JOINT RESOLUTION  
SUPPORTING THE MAINE  
COMPLETE COUNT  
COMMITTEE AND  
COORDINATION OF  
EFFORTS TO REDUCE THE  
UNDERCOUNT OF MAINE  
RESIDENTS IN THE 2020  
FEDERAL DECENNIAL  
CENSUS**

**H.P. 1448**

**WHEREAS**, Article I, Section 2 of the United States Constitution requires an enumeration of the population every 10 years to apportion congressional representation among the states; and

**WHEREAS**, pursuant to 13 United States Code, Section 141, the next Federal Decennial Census of the population will be taken beginning April 1, 2020 and concluding on July 31, 2020; and

**WHEREAS**, data derived from the census determines how approximately \$800 billion in federal spending to support education, transportation, publicly funded health care, law enforcement and other important public services is allocated among the states; and

**WHEREAS**, a complete and accurate count of Maine's population is essential because the census

SELECTED MEMORIALS AND JOINT RESOLUTIONS

count determines congressional representation and state redistricting and also determines federal formula grant allocations for Medicaid, the Children's Health Insurance Program, Title IV-E foster care, Title IV-E adoption assistance and the Child Care and Development Fund for an entire decade until the next Federal Decennial Census is taken; and

**WHEREAS**, Maine's fiscal loss in programs guided by Federal Medical Assistance Percentages was \$16,420 per person missed in the 2010 census over the 10-year census cycle; and

**WHEREAS**, the United States Department of Commerce, Bureau of the Census acknowledges the long-standing undercount of young children in the Federal Decennial Census and has spent years researching children who were missed in the 2010 census and creating resources in an attempt to reduce this undercount in the 2020 census; and

**WHEREAS**, it is vitally important to ensure that every Maine resident is counted in the 2020 census and that Maine gets its fair share of federal funds; and

**WHEREAS**, the Governor has, by Executive Order 12 FY 19/20, created the Maine Complete Count Committee, which, using the knowledge and expertise of Maine's administrative agencies, will develop and coordinate a census outreach program to increase awareness about the 2020 census and motivate residents in the community to respond; and

**WHEREAS**, such complete count committees have also been established by Maine's tribal and local governments and community organizations, faith-based groups, schools, libraries, businesses, the media and others, which will play a key role in educating and motivating residents to participate in the 2020 census; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to support the Maine Complete Count Committee and Maine's tribal, county and municipal governments in the work to develop, recommend and assist in the administration of a census outreach strategy to encourage full participation in the 2020 Federal Decennial Census; and be it further

**RESOLVED:** That We also support the development of additional outreach programs and partnerships with nonprofit and community organizations, faith-based groups, schools, libraries, businesses, the media and others to encourage full participation in the 2020 Federal Decennial Census, including a multilingual, multimedia campaign designed to ensure an accurate and complete count of Maine's population.

**Read and adopted by the House of Representatives January 23, 2020 and the Senate January 28, 2020.**

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**JOINT RESOLUTION  
RECOGNIZING THE 75TH  
ANNIVERSARY OF THE  
LIBERATION OF THE  
AUSCHWITZ  
CONCENTRATION CAMP  
AND THE WORKING  
DEFINITION OF  
ANTISEMITISM ADOPTED  
BY THIRTY-ONE MEMBER  
COUNTRIES OF THE  
INTERNATIONAL  
HOLOCAUST  
REMEMBRANCE  
ALLIANCE**

**S.P. 733**

**WHEREAS**, January 27, 2020 is International Holocaust Remembrance Day and marks the 75th anniversary of the liberation of the Auschwitz concentration camp; and

**WHEREAS**, on this anniversary, the Legislature recommits itself to combating the global rise in anti-semitism; and

**WHEREAS**, on May 26, 2016, 31 member countries of the International Holocaust Remembrance Alliance, of which the United States is a member, adopted a legally nonbinding working definition of antisemitism; and

**WHEREAS**, the working definition reads as follows: "Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities"; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the 75th anniversary of the liberation of the Auschwitz concentration camp and the working definition of antisemitism.

**Read and adopted by the Senate January 23, 2020 and the House of Representatives January 28, 2020.**

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**JOINT RESOLUTION  
SUPPORTING THE  
DESIGNATION OF THE  
YORK RIVER AND ITS  
MAJOR TRIBUTARIES AS A  
PARTNERSHIP WILD AND  
SCENIC RIVER IN THE  
NATIONAL WILD AND  
SCENIC RIVERS SYSTEM**

**H.P. 1509**

**WHEREAS**, the York River, located in southern Maine, with watershed lands in the towns of Eliot, Kittery, South Berwick and York, was evaluated for inclusion in the National Wild and Scenic Rivers System; and

**WHEREAS**, the National Wild and Scenic Rivers System was established in 1968 to protect rivers with outstanding values for the benefit and enjoyment of present and future generations, and rivers that flow through private lands and are eligible for designation are included in the national system as "partnership" rivers, maintaining all local control of land and river use, subject to existing local and state laws; and

**WHEREAS**, the York River's water quality, ecological and cultural resources and many outstanding values with national and regional significance make it eligible for Partnership Wild and Scenic River designation; its healthy river habitats and salt marshes support important Gulf of Maine species and improve resilience to climate change impacts; and its vibrant working waterfront contributes to the economy and to community character; and

**WHEREAS**, the 4 watershed communities strongly support pursuing inclusion of the York River in the National Wild and Scenic Rivers System as a partnership river and accepting the York River Watershed Stewardship Plan, as evidenced by affirmative votes by the people of Eliot and York on November 6, 2018 and adoption of resolutions by town councils in Kittery and South Berwick on November 26, 2018 and December 11, 2018, respectively; and

**WHEREAS**, with the York River being designated as a partnership river, the 4 York River watershed communities will have access to financial and technical assistance from the National Park Service and will be able to proactively and collaboratively address issues and priorities for the benefit of the watershed region, the State of Maine and the Gulf of Maine environment; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize the eligibility and suitability of the York River and its tributaries for designation as a Partnership Wild and Scenic

River in the National Wild and Scenic Rivers System and acknowledge the strong community support for designation; and be it further

**RESOLVED:** That We recognize the benefits and opportunities of Partnership Wild and Scenic River designation to better enable watershed communities to work collaboratively to address important river preservation issues for the long-term benefit of current and future generations of Maine citizens.

**Read and adopted by the House of Representatives  
February 25, 2020 and the Senate February 27,  
2020.**

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**STATE OF THE STATE ADDRESS  
OF  
GOVERNOR JANET T. MILLS  
JANUARY 21, 2020**

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Readiness, Resilience

## **I. Introduction**

President Jackson, Speaker Gideon, Chief Justice Sautley, distinguished members of the 129th Legislature and honored guests, I am here tonight to continue the story of our state — to talk about the progress we have made, the challenges we face, and the strength and resilience of the people of Maine.

To you, the people of Maine — those watching in homes, businesses and shops across the state — you who are working the second shift, you who are putting the little ones to bed and making sure they have clean clothes and a lunch for tomorrow —

You work hard, you get the job done — and you expect nothing less from all of us. You have entrusted us to put aside our differences and come together to do what's right:

- To protect your health care and to make it more affordable.
- To create new jobs and expand opportunity.
- To take care of each other, to welcome new Mainers home and to ensure that our people are safe, happy and have the chance for success.
- And you are counting on us to take action — now — on the climate crisis that threatens our very way of life.

We have made progress. And we have done so without rancor or bitterness.

Together, we enacted a visionary paid leave law, workers compensation reform and important gun safety legislation.

Together, we restored the Maine Indian State Tribal Commission and empowered it to become a forum for substantive communication, problem solving, and dispute resolution. Critical work that I remain committed to.

We successfully negotiated seven collective bargaining agreements in timely fashion that provided cost-of-living raises, first-time parental leave and a long overdue wage study.

And so much more.

Our state is strong. Our state is resilient. Our state is ready.

This year, we celebrate Maine's 200th year as a state.

After we separated ourselves from Massachusetts and embarked on creating our own destiny, we, Maine people, learned to be self-reliant and, at the same time, to rely on each other.

We carved our character and our living out of Maine's forests, hills and tablelands, its fields, shores, and mighty rivers.

Using two-man saws and their own strength, Maine lumbermen withstood our coldest months to fell our tallest trees. Our state became the lumber capital of the world because of their resilience.

Maine families dug potatoes, picked corn, squash and pumpkins; harvested oats and rye side-by-side with their neighbors. Our state became the breadbasket of the Northeast because of the resilience of Maine farmers.

Hundreds of Maine craftsmen each worked from dawn till dusk to build world-class ships, piece by piece. Our products reached markets oceans away because of their resilience.

And of course, our state's history goes much further back before statehood to those who first hunted, farmed, fished and set their stones on these grounds. We stand here today because of the resilience of Native Americans.

Living in Maine has not always been easy. We have survived wars, depressions, prohibitions and booms and busts. We've seen hatred and bigotry. We've suffered loss — as a state and as families.

## STATE OF THE STATE ADDRESS

Through it all, we have been lifted up by the courage, conviction and resilience that comes from loving a place and its people.

That resilience defines our history.

That resilience will define our future.

These are trying times. Politics from Washington and beyond are marked by rancor, divisiveness and fear.

During this volatile presidential election year, the noise is deafening, turning us away from the security and saneness of our own small outpost.

Tariffs and trade wars, threats of terrorism and partisan fighting paralyze the nation's capital.

But here in Maine, we are doing what Mainers have done for more than two centuries: putting our shoulder to the wheel and working across the aisle to get things done for Maine people.

Because we are not Washington. We are Maine.

Marked by strength, pragmatism and resilience, Maine has always been ready and willing to do our part for our communities, for our country, for our world.

We have always welcomed people who were not fortunate enough to grow up here, including the ancestors of those in this room who came from other places.

We have always faced loss together, mending our broken hearts as one people and one state.

For a moment, I want to bow my head with you to remember three good people who left this chamber unexpectedly in the past ten months — people whose kindness and decency and dedication to this state left a mark on all of us: Representatives Dale Denno, Ann Peoples, and Archie Verow. Let us also remember Representative Jim Campbell of Sanford, who served in this body for many years and who left us this past week.

God bless them and may the memories of their lives bring peace to their families and wisdom to us all.

This chamber is not alone in experiencing loss this past year.

## SELECTED ADDRESSES TO THE LEGISLATURE

### II. Tragedy

In April, a young state police detective was on a routine assignment when he stopped to help a stranded driver.

While in that act of kindness, Detective Ben Campbell was struck by a tire that had spun off the axle of a passing tractor trailer, killing him and leaving his community and his state shocked and in mourning.

Tonight, Ben's wife, **Hilary Campbell** of Millinocket, is with us. Hilary and her young son Everett, and the rest of Detective Campbell's family, are a reminder of the risks taken and sacrifices made by our courageous first responders.

Hilary, while we can never repay Ben or your family for his service and sacrifice, we will never forget him, and we will honor his memory.

In Detective Ben Campbell's name, I ask this body to enact legislation this session to increase the state's benefit for the families of our fallen first responders.

The current benefit is shamefully inadequate to the sacrifice of those who have given their lives in the line of duty.

We ask so much of the men and women who answer the call to service. Let us be there for their families in times of need.

It is a simple thing to do. The right thing to do. We can do it, because we are Maine, not Washington.

On the morning of September 16, 2019, a call rang out. A truck responded. Within seconds disaster struck. An explosion rocked the town and took the life of a first responder and injured many, including one who still lies in a city hospital far from home.

What followed was not only shock and grief, but an outpouring of support from all corners of the state to make sure the town would be safe while the fire department, suddenly bereft of its finest firefighters, recovered.

Our Fire Chief, **Terry Bell**, was severely injured and is still healing. Though we lost his brave brother Captain Michael Bell, the Chief is back, the picture of resilience.



Chief Bell, I am so glad that you and Denise are here with us tonight.

I promise you, and I promise the people of Farmington and the people of towns all across this state, we are going to make sure every department has what they need so that this tragedy is never repeated.

And we will make sure that every young person in our state understands the opportunity and responsibility they have to give back to their communities — the spirit that heroes like your brother and Detective Campbell so selflessly embodied and that you embody today.

In honor of Captain Michael Bell, I will create a scholarship fund for young people to train in fire suppression, with the first contribution coming from my contingent account as Governor. Maine needs more firefighters, particularly in rural Maine, and to that same end, I am proud to support Senator Erin Herbig's legislation to fund the Maine Length of Service Program to boost retirement benefits to firefighters and EMS workers to compensate them for their service.

We can do this. Because we are not Washington, we are Maine.

### III. The Economy

I am pleased also to report to you tonight that Maine's economy is on solid footing and is growing.

- Revenues are up, our gross domestic product is up, housing starts, construction and auto sales are up; and the state budget continues to have a healthy surplus.
- The private sector created 5,300 new jobs this past year.
- My Administration helped 800 people with disabilities find and keep jobs.
- Our unemployment rate decreased from 3.5 to a historically low 2.8 percent.
- We paid off the \$80 million debt for the River-view Psychiatric Center and stopped the bleeding of interest payments to the federal government.
- My Administration added \$30 million to the Budget Stabilization Fund, for a total of \$237 million.

- And we provided \$75 million in property tax relief for Maine seniors, families and small businesses — just look in your mailbox, about 300,000 of you should receive a \$104 check, thanks to the bipartisan budget passed last year and the work of Speaker Gideon.

While this is all progress, it is important that we remain cautious.

The Revenue Forecasting Committee and the Consensus Economic Forecasting Commission both express cautious optimism about the Maine economy in the near-term, recognizing “the uncertainty surrounding national fiscal and trade policies that could impact future economic growth.” Some economists also predict a looming nationwide recession in line with previous economic cycles.

We must be ready for any downturn, any changes. We must remain resilient.

That is why I am committed to setting aside at least another \$20 million for the rainy day fund this year.

Other challenges loom large over our economy.

As any business in this state will tell you, it is difficult to find qualified workers and it is impacting their ability to do business.

Very simply, we need people.

My Administration has developed a ten-year economic plan for the state with a cornerstone of attracting 75,000 people to our workforce and fostering innovation.

The goal is to make Maine an international leader with a vibrant and environmentally-sustainable economy that provides good-paying jobs and an unmatched quality of life.

Already we are seeing in migration — from July 2018 to July 2019, Maine gained more than 7,500 people — people who came here to find work, people who fell in love here, people who came from other states, some from other countries — from Canada, Cambodia, the Congo and beyond. Some at great personal sacrifice.

**Kifah Abdullah** survived eight brutal years as a prisoner of war in Iran, facing death a hundred times over.

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Now, as a teacher and poet, he inspires students across our state with his story of survival and resilience.

Maine's newest citizen also joins us. The author of "Call Me American," a young man who nearly starved to death in Mogadishu as a little boy when the U.S. Marines saved him and inspired him to learn English and ultimately to become an American, **Abdi Nor Iftin** fled terrorism, sought refuge in another country and now lives and works in Maine, earning his college degree here.

Abdi, you fought to get here. You belong here. And we welcome you here.

Our Welcome Home Program will entice those who have grown up here and left, and those who are interested in moving here, to come to Maine.

Just look at the success of Tilson Technologies, led by Maine native Josh Broder. Tilson hires many veterans and is leading the world in innovative 5G technology, which is at the heart of our next industrial revolution.

Tilson is here tonight and represented by **Adria Horn**. We want more people like Josh and Adria to start their businesses here.

To foster innovation, my Administration will also support increased funding for the Maine Seed Capital Tax Credit. By helping new businesses take root and grow, we will create jobs and diversify our economy.

To encourage young families to come here and work here, Maine also needs more affordable housing.

Assistant Majority Leader Ryan Fecteau has proposed a Maine Affordable Housing Tax Credit, similar to the Maine Historic Tax Credit which helped boost our economy in recent years. This proposal would create nearly 1,000 additional affordable homes over eight years, increasing Maine's current rate of production by 50 percent.

Send that bill to my desk and I will sign it.

Our ten-year development plan also tells us to enhance critical infrastructure, including broadband, particularly in rural Maine.

DesignLab, for instance, a marketing and design firm in Millinocket, used to upload their video files on a

## SELECTED ADDRESSES TO THE LEGISLATURE

hard drive, then they would drive to the Medway gas station where they would ask a bus driver to deliver the digital files to a video editor in Presque Isle – no way to do business.

Internet speeds for their business were dismal and severely limited their productivity. But now, with broadband, they are succeeding.

As one small businessperson put it to me the other day, "You want to grow the economy? Give me better internet."

It is time for us to listen. High-speed internet is no longer a luxury, it is a necessity. Increasing access to high speed internet will allow our businesses to expand and allow all people to connect with schools, health care providers and markets around the country and around the world.

This session, I propose that the Legislature fund \$15 million to expand broadband for Maine people and businesses. We can no longer afford to wait.

We also cannot afford to let our state's economic advantages slip away. Our economy and our environment are bound together. This past session, we made smart investments in both.

Thanks to the collaboration of our Administration and this Legislature, particularly Senate President Jackson, **the McCrums**, a family who for five generations has grown potatoes, this year will open a large processing plant in Washburn, Maine, using Maine-grown potatoes and creating needed jobs in the County.

The McCrums are the picture of readiness, of resilience. And we thank them.

Meanwhile, two creative financiers, **Sam May and Scott Budde**, created a first-in-the-nation credit union for farmers. The Maine Harvest Federal Credit Union will help more Maine farmers be successful and give a big boost to the farm-to-table movement that has become so important to our economy.

Thank you, **Scott Budde**, for joining us here tonight.

Also here with us tonight is **Heather Whitaker**. She is an alternative education instructor at Gorham Middle School where I was a student. She started a garden at the school where children are learning about growing

food and about public service. They donate more than 800 pounds of produce to the food pantry every year.

Please join me in acknowledging Maine's Teacher of the Year, Heather Whitaker.

But let us not only acknowledge Heather. Let us ensure that the students she teaches will have the opportunity to work our lands and fish our waters when they grow older.

We have to conserve our parks, our working farms, working forests and working waterfronts.

Tonight, I call on this Legislature to send to the people of Maine a bond that provides much needed funding for the Land for Maine's Future program.

Maine people overwhelmingly support this program. Let us give them a chance to vote on a measure that will protect our environment, protect our fishermen and farmers, and grow the economy.

#### IV. Health Care

We cannot have a healthy economy without a healthy workforce.

That is why my first act upon taking office was to expand Medicaid to provide health care to more Maine people. More than 57,000 Mainers have accessed life-saving health care.

We enacted LD 1 to protect health care for Maine people regardless of age or pre-existing conditions.

And we enacted prescription drug reform to lower prescription drug costs.

And we are providing \$75 million over two years for nursing homes, understanding that that money should go to the employees, to fulfill workforce and patient care needs.

But there is more we must do, especially for small businesses.

Maine's small group insurance market has seen increasing premiums and decreasing enrollment, making it difficult for business owners to offer coverage to their employees.

I have introduced legislation, sponsored by Senate President Jackson and Speaker Gideon, to improve health insurance for Maine people and small businesses – all without any state tax dollars.

LD 2007, the "Made for Maine Health Coverage Act," offers a Maine solution for small businesses and it creates a marketplace designed to best meet the needs of Maine people.

I ask this body to pass that legislation on behalf of businesses like Becky's Diner, and I want to acknowledge one of the hardest working women I know, **Becky Rand**, who is with us tonight. This legislation is critical to supporting small businesses like hers and self-employed people, improving health care, and strengthening our workforce.

Thank you Becky!

We can do this because we are not Washington, we are Maine.

And because we are Maine, we love our communities. We love our neighbors, but still today, too many of them are falling victim to another crisis that is harming our state – the opioid epidemic.

#### V. Opioids

When I took office a year ago, I gave my word to Maine people suffering from substance use disorder, that help was on the way.

I told them then, and I tell them now, they are not alone, and together, we will do everything in our power to bring them back, to make our communities, our families, and our state whole once again.

- Because we expanded Medicaid, more than 6,500 people are now receiving treatment for substance use disorder.
- Gordon Smith, Maine's first Director of Opioid Response, is bringing the resources of the state to bear on this public health emergency. Thank you, Gordon. Part of that mission is to make available the life-saving drug Narcan.
- When I was Attorney General, I used funds from pharmaceutical settlements to buy Narcan and distribute it to law enforcement agencies across the state. Attorney General Aaron Frey has con-

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tinued that work. And, as of this month, that Narcan alone has saved 880 lives.

- Now, through the new Prevention and Recovery Cabinet and the Attorney General's Office we are making sure Narcan is more widely available, and we are training recovery coaches and supporting recovery centers statewide to help people turn their lives around.
- These efforts complement the efforts of law enforcement to stem the flow of dangerous drugs into our state.

Meanwhile, community leaders are also helping Maine people turn their lives around.

**Margo Walsh** of MaineWorks, who is with us tonight, is providing jobs to people in recovery. These opportunities are critical to helping people turn their lives around. And this effort helps us fill our workforce needs – it's a win-win for Maine.

**Thank you, Margo**, for recognizing that Maine people in recovery are ready and able to work and that our economy needs their skills.

Make no mistake, healing our state from the ravages of the opioid epidemic is a complicated challenge that will not be erased overnight.

It will have many ups and downs, and we must always try to understand its driving causes so we can pursue solutions.

I will call for a new panel of experts to review overdose deaths, like the panels that review maternal and child deaths, to learn as much as we can to improve our response to this epidemic.

There is another scourge among us that we must eradicate — child abuse.

### VI. Children Come First

No one can think about the past year without remembering 10-year old Marissa Kennedy and 4-year old Kendall Chick, two helpless little girls who died violent deaths at the hands of their families, whose caregivers were tried and convicted last year.

The deaths of these two children represented an awful failure of our society and our state's safety net. Not to

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have intervened, not to have broken down the door and saved those children was a sin of the highest order.

It is in the name of these children — Marissa Kennedy and Kendall Chick — that we have reactivated the Children's Cabinet, to break down the silos of the bureaucracy that failed to hear their helpless cries.

And, with the approval of this Legislature, we have begun to rebuild our Child and Family Services Division of the Department of Health and Human Services.

My biennial budget included funding for 32 new child welfare caseworkers. All 32 have now been hired.

But that was just a down payment.

As Maine's Child Welfare Ombudsman recently noted, we have more to do, but we are on the right path.

More than 1,300 children came into state custody last year, the majority of them under the age of 5, the majority of their homes torn apart by drugs.

I will ask this Legislature to fund another 20 positions to respond quickly and effectively to reports of abuse or neglect of our children.

I know you agree: our greatest responsibility is to protect our children and provide them with every opportunity to succeed.

### VII. Education

In our society, education is that pathway to success and a key to addressing our workforce needs as well.

Equal access to a good education levels the playing field for every student, of every age, in every zip code in Maine.

I believe in Maine public schools.

I believe in our state's 18,855 teachers, who like my mother did for 37 years, devote their lives to making our children responsible citizens with skills to last a life-time.

I am proud to say that our biennial budget:

- includes \$115 million in new state support for K-12 education, bringing the state's share to nearly 51 percent.
- it paved the way for a \$40,000 minimum teacher salary, to ensure that teachers in Maine will not be forced to leave the state to earn a living wage.
- it replenished the fund to renovate schools in disrepair.
- And it increased funding for higher education [The Maine Community College System, the University of Maine System and Maine Maritime Academy] to help keep tuition affordable.

This year, I ask this Legislature to fully fund the second year of the higher education budget which was cut last spring. These institutions of higher learning cannot withstand rising costs without the prospects of higher tuition. And higher tuition is the last thing our students need.

The average Maine college graduate in 2018 owed more than \$32,600 in student loans – the eighth-highest student loan burden in the country.

We need to simplify debt relief programs like the Educational Opportunity Tax Credit to help more graduates retire their debt. And we must boost the Educators for Maine Loan Forgiveness Program to incentivize young teachers to work in the underserved areas which desperately need them.

While lifting the burden of student debt off the shoulders of our graduates, we also must ensure secondary school students have the skills they need to succeed in a rapidly changing economy.

We are joined by one of those 18,855 remarkable teachers – **Greg Cushman**, Maine's 2019 Career Technical Education Teacher of the Year.

Greg is an electrical instructor and SkillsUSA advisor from Lewiston Regional Technical Center. **Thank you, Greg**, for training Maine's next generation of skilled tradespeople. Our CTEs are more important than ever; yet they have not received significant funds for equipment since 1998.

I ask this body to fund equipment upgrades for our CTEs so that teachers like Greg are able to provide our 8,000 CTE students with the skills that we desperately need them to have.

These are important investments that will help us address Maine's top challenges, including our workforce shortage.

A workforce shortage is driving one of Maine's other top challenges – our aging transportation infrastructure.

### VIII. Transportation

So, while we're at it, in the words of my friend and fellow governor, Gretchen Whitmer of Michigan, let's fix the damn roads!

Just last week the Maine DOT released its three-year Work Plan. Chronic underfunding and cost increases keep us from maintaining our essential infrastructure. With a shortfall of as much as \$232 million a year, it's time to put our heads together and get creative. I want that Blue-Ribbon Commission to keep working on this for as long as it takes. I signed the Resolve that allows them to continue that work this morning.

Partisan posturing and skinny mix won't fix the roads. Creative ideas will.

I'm not opposed to using some general fund dollars to improve our infrastructure, boost our economy and reduce greenhouse gas emissions.

This is not a partisan issue.

There are no Democratic roads or Republican bridges.

We can fix this. Because we are not Washington, we are Maine.

Galen Cole knew the importance of transportation in our state.

Galen's contributions to our state were immeasurable, not only as Bangor's Mayor, but as a business owner, as founder of the Cole Land Transportation Museum, as a decorated WWII veteran and as a life-long champion for Maine's veterans.

Members of his family join us here tonight as we remember his legacy.

Thank you, **Janet Cole Cross**, for your father's and your family's contributions to our state's readiness,

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our state's resilience for the over ninety years of your father's life.

I cannot speak to the state of the state, or discuss its future, without acknowledging another, greater, threat to our resiliency that is on our doorstep.

### VIII. Climate Change

As we speak this evening, wildfires are destroying far-off Australia, killing every living thing in their path. The Bering Sea off Alaska is ice-free, while drought is paralyzing southern Africa. Maine is not immune from the damage of the climate crisis.

Emissions of carbon dioxide and other heat-trapping gases from the burning of fossil fuels — the unfortunate “footprints of human activity stomping on the atmosphere,” according to NASA, are impacting our economy, our health and our safety.

It may be easy for some to brush off the warnings of scientists on a day like today, with freezing temperatures, when a one- or two-degree hike in temperature seems harmless, even welcome.

Maine is strong. We are resilient. And we better be ready. Climate change is real. And it is affecting us as we speak:

- Fishermen tell us invasive green crabs from southern waters are eating their clams, decimating their fisheries.
- Ticks are now rampant, and the number of Lyme disease cases in Maine has increased tenfold in recent years.
- Some of our most beautiful towns, built alongside lakes, rivers and shores, may soon become year-round flood zones. Sea level rise and storm surges, in just a few years, will threaten the causeways and piers, the shops, harbors and houses of Boothbay, Belfast, Rockport, Lubec and other beautiful communities.
- And can you imagine when we might have to redesign Route 1, a main artery of our tourism industry, to avoid constant flooding?

I told the 193 delegates to the United Nations last fall, Maine Won't Wait. And I mean it. We are not Washington. We are Maine. We can and will do our part. So, this past year, we have:

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- Created the bipartisan Maine Climate Council and became the 22nd state to join the US Climate Alliance.
- Committed to achieving 80 percent renewable energy by 2030 – one of the most ambitious renewable energy standards in the nation.
- Opened the door to offshore wind projects, supported electric vehicles and promoted the installation of heat pumps statewide.
- Removed the cap on community solar and fixed net metering. Now, more than 300 new solar projects are in development. From a fishermen's coop to a capped landfill in Tremont to the Hope General Store, The Milk House in Monmouth, food pantries in Vassalboro and Saco, credit unions, apartment buildings and trailer parks, water districts, Supercuts in Brewer, farm land in Franklin County and Geiger Brothers in Lewiston — solar energy is changing the landscape and saving money for people all across the state.
- At the Blaine House alone, the new array of solar panels has already saved the equivalent of one ton of carbon dioxide emissions.

In the coming year we will continue to:

- Move away from oil as a primary source for heat.
- Reduce our reliance on gas for transportation, which is 54 percent of our greenhouse gas emissions.
- Support innovative businesses like Atlantic Sea Farms, run by Briana Warner, growing kelp commercially to diversify our aquaculture economy, while reducing ocean acidification.
- We will embrace energy storage and other new technology.
- We will further reduce emissions that harm our health and climate.

### Offshore Wind

Meanwhile, all along the Northeast United States, the offshore wind industry is generating thousands of jobs in the development of thousands of giga-watts of renewable electricity. According to the International Energy Administration, offshore wind is set to become a one trillion-dollar industry by 2040.

Maine will not be left behind.

For centuries, the Gulf of Maine has sustained Maine life. From the time humans first migrated to Maine, the bounty of the sea and shore have been a critical part of our sustenance. Food, transportation, communication, recreation all have been gifts of the sea. For Maine people, the salt is in our veins.

But today, the Gulf of Maine is in trouble. Warming more quickly than nearly every ocean in the world, the Gulf of Maine's ability to sustain its rich and diverse resources is diminishing. Cod, herring, shrimp and lobster are some of the staples of coastal life already at risk. We cannot wait to act. We are already fighting for our lobsterman and fishermen. Yet the Gulf of Maine is both our challenge and our opportunity. It is our new frontier...No, not for oil — but for wind.

Thanks to this Legislature, the Public Utilities Commission and our University, Maine will build and launch the nation's first floating offshore wind demonstration project, "Maine Aqua Ventus", with full input from our fishing industry and our people. And I promise you, that commitment is just the beginning of our effort to use the Gulf of Maine and all the world's oceans to slow the warming of our planet.

We can do this.

The University of Maine Advanced Structures and Composites Center, led by **Dr. Habib Dagher**, has already created the first grid-connected floating offshore wind turbine in the United States, and Maine "Aqua Ventus" is positioned to become a leader in this industry. **Thank you Dr. Dagher** for putting Maine on the map.

This spring I will visit Scotland to see the offshore wind platforms they are using to supply that country with clean renewable energy.

I am determined that the business we once lost to them, we will bring back to Maine. We have great potential. And in the coming weeks, my administration will be taking steps forward to unleash it. Stay tuned.

## X. Utilities

Mitigating the effects of climate change and moving Maine toward a clean energy future requires that our

utilities be reliable and resilient – and that they put Maine consumers first.

For years we have allowed electrical utilities a monopoly on our transmission and distribution lines. Today few are happy with the results of the regulatory framework under which these utilities operate, based primarily on setting rates that allow a reasonable profit to the utilities with little degree of benefit to the public.

I ask your guidance and your help in making sure that these foreign corporations to whom we accede the privilege of operating in our state, are answerable to Maine, not to Spain or some other foreign country.

Let's work together to ensure that Maine consumers are at the table, that profits do not take precedence over service, and that utilities are accountable and answerable to the people of Maine.

## XI. The Past, the Present, the Future

The stories of Kifah Abdullah, the Farmington Fire Department, Tilson Technologies, Abdi Nor Iftin, Becky Rand, Margo Walsh's clients in recovery, Heather Whitaker, Greg Cushman and Galen Cole, these are stories of resilience, readiness, preparedness. These are stories of Maine.

They are stories that Maine's first Governor William King would relish.

As I reflect upon the spirit of Maine people, in this our bicentennial year, and as I think about our history, I wonder what our predecessors would think of where we are today.

I wonder, what did Governor William King see when he traveled the state 200 years ago?

- Did he see eagles flying over the Kennebec?
- The same prehistoric sturgeon we now hear leaping in the waves?
- The tall elegant pines, the brightest salmon, fields newly cleared of stone?
- Middens on the islands left by Native Americans thousands of years before?
- The tall rock of Seguin beckoning fishermen and sailors home?

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Could he have imagined the wonders of the modern world or the new heights that Mainers have reached.

Could he have dreamed that a young woman from Caribou would be speeding through outer space at this moment, having achieved history by completing the first all-female spacewalk?

Thank you, Jessica Meir, for being a hero to young girls and boys from Maine — proving that the sky is, in fact, no longer the limit. Jessica is yet another example of readiness, of Maine-bred resilience.

What would Governor William King think of our clothing made in China or of a delivery service called "Amazon"?

What would he think of the growing "tech sector," of the "digital age," of cyber security or Russian hackers?

What would he think of cars and cell phones, of Uber, Lyft and Air BnB?

Would he have given up sending letters from Maine for Snapchat, Instagram, Twitter or Facebook?

And what about Governor Carl E. Milliken of Island Falls — the first governor to live in the Blaine House one hundred years ago — what would he think of us now?

One hundred years ago, on the heels of national prohibition, Governor Milliken spoke about the impending vote on women's suffrage. Opponents had gathered ten thousand signatures to force a referendum to block the right to vote.

In his speech to this body, Governor Milliken said unequivocally, "If only one woman in Maine wants to vote, she ought to have the chance."

This year, the Legislature can take one more step in the direction of full citizenship, full responsibility and equality under the law:

After decades of debate and forty-six years after Maine ratified the Equal Rights Amendment to the United States Constitution, it is time to do what 26 other states have done:

Preserve equality of rights regardless of sex. Pass the Equal Rights Amendment to the Maine Constitution.

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As Justice Ginsburg said, I would like my granddaughters, when they pick up the Maine Constitution, to see that language — that women and men are persons of equal stature — I'd like them to see that it is a basic principle of our society.

So, pass the ERA.

Now, Governor Milliken was concerned about intoxicating beverages too. So, he and Neil Dow would probably roll over in their graves to learn that Maine now has 153 craft breweries — more breweries per person than any other state.

And I would want to reassure Governor Milliken unequivocally that my election fourteen months ago had nothing to do with the fourfold increase in beer consumption in my home state.

What will our state be like twenty years from now, fifty years, one hundred years from now?

Will Artificial Intelligence replace books, normal communications?

Will we have digital codes instead of names?

Will facial recognition replace the handshake?

I can't say for certain what the future holds. But 50 years down the road, I predict:

There will be data centers across Maine, buried in granite, cooled by geothermal cells, providing enough spinoff heat to run a town for an entire winter.

Skyscrapers and homes across the country will be built with cross laminated timber, invented and manufactured here in Maine.

LL Bean will be still be selling great boots, delivered by robots — they will be good for spending a weekend hiking on the moon.

Visitors will still be flocking to Westbrook to see the formation of yet another ice disk spinning on the Presumpscot River.

There will be high speed passenger rail from Freeport to Lewiston and all the way to Montreal.



We will finally have high speed Internet all across the state and maybe even cell phone service on 295.

And the governor of Maine, whoever she is, will be making \$70,000 a year.

But know this: Everybody will want to live here. Everybody will want to stay here.

## XII. Conclusion

We have an ambitious agenda. There will be people who say, “We can’t do all of this now. Government should do less, not more.”

Building a health care system, saving people from the opioid epidemic, fighting child abuse and domestic violence, confronting climate change, strengthening education and improving our workforce — Is this too much to ask?

Former Speaker of the House Tip O’Neill once said, “Any fool can tear down a barn. But it takes a good carpenter to build one.”

We can do these things. We are not Washington. We are Maine.

Let’s build a barn that shelters our state, that protects our stock and feed, that keeps the evils of the world at bay and makes our state resilient for centuries to come.

One hundred fifty years ago, Governor Joshua Chamberlain addressed this body. He said, “Government has something more to do than to govern and levy taxes.... It is something more than a police to arrest evil and punish wrong. It must also encourage good, point out improvements, open roads to prosperity and infuse life into all right enterprises.”

I think he meant, build a barn.

Two hundred years ago, we secured our independence from Massachusetts and became a state, though we divided the country in an unholy compromise. Today we set a course for the next decade, the next centennial.

Like the pulse of our common community, the water beneath the now-crusting ice flows deeper than ever, hiding the strength and richness of our rivers, our state’s life blood.

The mountain peaks boast of snow. The high pines that once attracted shipbuilders and the spruce whose roots secure the granite along our shores are sure now of surviving another winter, sheltering the land for many seasons more to come.

We are but a minute in the course of the centuries. But these things will surely be here fifty years hence — ready, resilient, strong and unchanged. Like them, let us preserve what we can, and build what we can, when we can, however we can of this great state in this our bicentennial year.

To all the people of Maine – Thank you for the great honor of being your Governor.



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**STATE OF THE JUDICIARY ADDRESS  
OF  
CHIEF JUSTICE LEIGH INGALLS SAUFLEY  
JANUARY 28, 2020**

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**MAINE JUDICIAL BRANCH  
THE STATE OF THE JUDICIARY  
A Report to the Joint Convention of the Second  
Regular Session  
129th Maine Legislature**

**Presented by Chief Justice Leigh I. Saufley  
January 28, 2020**

Good morning, Governor Mills, President Jackson, Speaker Gideon, Members of the 129th Maine Legislature, and guests.

Thank you for the honor of this invitation to address you today on the State of the Judiciary. I know how busy you are, and I very much appreciate your willingness to take this time to hear from the Judicial Branch.

This morning, I will address three key issues affecting the delivery of justice in Maine:

- First, in recognition of this historic year, I will review the substantial improvements in the delivery of justice that have been accomplished with your help in this century;
- Second, I will address the need for funding within the Judicial Branch in two urgent areas to help continue that progress;
- Finally, I will address the need for continued cross-branch collaboration and persistence in our responses to the addiction and mental health crises that are affecting youth and adults throughout Maine.

Despite all of the challenges, my message today is that there is great progress afoot, and I hope to leave you with the firm conviction that working together, we have accomplished much, and the prospects for even greater improvements in Maine are very real.

### **INTRODUCTIONS**

I begin by sending a long-distance hello to my parents, Jan and Dick Ingalls, who are at home in Cumberland County watching through the miracle of modern technology.

#### **In the Gallery**

Next, in the Gallery, you will see my handsome husband Bill Saufley — married 39 years this month!

Ted Glessner, Maine's State Court Administrator; Amy Quinlan, the Judicial Branch Communications Director; Julie Finn, Legislative Liaison; representing the tribal courts, Chief Judge Eric M. Mehnert from the Penobscot Nation Tribal Court; and representing the probate courts, Judge Robert M. Washburn, President of the Probate Judges' Assembly.

#### **Maine's Supreme Judicial Court**

Next, I will introduce my colleagues. Again, I'll ask you to hold your applause.

From the Supreme Judicial Court: Justices Don Alexander, Andrew Mead, Joe Jabar, and Tom Humphrey.

Justice Alexander will retire from the Maine bench at the end of this week. On the date he retires, he will have served for 41 years, 1 month, and 4 days, or 15,010 days! He is the longest sitting active judge in the State of Maine, ever.

During his tenure on the bench, Justice Alexander was nominated and re-nominated by six different Governors, including Governors Longley, Brennan, McKernan, King, Baldacci, and LePage.

He published innumerable books on the practice of law, he sat with the Law Court on 6,591 cases, and he continued to sit in the trial courts whenever he was needed. Justice Alexander has done more work in 41 years than most people could accomplish in a century!

And in classic style, Justice Alexander will spend his last day on the bench, this Friday, doing exactly what he did on his first day on the bench: Handling a criminal docket in Kennebec County. Please join me in celebrating his extraordinary career.

#### **Maine's Trial Court Chiefs**

Superior Court Chief Justice Bob Mullen, District Court Chief Judge Susan Sparaco, and Deputy Chief Judge Jed French.

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Chief Judge Sparaco will retire in just two months. She was first appointed to the District Court in February of 2008, and she has served as the Deputy and then Chief of the District Court during the last two years. Her direct and effective leadership style has been a boon to the Court, and she will be missed.

Today, I am delighted to announce that Judge Jed French has agreed to step into the demanding role of Chief Judge as CJ Sparaco retires.

Judge French is a proud graduate of the University of Maine School of Law. During his 21 years in private practice, he served on many committees and received numerous awards. He was elected to the Yarmouth Town Council and served as its Chair.

Judge French served on active duty with the United States Army and later as an Air Force officer with the Air National Guard/Air Force Reserve. In support of the United States Mission to Strengthen the Rule of Law, he deployed to Iraq and Afghanistan and was awarded the Bronze Star. He was instrumental in the creation of the first-ever Juvenile Court in Afghanistan. He attained the rank of Brigadier General, and he currently serves in the Air National Guard.

But what Judge French really wants you to know is that, approximately 20 years ago, he appeared twice on the show “Who Wants to be a Millionaire.”

And yet, he is not a millionaire.

### The Judicial Branch

I also want to thank all of the people who serve the public in the Maine Judicial Branch who are not judicial officers — approximately 450 state employees who cover the entire State — from the clerks who form the backbone of the courts, to the marshals who keep the public safe, to the administrators on whom we rely for constant improvements. We could not provide access to justice in Maine without their commitment and dedication to public service.

### Maine Lawyers

And as always, a great deal of gratitude goes to Maine Lawyers, who, in 2019, reported providing nearly 8,000 hours of free legal services throughout the State. Separately, lawyers and judges contributed more than \$600,000 to the Campaign for Justice, which distrib-

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utes those dollars to the providers to help them serve more people in need of legal help with housing, domestic violence, child-related problems, and medical treatment advocacy.

### Maine’s Executive and Legislative Branches

Today, I also want to take a minute to thank the members of the Legislative and Executive Branches. No matter how difficult the challenges of governing become, I am always proud of the collegiality in Maine government. Legislators, Governors, and Judges — and all of the people who work in public service — always find ways to work collaboratively to solve problems.

Recently, at the recommendation of Governor Mills, we held a brief but energetic “Tri-Branch Criminal Sentencing Workshop” where the Governor, along with 24 members of the Maine Legislature, including almost every member of the Criminal Justice and Judiciary Committees, and several judges participated throughout a morning in hypothetical criminal sentencing exercises. Members of the prosecutors’ offices and the defense bar played themselves, quite brilliantly, presenting impassioned arguments in support of their positions in these hypothetical cases.

The exercise helped all of us think in a much more detailed manner about the way that addictions, mental health challenges, and the gaps in available community resources for adults and youth affect crime and punishment in Maine.

And I was struck, once again, at the alchemy of smart, caring people coming together to think about the best ways to serve the people of Maine. Many thanks to everyone who participated.

## THE STATE OF THE JUDICIARY

As I update you today on the State of the Judiciary, I am mindful that we are entering the year 2020, in which we will celebrate:

- One hundred years of women having the vote;
- Two hundred years of Maine’s Constitution; and
- Many hundreds of years in which strong, independent, and hardy people have lived, loved, and worked to make this the wonderful State what it is today.

So, it seems appropriate to frame this presentation by reflecting on the planning and collaborative work that brought us to where we are today.

Looking back to my presentation to the 121st Maine Legislature in February of 2003, I had been Chief Justice for just over a year, and the world was changing fast.

- Beverly Daggett was serving as the first woman Senate President; and
- Governor Baldacci had recently taken office only to find that the State's General Fund budget was facing a substantial shortfall.

In the courts:

- We were beginning to sound the alarm regarding drug and alcohol addictions. I told you that in 2002, 161 people had died from drug or alcohol overdoses, and 85% of the people incarcerated in Maine reported using some type of drug or alcohol in the commission of the crime;
- The lack of community treatment options for those suffering from mental illness was sending far too many people into our jails and prisons; and
- Domestic Violence cases were growing each year, and children's voices were not being sufficiently heard.

At the same time, the court's infrastructure was seriously challenged.

- Many of the State's venerable old Superior Court facilities were more than a century old and were falling apart around us;
- In many towns, the placement of the District Courts in smaller, separate buildings, detached from the Superior Courts, was straining staffing, confusing the public and adding unnecessary duplication of costs;
- Budget-necessitated vacancies made it hard just to keep the doors open;
- There was NO entry screening in any courthouse or the State House;
- No business court existed;
- Victims in criminal cases often waited months for transfers between the courts; and
- It regularly took several years to resolve relatively straightforward disputes.

In that presentation to the 121st Maine Legislature, recognizing the budget restrictions and the concurrent need for improvements in so many areas, I referred to the old adage,

***When all is said and done, there is often much more said than done.***

And I promised you that working together, with planning and persistence, the three independent but collaborative branches of Maine government *would* get things done.

### **The Judicial Branch**

You helped me keep that promise. Here is where we are, eight Maine Legislatures later.

Most aspects of Judicial Branch infrastructure are on solid footing:

- 45 separate court facilities have now been consolidated into 35 facilities.
- Clerks' offices for the Superior and District Courts have been consolidated in most courts, reducing public confusion, and allowing efficiencies, cross-training, and substantially improved public service.
- From Houlton, Machias, and Dover-Foxcroft to Bangor, Belfast, and Augusta, courthouse improvement projects have benefited the public.
- Last week the newly renovated Oxford County courthouse in South Paris opened for business, improving accessibility, consolidating the clerks' offices, opening two new courtrooms, and providing the public with much more respectful space for dispute resolution. A second phase of construction will renovate the beautiful old jury courtroom to be ADA compliant, with updated technology, and a bonus — a ceiling that doesn't fall on the litigants!
- Two years from this fall, the brand-new Justice Center of York County will open for business, and we are designing it to be the first net-zero energy courthouse in the State.

Regarding courthouse safety:

- Entry screening equipment exists in every courthouse; and
- Staffing for entry screening is present on approximately 65% of the State's court days.

The court's transition to the digital world is underway:

- The Violations Bureau, which processes more than 75,000 traffic tickets a year, was converted from an unwieldy paper system to a more efficient online system last year.
- And approximately a year from now, the other case types — criminal, civil, and family cases — will go digital in Penobscot and Piscataquis Counties.
- When the system goes live there, parties in all proceedings, and their lawyers when they have them, will have no-cost access to their digital files from anywhere that has an internet connection. Governor, that broadband expansion will be a big help!
- To prepare for that launch, an enormous amount of work has gone into the creation of the rules that will determine when and how the public at-large obtains access to digital court records. We will be holding another public hearing on those rules in the upcoming months.
- One of the most promising aspects of the new system is the potential incorporation of a text notification system that will remind people of their upcoming court dates in criminal matters. If that project is funded, we would expect to see a substantial reduction in the number of bench warrants and arrests that occur when people fail to appear in court. That system would improve public services and reduce the strains on Maine's jails, all at a very modest additional cost, and we hope you will support it.

Case processing has improved substantially:

- On average, the Business Docket takes less than a year to resolve the complex cases that often took 3 to 4 years;
- Criminal charges, with the exception of homicides, are now resolved, on average, within 6 to 7 months of filing;
- The resources of the Court's Alternative Dispute Resolution Services helped the parties in more 4,300 cases last year, in family, small claims, and housing matters; and
- Interpreters are available through Language Line, through certified, in-person interpreters, and in some cases, through video interpreting.

Family matters, and particularly cases involving children, are also receiving improved attention throughout the system:

- We recently instituted a new one-judge/one-family process that will help families who are struggling with their own turmoil to find consistency and continuity in the courts;
- Separately, the dramatic increase in child protective filings has created a great need for more guardians ad litem to provide the children's voices in court. The Judicial Branch has partnered with the University of Maine School of Law to create a class that will allow well-trained new lawyers to incorporate GAL work into their practices immediately upon graduation and licensing; and
- We are also very fortunate that so many Mainers have *volunteered* to help children. Court Appointed Special Advocate volunteers — CASAs — gave a voice to 279 children caught up in child protection proceedings during fiscal year 2019. Those volunteers, who help children during some of the most heartbreaking and disruptive times of their lives, also saved the taxpayers more than \$566,000 last year.
- If you or someone you know would like to consider being a CASA volunteer, the Judicial Branch website can connect you.

All of these improvements have been rolled out carefully, and always with a close eye on the budget. Even with debt service remaining in the JB budget, the Judicial Branch consumed just 2.2% of the General Fund in 2019.

Reflecting on all of the improvements that have been accomplished in the twenty-first century, you can be very proud of the way that you and the Governors have responded to the justice needs of Maine's people.

### Funding

Last year I asked you to focus available funding not on the Judicial Branch, but on community-based services for adults and youth struggling with mental health challenges and addictions.

In this second regular session, I make a similar request — please continue your focus on community-based resources. But within the Judicial Branch, there are two areas of funding that can no longer be put off:

**Safety First**

First, it is time to complete 100% staffing for entry screening in every courthouse.

Recently, it was reported that the marshals at an entry screening station discovered an individual carrying two undisclosed, loaded handguns: a .380 Colt semi-automatic in a cocked position, ready to fire six rounds, along with six additional rounds, and a loaded .357 Smith & Wesson revolver holding five rounds, with two additional five-round speed loaders.

Because of the presence and quick action of the marshals at the entry screening station, the individual was disarmed. No one was injured.

I ask you to think about those allegations for a moment. If an individual carrying similar weapons had gone into one of the 35% of Maine's courthouses that did not have entry screening that day, we could be having a very different conversation today.

We estimate that 19 more marshal positions will be needed to achieve 100% entry screening, and that the total staffing costs — which have been reduced by the consolidation of separate courthouses — are just over \$1.5 million.

It is time to finish the work we started.

**Second, Respectful Pay for Judges**

My second request for funding relates to the recommendations of the State's Compensation Commission. I ask you to increase the pay of Maine's trial judges.

We are very fortunate in Maine to have a non-partisan, merit-based judicial selection system. Maine Governors have, with very few exceptions, maintained that non-partisan system of judicial selection, nominating judges on the basis of their skills and humanity. And the Legislature has carefully vetted those candidates.

When people come to court they expect and receive fair, impartial, and patient attention from Maine judges.

Those judges have to make some of the most difficult decisions that any professional is called upon to make. And they do so day after day, in more than a hundred thousand new cases every year, mindful of the need

for prompt resolution and fair treatment of all involved.

For examples of the amazing people that serve as trial judges in Maine, you need go no further than the two trial judges who retired on December 31. Justice Roland Cole and Justice Nancy Mills served, between them, more than 66 years on the bench.

Justice Cole helped launch the very first Drug Court in Maine. Justice Mills created the first Veterans Court, as well as the Co-Occurring Disorders Court.

They both served as Chief of the Superior Court at various times, and they both served as role models in declining — ever — to accept the status quo when it did not work for the public.

Just recently, Justice Mills established the “Languishing Docket” intended to assure that people struggling with mental illness do not spend weeks and months in our jails waiting for the next proceeding.

All of those efforts have changed lives. They have saved lives. It takes judges with courage and persistence to undertake these efforts, and their work is reflective of the work done throughout this State by Maine judges.

Yet Maine's trial judges are compensated for their work at the lowest rate in the entire country, and far lower than their colleagues close to home in New England.

Now, I am not going to tell you that Maine judges will work harder if you compensate them more fairly. They already work as hard as anyone I know. But by making that compensation more commensurate with their colleagues in every other State, you will acknowledge the importance and the value of their excellent work.

Even more important, your decision will tell the public that you recognize the value to this democracy of an independent system of justice.

I ask you to find the funding to address this long-term deficit in judicial compensation.

And now, I am going to step out of my lane. But I love this State, and I know how much you want my advice on something that is none of my business.

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Please effectuate the Compensation Commission's recommendation to raise the salaries of Maine Legislators and the Governor. The incredible commitment to public service required of people in Maine's government should be recognized, and the value of the willingness to take on these critically important jobs should be reflected in the compensation.

Maine Legislators work year-round, not just during the session, to find solutions to Maine's gravest problems. That work should be recognized. I fully understand that raising the salary of the jobs in which you now sit feels odd, but please do this for the Legislators to come.

And regarding the Governor's salary, I want to suggest a slightly different scenario than the Governor recently predicted for 20 years from now.

Yes, John Martin will be back in the Senate, and Sawin Millet will be running DAFS again.

But the Governor of this great State, whoever she is, will be paid in BitCoin, and she *will* be making more than \$70,000 a year!

### THE CONTINUING NEED FOR COMMUNITY-BASED RESOURCES

I turn now to my final topic — addressing the sadness and despair related to drug and alcohol addiction and mental health crisis in Maine.

Just a year ago at this time, we all pledged to focus on expanding the network of resources available to help divert people from a life of despair, crime, and incarceration.

During the intervening year, government has responded:

- The Governor appointed Gordon Smith as the new Director of Opioid Response and created the Governor's Prevention and Recovery Cabinet;
- Many Legislators served in bi-partisan efforts throughout the year on multiple Committees and Task Forces focused on improving the criminal justice system, the juvenile justice system, and the State's overarching response to the addiction epidemic; and

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- The Judicial Branch participated in the groups searching for improved process and resources and led the Pretrial Justice Reform Task Force.

And people from all walks of life gathered to find new solutions to this crisis. Those of us in government were joined by people in recovery, treatment providers, advocates, and grieving family members. The groups met constantly throughout the year to brainstorm new ideas, find funding sources, and most important, move quickly.

As these groups have reported back, their message has been loud and clear. We must immediately move forward from all three directions:

- Prevention, including family support, early childhood education, and engaged youth;
- Interdiction, including efforts to prevent and deter the sale of poison in Maine; and
- Help Now — immediate, meaningful just-in-time, resources for addiction recovery.

### A Set-Back?

With so much work underway, it was admittedly disheartening to all of us to learn recently that:

- The number of overdose deaths appears to have increased in 2019;
- The AG's Office reported 21 homicides in 2019, up slightly from 18 homicides in 2018;
- Half of the children removed from their parents' care in 2019 were removed at least in part because of allegations of substance abuse;
- 20% of the children entering State custody were infants and babies who were alleged to have been drug-affected or substance-exposed at birth; and
- Recently, five overdose deaths rocked the City of Portland in just 11 days.

### Optimism is Required

But we must not lose faith. There is so much progress that has recently been accomplished, and there *are* glimmers of hope throughout the system. Let me tell you about some of the good news:

- First and foremost, the number of drug-affected and substance-exposed babies has continued its



downward trend, from an all-time high of 1,024 in 2016, to 858 last year.

- Over 300 Recovery Coaches have been recruited and trained.
- \$2 million in federal assistance will, among other things, support Recovery Residences that are certified by the National Alliance of Recovery Residences and accept residents who have been prescribed Medically Assisted Treatment.
- There are now 10 Recovery Community Centers in the State with openings in Millinocket and Lincoln anticipated in the coming months.
- Medically Assisted Treatment is available in more hospitals and in a growing number of jails, which will allow treatment and safer transition back into the community.
- As you heard from the Governor, a new cross-branch effort led by Gordon Smith will help us review each overdose death to learn from those tragedies and continue to make improvements in our responses.
- Additional resources are newly available to help the Drug Courts serve more people.
- Through a new grant, the Judicial Branch will be able to expand several more Adult Drug Treatment Courts to include Veterans Tracks. This spring, Justice for Vets, a division of the National Association of Drug Court Professionals, will be providing a Veterans Treatment Court Implementation Training for all six Adult Drug Courts.
- DHHS has allocated nearly a million dollars for additional Drug Treatment Court resources, including funding for a thorough evaluation of the Adult Drug Treatment Courts, which is long overdue.
- The number of pending referrals to the Drug Courts increased 97.2% last year, a clear indicator of the need for these courts. Drug Courts saw an increase of 30 participants, or an 11.3% enrollment increase in 2019, with a corresponding 7.6% increase in the numbers graduating and a 12.2% decrease in the numbers of persons terminated from the program as compared to 2018.
- The Family Recovery Courts, for those cases involving an open child protective matter, served 68 persons last year, a 23.6% increase. And the referrals are up 136%.

I could go on, and I see that you hope I will not. What is clear is that there is so much happening that we cannot lose hope.

But there is a basic need that we must not lose sight of in all of these efforts.

People in recovery need — **housing**.

While it is challenging to plan for and fund the bricks and mortar necessary to address this need, we should all understand that, without the fundamentals of housing and food, recovery is simply impossible.

I heard this recently, and it resonated with me:

*No roof? No recovery!*

A continuum of housing types is desperately needed, and I hope you will support those desperately needed resources.

#### **Resources for Maine's Youth**

Briefly, now, I return to a topic near and dear to my heart, resources for Maine's youth.

Similar to the housing needs for adults, Maine must create a continuum of community-based residential and home-like facilities for our youth. It is the only way that we will continue to move forward.

I know that we can do this. We have already accomplished so much.

In the decade that followed the last Juvenile Justice Task Force Report in 2010, significant improvements were achieved, including a dramatic 68% reduction in the annual number of youth committed to Long Creek and a similar 56% reduction in the annual number of detained youth.

I don't want to get ahead of the Juvenile Justice System Assessment and Reinvestment Task Force, which will report to you and the Governor shortly, but I have received Representative Brennan's authorization to provide you with an advanced look at this one stark statistic.

The Assessment will report that, in the sample studied, *half* of the youth detained at Long Creek were there:

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- Not to protect others from harm or harassment; and
- Not to assure the juvenile's presence in court.

Instead, it is reported that in that sample, half of the individual adolescents that were detained at Long Creek were there to provide care or prevent harm to *that youth!*

That presents this question:

*Are we incarcerating our youth because we have nothing else for them?*

It's time to take the next step and create the community-based options that we all know are needed.

### **Moving Forward**

For adults and youth, we admittedly still have much to do, but we are beginning to see the results of this focused effort. And we cannot allow ourselves to be discouraged.

One final thought on this topic.

Maine incarcerates fewer of its people, adults and youth, than most other states in the nation, and Maine is one of the safest places to live. We must not take that for granted.

As we make the changes that we believe will bring improvements in criminal justice and juvenile justice, we must — first do no harm.

And we must assure meaningful racial equity in our laws, our procedures, and our actions; we must work to assure that people in our LGBTQ community feel safe; and we must provide critical resources to support our youth.

If we do this thoughtfully and collaboratively, we will see the improvements we all hope for, and we will welcome and benefit from increasing health and diversity in all of our communities.

## **CONCLUSION**

In conclusion:

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We ask you to find the funding to make Maine's courthouses safe, and to compensate the trial judges who provide independent, fair, and accessible justice.

We invite you to visit a courthouse near you this summer.

Also, we still have two slots open for the Law Court to bring Oral Arguments to a high school in your community this fall.

Please talk with Julie Finn if you are interested in bringing appellate law to a high school near you or in visiting a courthouse.

And I will take the personal privilege of reminding you as I now do each year, to get your annual check-ups, and complete the tests your doctors order.

- Ladies, get those mammograms scheduled;
- Gentlemen, get your PSAs done; and
- Everyone over 50, get that test that no one wants to discuss!

I am here today because they caught my cancer early. Just do it.

Many, many thanks to all of you for caring about this amazing State and working every year to make it a better place for all of us.

**Thank you.**

**CROSS-REFERENCE TABLES**

TABLE I

Sections of the Maine Revised Statutes affected by the laws of the First Special Session and Second Regular Session of the 129th Legislature and the Revisor's Report 2019, Chapter 1.

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
1	150-O			NEW	PL 569		1	3	317	1-A		AFF	PL 587		18
1	150-O			NEW	PL 570		1	3	317	1-A		NEW	PL 587		14
1	402	3	C-1	AMD	PL 667	A	1	3	317	4	A	AFF	PL 587		18
1	402	3	E	AMD	PL 667	B	1	3	317	4	A	AMD	PL 587		15
1	402	3	J	AMD	PL 667	B	2	3	317	4	B	AFF	PL 587		18
1	402	3	K	AMD	PL 667	A	2	3	317	4	B	AMD	PL 587		16
1	402	3	M	AMD	PL 667	A	3	3	317-A			AFF	PL 599		5
1	402	3	O	AMD	PL 667	B	3	3	317-A			NEW	PL 599		4
1	402	3	U	AMD	PL 667	B	4	3	321	9		AFF	PL 587		18
1	403-A			NEW	PL 617	G	1	3	321	9		AMD	PL 587		17
1	1002	1-A		AMD	PL 635		1	3	997	1		AMD	PL 667	A	4
1	1012	10		AMD	PL 534		1	3	997	3		AMD	PL 667	A	5
1	1013	2	B-1	AMD	PL 534		2	3	997	5		AMD	PL 667	A	6
1	1015			RP	PL 534		3								
1	1015-A			NEW	PL 534		4	4	807	3	S	AMD	PL 597		1
1	1015-A	1	D	AFF	PL 587		18	4	807	3	T	AMD	PL 597		2
1	1015-A	1	D	RPR	PL 587		1	4	807	3	U	NEW	PL 597		3
1	1016-G	3	B	AMD	PL 534		5	4	807		last	RP	PL 597		4
1	1024	1		COR	RR 1	A	1	4	1555			COR	RR 1	A	3
1	1051			AMD	PL 564		1								
								5	7-A	2	B	AMD	PL 578		1
3	41		2nd	COR	RR 1	A	2	5	7-B			AMD	PL 578		2
3	170-B			AFF	PL 587		18	5	157			NEW	PL 617	I	1
3	170-B			AMD	PL 587		2	5	200-K			RAL	RR 1	A	4
3	312-A	7-B		AFF	PL 599		5	5	200-L			RAL	RR 1	A	4
3	312-A	7-B		AMD	PL 599		1	5	244-E	3		AMD	PL 667	B	5
3	312-A	8-A		AFF	PL 587		18	5	285	1	G	AMD	PL 669		1
3	312-A	8-A		AMD	PL 587		3	5	285	16		NEW	PL 605		1
3	312-A	9-A		AFF	PL 587		18	5	1532	6		AMD	PL 658		1
3	312-A	9-A		NEW	PL 587		4	5	1986			NEW	PL 616	S	1
3	312-A	11-A		AFF	PL 587		18	5	3360-A	1		AMD	PL 549		1
3	312-A	11-A		AMD	PL 587		5	5	3360-A	6		AMD	PL 549		2
3	312-A	11-A		AFF	PL 599		5	5	3360-A	7		AMD	PL 549		3
3	312-A	11-A		AMD	PL 599		2	5	3360-A	8		NEW	PL 549		4
3	312-B			AFF	PL 587		18	5	3360-S			NEW	PL 549		5
3	312-B			AMD	PL 587		6	5	4553	8-E		RAL	RR 1	A	5
3	313			AFF	PL 587		18	5	4553	8-F		RAL	RR 1	A	5
3	313			AMD	PL 587		7	5	4572	2	C	AMD	PL 667	A	7
3	313-A			AFF	PL 587		18	5	4572	2	E	AMD	PL 667	A	8
3	313-A			AMD	PL 587		8	5	4572-A	2-A	C	COR	RR 1	A	6
3	316	3		AFF	PL 587		18	5	4573	2		AMD	PL 667	A	9
3	316	3		AMD	PL 587		9	5	4594-H			NEW	PL 573		1
3	316	4-D		AFF	PL 587		18	5	12004-G	33-C		RP	PL 634		1
3	316	4-D		AMD	PL 587		10	5	12004-G	33-F		AMD	PL 625		1
3	316-A			AFF	PL 587		18	5	12004-I	74-J		RAL	RR 1	A	7
3	316-A			RP	PL 587		11	5	12004-I	74-J		RAL	RR 1	A	8
3	317		1st	AFF	PL 587		18	5	12004-I	74-K		RAL	RR 1	A	7
3	317		1st	RPR	PL 587		12	5	12004-I	74-L		RAL	RR 1	A	8
3	317	1		AFF	PL 587		18	5	12021	6	B	AMD	PL 625		2
3	317	1		AMD	PL 587		13	5	13080-S	3	A	COR	RR 1	A	9
3	317	1	E-1	AFF	PL 599		5	5	13083-S-1	4		AMD	PL 659	E	1
3	317	1	E-1	AMD	PL 599		3	5	13083-S-1	5		AMD	PL 659	E	2

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
5	17801	1	B	AMD	PL 540		1	7	4016	1-A		NEW	PL 547		1
5	17851	14		AMD	PL 541		1	7	4151	1-A		AFF	PL 544		9
5	17851-A	1	L	AMD	PL 537		1	7	4151	1-A		NEW	PL 544		4
5	17851-A	1	L	AMD	PL 541		2	7	4151	3-A		AFF	PL 544		9
5	17851-A	1	L	AMD	PL 542		1	7	4151	3-A		NEW	PL 544		5
5	17851-A	1	M	AMD	PL 537		2	7	4151	4-A		AFF	PL 544		9
5	17851-A	1	M	AMD	PL 541		3	7	4151	4-A		AMD	PL 544		6
5	17851-A	1	M	AMD	PL 542		2	7	4153			AFF	PL 544		9
5	17851-A	1	N	NEW	PL 537		3	7	4153			RPR	PL 544		7
5	17851-A	1	N	NEW	PL 541		4	7	4163		1st	AFF	PL 544		9
5	17851-A	1	N	NEW	PL 542		3	7	4163		1st	AMD	PL 544		8
5	17851-A	2		AMD	PL 537		4								
5	17851-A	2		AMD	PL 541		5	8	223-A	10		AMD	PL 646		1
5	17851-A	2		AMD	PL 542		4	8	263-A	1	A	AMD	PL 626		1
5	17851-A	3	A	AMD	PL 537		5	8	267	1		RPR	PL 626		2
5	17851-A	3	A	AMD	PL 541		6	8	270	5		AMD	PL 626		3
5	17851-A	3	A	AMD	PL 542		5	8	271	2	A	AMD	PL 626		4
5	17851-A	4	A	AMD	PL 537		6	8	271	2	B	AMD	PL 626		5
5	17851-A	4	A	AMD	PL 541		7	8	271	2	C	AMD	PL 626		6
5	17851-A	4	A	AMD	PL 542		6	8	272-B	1		AMD	PL 626		7
5	17851-A	4	B	AMD	PL 537		7	8	272-B	4		AMD	PL 626		8
5	17851-A	4	B	AMD	PL 541		8	8	275-A	1		AMD	PL 626		9
5	17851-A	4	B	AMD	PL 542		7	8	275-D	1		AMD	PL 626		10
5	17851-A	5		AMD	PL 537		8	8	275-D	9		AMD	PL 626		11
5	17851-A	5		AMD	PL 541		9	8	286	8		NEW	PL 626		12
5	17851-A	5		AMD	PL 542		8	8	288			COR RR	1	A	10
5	17851-A	6-B		NEW	PL 541		10	8	298	2-A		AMD	PL 626		13
5	17852	15		AMD	PL 541		11	8	299	5	C	AMD	PL 626		14
5	17852	16		AMD	PL 541		12	8	299-A	1		AMD	PL 626		15
5	20002	3		AMD	PL 590		1	8	1001	2		AMD	PL 614		1
5	20005-A			RP	PL 590		2	8	1001	17		AMD	PL 614		2
5	20010			NEW	PL 536		1	8	1020	1		AMD	PL 614		3
								8	1020	4		AMD	PL 614		4
6	205	5		AMD	PL 627	B	1								
								10	1100-T	2	A	AMD	PL 616	LL	1
7	211			AMD	PL 677		1	10	1100-T	2	C	AMD	PL 616	LL	2
7	212	1		RP	PL 677		2	10	1100-T	2	I	AMD	PL 616	LL	3
7	212	2		AMD	PL 677		3	10	1100-T	2-A	B	AMD	PL 616	LL	4
7	212	3		RP	PL 677		4	10	1100-T	2-C	A	AMD	PL 616	LL	5
7	213			RP	PL 677		5	10	1100-T	2-C	B	AMD	PL 616	LL	6
7	214			RP	PL 677		6	10	1100-T	2-C	C	AMD	PL 616	LL	7
7	214-A			NEW	PL 677		7	10	1100-T	2-C	D	AMD	PL 616	LL	8
7	215			RP	PL 677		8	10	1100-T	4		AMD	PL 616	LL	9
7	215-A			NEW	PL 677		9	10	1100-T	6		RP	PL 616	LL	10
7	218			RP	PL 677		10	10	1100-T	7		NEW	PL 616	LL	11
7	218-A			NEW	PL 677		11	10	1100-BB			NEW	PL 617	I	2
7	220			RP	PL 677		12	10	1100-CC			NEW	PL 617	I	2
7	2303			RPR	PL 595		1	10	1100-DD			NEW	PL 617	I	2
7	2471			AFF	PL 548		5	10	1100-EE			NEW	PL 617	I	2
7	2471			NEW	PL 548		1	10	1100-FF			NEW	PL 617	I	2
7	2472			AFF	PL 548		5	10	1100-GG			NEW	PL 617	I	2
7	2472			NEW	PL 548		1								
7	2992-A	1	C	AMD	PL 667	B	6	12	6038	1		AMD	PL 600		1
7	2998-B	1	C	AMD	PL 667	B	7	12	6041	2		AMD	PL 640		1
7	3914		1st	AFF	PL 544		9	12	6302-A	1		AMD	PL 640		2
7	3914		1st	AMD	PL 544		1	12	6302-B	2	A	AMD	PL 642		1
7	3933			AFF	PL 544		9	12	6409			AMD	PL 642		2
7	3933			AMD	PL 544		2	12	6410			AMD	PL 642		3
7	3938-A			AFF	PL 544		9	12	6411			AMD	PL 642		4
7	3938-A			AMD	PL 544		3	12	6421	7-B	Q	AMD	PL 575		1

**CROSS-REFERENCE TABLE I**

TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
12	6421	7-D		NEW	PL 575		2	14	4651-A	9		AMD	PL 622		1
12	6440		last	NEW	PL 568		1	14	4651-A	9-A		NEW	PL 622		2
12	6502-A	1		AMD	PL 640		3	14	6000	2-A		COR	RR 1	A	13
12	6502-C			NEW	PL 640		4	14	6321-A	11		COR	RR 1	A	14
12	6505-A	1-C		AMD	PL 642		5	14	6327			NEW	PL 647		1
12	6575-K	1		AMD	PL 642		6								
12	6575-K	2		AMD	PL 642		7	15	1094	2-A		AMD	PL 659	D	1
12	6703	4		AMD	PL 575		3	15	5825			AMD	PL 651		1
12	6703	4-A		NEW	PL 575		4								
12	6729	1	D	AMD	PL 575		5	17	1021	3-A		COR	RR 1	A	15
12	6851	2-A		AMD	PL 642		8	17	1031	3-C		NEW	PL 547		2
12	8307			NEW	PL 595		2	17	2263	2		AMD	PL 620		1
12	8908	2		AMD	PL 616	K	1	17	2851		1st	AMD	PL 557		1
12	10151	5		AMD	PL 639		1	17	2851	4		AMD	PL 557		2
12	10659	2		AMD	PL 630		1	17	2859		1st	AMD	PL 557		3
12	10703	5	A	AMD	PL 627	B	2	17	2859	1		AMD	PL 557		4
12	10703	6		AMD	PL 627	B	3	17	2859	4		AMD	PL 557		5
12	10853	3		RPR	PL 638		1	17	2859	7		AMD	PL 557		6
12	10902	7-C		AMD	PL 630		2								
12	10952	1		AMD	PL 637		1	17-A	2	3-B		AMD	PL 621	E	1
12	10953	1	E	AMD	PL 637		2	17-A	555	1	A	AMD	PL 543		1
12	10953	1-C		AMD	PL 637		3	17-A	555	1	B	AMD	PL 543		1
12	11108-B	1		AMD	PL 639		2	17-A	555	1	C	NEW	PL 543		2
12	11108-B	1-A	A-1	NEW	PL 639		3	17-A	555	1	D	NEW	PL 543		2
12	11108-B	1-A	C	RP	PL 639		4	17-A	555	2	C	NEW	PL 543		3
12	11108-B	2		AMD	PL 639		5	17-A	2018			AMD	PL 549		6
12	11108-C			AMD	PL 639		6								
12	11154	17		NEW	PL 638		2	18-C	1-701	2	A	RP	PL 629		1
12	11162	1		AMD	PL 637		4	18-C	2-704	2		COR	RR 1	A	16
12	11162	3		RP	PL 637		5	18-C	3-306			AMD	PL 598		1
12	11162	3-A		NEW	PL 637		6	18-C	3-310			RPR	PL 598		2
12	11162	3-B		NEW	PL 637		7	18-C	3-706	1		AMD	PL 598		3
12	11162	4		AMD	PL 637		8	18-C	3-801	1		AMD	PL 598		4
12	11452	2		AMD	PL 630		3	18-C	5-211			RPR	PL 664	D	1
12	12152	3-A	A	AMD	PL 639		7	18-C	5-306	1		AMD	PL 627	B	4
12	12152	3-C		AMD	PL 652		1	18-C	5-906	5		AMD	PL 598		5
12	12201	1-B	A	AMD	PL 639		8	18-C	5-931	1	D	AMD	PL 598		6
12	12201	5-A		NEW	PL 639		9	18-C	8-301	2	A	AMD	PL 598		7
12	12201	7		AMD	PL 639		10	18-C	8-301	2	A-1	AMD	PL 598		8
12	12201	9		AMD	PL 639		11	18-C	8-301	2	B	AMD	PL 598		9
12	12204	1	B	AMD	PL 639		12	18-C	8-301	2	C	AMD	PL 598		10
12	12204	2		AMD	PL 639		13	18-C	8-301	2	F	AMD	PL 598		11
12	12204	3		AMD	PL 639		14	18-C	9-204	3		AMD	PL 664	B	1
12	12808	1	D	COR	RR 1	A	11	18-C	9-204	3-A		NEW	PL 664	B	2
12	12808	1-A	D	COR	RR 1	A	12	18-C	9-302			AMD	PL 664	A	1
12	13058	4		NEW	PL 638		3								
12	13068-A	10	A	AMD	PL 662		1	19-A	105	4		AMD	PL 659	D	2
12	13068-A	10	A-1	NEW	PL 662		2	19-A	652	8		AMD	PL 535		1
								19-A	2102			AMD	PL 659	D	3
13	1101	1		AMD	PL 561		1	19-A	2103	4		AMD	PL 659	D	4
13	1101-A	1		RPR	PL 561		2	19-A	4007	1		AMD	PL 574		1
13	1101-B	3		NEW	PL 561		3								
13	1101-D			AMD	PL 561		4	20-A	254	5	C	AMD	PL 560		1
								20-A	1312	1		AMD	PL 588		1
14	3141	7		AMD	PL 603		1	20-A	1312	3		AMD	PL 588		2
14	3141	8		RP	PL 603		2	20-A	1312	4		NEW	PL 588		3
14	3142	1	C	AMD	PL 603		3	20-A	1491	1		AMD	PL 588		4
14	3142	1	D	RP	PL 603		4	20-A	1491	3		AMD	PL 588		5
14	3142	1	E	RP	PL 603		5	20-A	1491	4		NEW	PL 588		6
14	3146-A			RP	PL 603		6	20-A	1706	1		AMD	PL 588		7

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC
20-A	1706	3			AMD PL 588		8	21-A	760-B	2			AMD PL 636		16
20-A	1706	4			NEW PL 588		9	21-A	777-A				AMD PL 636		17
20-A	3272	3	A		AMD PL 562		1	21-A	781-A				AMD PL 636		18
20-A	5001-A	4	A		AMD PL 562		2	21-A	801	2			NEW PL 539		4
20-A	6305	1	C		AMD PL 560		2	21-A	805	2			AMD PL 539		5
20-A	6358	1			COR RR 1	A	17	21-A	901		1st		AMD PL 636		19
20-A	6602	1	D		RAL RR 1	A	18	21-A	1001	1-A			NEW PL 635		2
20-A	6602	1	E		RAL RR 1	A	18	21-A	1018-B	2			AMD PL 635		3
20-A	6602	1	F		NEW PL 556		1	21-A	1052	2			AMD PL 563		3
20-A	6602	1	G		NEW PL 556		2	21-A	1052-A				AMD PL 563		4
20-A	6602	2			AMD PL 556		3	21-A	1053-A				AMD PL 563		5
20-A	6602	4	A		AMD PL 556		4	21-A	1053-B				AMD PL 563		6
20-A	8232		1st		AMD PL 655		1	21-A	1053-C				NEW PL 635		4
20-A	8232	2			AMD PL 655		2	21-A	1054				AMD PL 563		7
20-A	8235	16			AMD PL 655		3	21-A	1054-A				AMD PL 563		8
20-A	8238				AMD PL 531		1	21-A	1054-B				AMD PL 563		9
20-A	8238				AMD PL 655		4	21-A	1056-A				RP PL 563		10
20-A	8468	1			AMD PL 588		10	21-A	1056-B	1			AMD PL 563		11
20-A	8468	3			AMD PL 588		11	21-A	1057				AMD PL 563		12
20-A	8468	4			NEW PL 588		12	21-A	1058				RP PL 563		13
20-A	10014				NEW PL 538		1	21-A	1060	1			AMD PL 563		14
20-A	11616	2			AMD PL 654		1	21-A	1060	2			AMD PL 563		15
20-A	12306				COR RR 1	A	19	21-A	1060	3			AMD PL 563		16
20-A	13006-A	3			RPR PL 584		1	21-A	1061				AMD PL 563		17
20-A	13011-A				NEW PL 610		1	21-A	1062-A	1			AMD PL 563		18
20-A	13013	3			AMD PL 584		2	21-A	1062-A	4			AMD PL 563		19
20-A	13013	5			AMD PL 584		3	21-A	1062-A	5			AMD PL 563		20
20-A	15671	7	B		AMD PL 616	C	1	21-A	1062-A	6			AMD PL 563		21
20-A	15671	7	C		AMD PL 616	C	2	21-A	1062-A	7			AMD PL 563		22
20-A	15671-A	2	B		AMD PL 616	C	3	21-A	1122	1-A			NEW PL 635		5
20-A	15683-C	1			AMD PL 616	C	4	21-A	1125	6-F			AMD PL 635		6
20-A	15688-A	1			AMD PL 616	C	5								
20-A	15689	7-A	B		AMD PL 616	C	6	22	50				AMD PL 612		1
20-A	15689-A	6			RP PL 616	C	7	22	261	1	B		AMD PL 671		1
20-A	15689-A	28			NEW PL 616	C	8	22	261	4	A		AMD PL 671		2
20-A	15905	1	A		AMD PL 616	C	9	22	567	1			AMD PL 580		1
20-A	15905	1	A-1		AMD PL 616	C	10	22	663-A	1			AMD PL 589		1
								22	822				RPR PL 617	K	1
21-A	1	3-A			NEW PL 563		1	22	1241	3			AMD PL 627	B	5
21-A	1	27-C			AMD PL 539		1	22	1471-C	3			COR RR 1	A	20
21-A	1	27-C	E		AFF PL 539		6	22	1531	1			AMD PL 613		1
21-A	1	27-C	E		NEW PL 539		2	22	1597-A	1	B		AMD PL 627	B	6
21-A	1	29-A			NEW PL 563		2	22	1714-A	7			AMD PL 659	D	5
21-A	128	1			AMD PL 636		1	22	1718-D				AMD PL 668		1
21-A	363		1st		AMD PL 636		2	22	1718-D				AMD PL 670		1
21-A	363	4			AMD PL 636		3	22	1718-E				NEW PL 670		2
21-A	365		1st		AMD PL 636		4	22	1718-F				NEW PL 670		3
21-A	367				AMD PL 636		5	22	2150-F	3			AMD PL 560		3
21-A	371				RPR PL 636		6	22	2157	14	C		COR RR 1	A	21
21-A	372				RP PL 636		7	22	2157	15			COR RR 1	A	23
21-A	373				RP PL 636		8	22	2157	15			RAL RR 1	A	22
21-A	374-A				AMD PL 636		9	22	2157	16			RAL RR 1	A	22
21-A	374-B				NEW PL 636		10	22	2496	2			AMD PL 560		4
21-A	376				AMD PL 636		11	22	2512	2	O		AMD PL 633		1
21-A	604				AMD PL 636		12	22	2512	2	P		AMD PL 633		2
21-A	651	2	B		AMD PL 636		13	22	2512	2	Q		NEW PL 633		3
21-A	711	3			AMD PL 636		14	22	2843	4			AMD PL 611		1
21-A	712				RP PL 636		15	22	3173-H				AMD PL 649		1
21-A	723-A	5-B			AFF PL 539		6	22	3173-I	2			AMD PL 649		2
21-A	723-A	5-B			NEW PL 539		3	22	3174-AAA				RAL RR 1	A	24

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22	3174-BBB			RAL	RR	1	A	24-A	2808-B	2-B		AMD	PL	653	B	6
22	3174-CCC			RAL	RR	1	A	24-A	2808-B	2-C		AMD	PL	653	B	7
22	3174-DDD			RAL	RR	1	A	24-A	2847-W			NEW	PL	605		6
22	3174-EEE			NEW	PL	645		24-A	3952	4-A		NEW	PL	653	B	8
22	3473	2	B	AMD	PL	661		24-A	3952	5-A		NEW	PL	653	B	9
22	3473	2	C	AMD	PL	661		24-A	3952	6		AMD	PL	653	B	10
22	3473	2	D	NEW	PL	661		24-A	3952	9		AMD	PL	653	B	11
22	4038-C	2		AMD	PL	664	C	24-A	3953	1		AMD	PL	653	B	12
22	4038-E			RPR	PL	664	C	24-A	3955	1	D	AMD	PL	653	B	13
22	5106	3	A	RP	PL	612		24-A	3955	1	E	RP	PL	653	B	14
22	5107-I	4		RP	PL	612		24-A	3955	2	H	AMD	PL	653	B	15
22	5401			NEW	PL	653	A	24-A	3956	3	C	AMD	PL	653	B	16
22	5402			NEW	PL	653	A	24-A	3957	9		RP	PL	653	B	17
22	5403			NEW	PL	653	A	24-A	3958			AMD	PL	653	B	18
22	5404			NEW	PL	653	A	24-A	3959	1	A	AMD	PL	653	B	19
22	5405			NEW	PL	653	A	24-A	3959	5		NEW	PL	653	B	20
22	5406			NEW	PL	653	A	24-A	3961			RP	PL	653	B	21
22	5407			NEW	PL	653	A	24-A	3962			RP	PL	653	B	22
22	5408			NEW	PL	653	A	24-A	3963			NEW	PL	653	B	23
22	5409			NEW	PL	653	A	24-A	4260			NEW	PL	605		7
22	5410			NEW	PL	653	A	24-A	4303-C			AMD	PL	668		2
22	5411			NEW	PL	653	A	24-A	4303-E			NEW	PL	668		3
22	7249-B			NEW	PL	536		24-A	4306			AMD	PL	627	A	1
22	9053	7		RP	PL	660		24-A	4316	1	A-1	NEW	PL	649		3
22	9053	8		RP	PL	660		24-A	4316	9		NEW	PL	649		4
22	9053	9		RP	PL	660		24-A	4317	2		AMD	PL	643		1
22	9053	18		RP	PL	660		24-A	4317-C			NEW	PL	666	A	1
22	9053	25		RP	PL	660		24-A	4320-A			AMD	PL	653	C	1
22	9053	29		AMD	PL	660		24-A	4320-C			AMD	PL	668		4
22	9054	7	A	RP	PL	660		24-A	4320-M			RAL	RR	1	A	26
22	9054	7	B	RP	PL	660		24-A	4320-N			RAL	RR	1	A	26
22	9054	7	C	RP	PL	660		24-A	4320-O			NEW	PL	627	A	2
22	9054	7	D	RP	PL	660										
22	9054	7	E	RP	PL	660		25	1541	4-A		AMD	PL	621	E	2
22-A	206	9		RP	PL	612		25	1542-A	1	U	NEW	PL	616	S	2
22-A	214	4	A	AMD	PL	590		25	1542-A	1	U	NEW	PL	644		1
22-A	214	4	B	AMD	PL	590		25	1542-A	3	A	AMD	PL	621	E	3
								25	1542-A	3	T	NEW	PL	616	S	3
								25	1542-A	3	T	NEW	PL	644		2
								25	1542-A	4-A		NEW	PL	644		3
23	356			NEW	PL	565		25	1544		1st	AMD	PL	621	E	4
23	1913-A	1	L	AMD	PL	594		25	1611	1-A		NEW	PL	658		3
23	1968	1		AMD	PL	16		25	1611	1-B		NEW	PL	658		4
23	3360-A	1	E	AMD	PL	592		25	1611	3		RPR	PL	658		5
23	3360-A	6-C		AMD	PL	592		25	1612			AMD	PL	658		6
24	2317-B	21		RPR	PL	605		25	2803-A	8-D		AMD	PL	593		1
24	2317-B	22		AMD	PL	605		25	2804-C	2-E		RAL	RR	1	A	27
24	2317-B	23		NEW	PL	605		25	2804-C	2-F		RAL	RR	1	A	27
24	2905-B			NEW	PL	602		25	3851			RAL	RR	1	A	29
								25	3871			RAL	RR	1	A	29
24-A	1402	1	C	AMD	PL	591		26	598-A			AMD	PL	567		1
24-A	2159	7		NEW	PL	596		26	637			RAL	RR	1	A	30
24-A	2766-A			NEW	PL	605		26	637			RAL	RR	1	A	31
24-A	2781			NEW	PL	653	B	26	638			RAL	RR	1	A	30
24-A	2791			NEW	PL	653	B	26	639			RAL	RR	1	A	31
24-A	2792			NEW	PL	653	B	26	666			AMD	PL	632		1
24-A	2793			NEW	PL	653	B	26	683	5	B	AMD	PL	627	B	7
24-A	2808-B	2	E	RPR	PL	653	B	26	979-T			RAL	RR	1	A	32
24-A	2808-B	2-A	B	AMD	PL	653	B	26	979-U			RAL	RR	1	A	32
24-A	2808-B	2-A	C	AMD	PL	653	B	26								

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26	1085				NEW PL 644		4	28-B	503	3			AMD PL 676		11
26	1167				NEW PL 616	FF	1	28-B	503	8			AMD PL 676		12
26	1199				NEW PL 617	B	1	28-B	503-A				NEW PL 676		13
26	1221	3	A		AMD PL 585		1	28-B	604				AMD PL 676		14
26	1221	3	C-2		NEW PL 585		2	28-B	604-A				NEW PL 676		15
26	1221	4-A	A		AMD PL 616	EE	1								
26	1221	4-A	B		AMD PL 616	EE	2	29-A	101	26-C			AMD PL 579		1
26	1221	4-A	C		AMD PL 585		3	29-A	101	27-B	C		AMD PL 634		2
26	1221	11	D		AMD PL 585		4	29-A	101	80-C			NEW PL 650		1
26	1225	2			AMD PL 585		5	29-A	501	7			AMD PL 650		2
26	1232	2			AMD PL 585		6	29-A	521	12			AMD PL 648		1
26	1308	1			RPR PL 545		1	29-A	556		1st		AMD PL 634		3
26	1308	1-A			AMD PL 545		2	29-A	562				RP PL 634		4
26	3501				RAL RR 1	A	34	29-A	603	1-A			NEW PL 650		3
26	3601				RAL RR 1	A	34	29-A	651	7			NEW PL 650		4
28-A	2	8			AFF PL 615		7	29-A	652	9-A			NEW PL 650		5
28-A	2	8			RPR PL 615		1	29-A	654	6			NEW PL 650		6
28-A	121	1			RPR PL 672		1	29-A	667	7			AMD PL 650		7
28-A	121	1-A			NEW PL 672		2	29-A	669				AMD PL 650		8
28-A	121	2			AMD PL 672		3	29-A	705	5			AMD PL 650		9
28-A	125				NEW PL 672		4	29-A	708				AMD PL 650		10
28-A	707	1			AMD PL 665		1	29-A	954	6			AMD PL 650		11
28-A	707	1	B		AMD PL 659	F	1	29-A	1401	9			AMD PL 634		5
28-A	707	3			RP PL 665		2	29-A	1902	4			AMD PL 650		12
28-A	707	3-A			NEW PL 665		3	29-A	1905	1			AMD PL 650		13
28-A	707	4			RP PL 665		4	29-A	1905-A	1			AMD PL 650		14
28-A	707	4-A			NEW PL 665		5	29-A	1905-B	1			AMD PL 650		15
28-A	707	5			RP PL 665		6	29-A	1917	2			AMD PL 650		16
28-A	707	5-A			NEW PL 665		7	29-A	2061	1			AMD PL 650		17
28-A	707	6			AMD PL 665		8	29-A	2081	1	A-4		NEW PL 577		1
28-A	707	7			AMD PL 665		9	29-A	2081	2-A			AMD PL 577		2
28-A	707	8			NEW PL 665		10	29-A	2081	2-B			AMD PL 577		3
28-A	1208	2	B		AMD PL 559		1	29-A	2081	3	A		AMD PL 577		4
28-A	1208	2	C		AMD PL 559		2	29-A	2081	3	C		AMD PL 577		5
28-A	1208	2	D		AMD PL 559		3	29-A	2081	4	A-2		NEW PL 577		6
28-A	1208	2	E		RP PL 559		4	29-A	2120				AMD PL 623		1
28-A	1351				AFF PL 615		7	29-A	2121	3			AMD PL 579		2
28-A	1351				AMD PL 615		2	29-A	2301	5-C			RAL RR 1	A	35
28-A	1355-A	2-B	B		AMD PL 665		11	29-A	2301	5-D			RAL RR 1	A	35
28-A	1363				RP PL 665		12	29-A	2354-C	1			AMD PL 624		1
28-A	1364	5			AFF PL 615		7	29-A	2354-C	4			AMD PL 624		2
28-A	1364	5			NEW PL 615		3	29-A	2354-C	5			NEW PL 624		3
28-A	1381				AFF PL 615		7	29-A	2385	4			AMD PL 650		18
28-A	1381				NEW PL 615		4	29-A	2389	1			AMD PL 650		19
28-A	1401-A				AFF PL 615		7	29-A	2390	1			AMD PL 650		20
28-A	1401-A				NEW PL 615		5	29-A	2390	1	J		AMD PL 606		1
28-A	1451	1-A			AFF PL 615		7	29-A	2458	2	V		AMD PL 634		6
28-A	1451	1-A			NEW PL 615		6	29-A	2458	6	B		RP PL 634		7
28-B	102	29			AMD PL 676		1	29-A	2458	6	E		AMD PL 634		8
28-B	102	50			AMD PL 676		2	29-A	2524	1			AMD PL 627	B	8
28-B	102	50-A			NEW PL 676		3	29-A	2605	1			AMD PL 603		7
28-B	102	53			AMD PL 676		4	29-A	2605	1-A			RP PL 603		8
28-B	201				AMD PL 676		5	29-A	2605-A				RP PL 603		9
28-B	205	2	B		AMD PL 676		6	30	6206	3			AFF PL 621	A	3
28-B	205	4	B		AMD PL 676		7	30	6206	3			AFF PL 621	B	3
28-B	207	3-A			NEW PL 676		8	30	6206	3			AMD PL 621	A	1
28-B	209	5	A		AMD PL 676		9	30	6206	3			AMD PL 621	B	1
28-B	401		last		AMD PL 676		10	30	6209-A	1	A		AFF PL 621	D	5
								30	6209-A	1	A		AMD PL 621	D	1



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30	6209-A	1-A		AFF	PL 621	D	5	32	3270-A			AMD	PL 627	B	15
30	6209-A	1-A		NEW	PL 621	D	2	32	3270-E			AMD	PL 627	B	16
30	6209-A	2-A		AFF	PL 621	D	5	32	3270-G			NEW	PL 627	B	17
30	6209-A	2-A		NEW	PL 621	D	3	32	3300-C			RP	PL 627	B	18
30	6209-A	4		AFF	PL 621	D	5	32	3300-G			RAL	RR 1	A	45
30	6209-A	4		AMD	PL 621	D	4	32	3200-I			RAL	RR 1	A	45
30	6209-B	1-A		AFF	PL 621	C	4	32	7006			RAL	RR 1	A	46
30	6209-B	1-A		NEW	PL 621	C	1	32	7007			RAL	RR 1	A	46
30	6209-B	2-A		AFF	PL 621	C	4	32	12228	10		AMD	PL 656		1
30	6209-B	2-A		NEW	PL 621	C	2	32	13724			RPR	PL 536		3
30	6209-B	4		AFF	PL 621	C	4	32	13786		last	AMD	PL 627	B	19
30	6209-B	4		AMD	PL 621	C	3	32	13786-D			NEW	PL 666	B	1
30	6210	4-A		AFF	PL 621	B	3	32	13800-C			NEW	PL 536		4
30	6210	4-A		NEW	PL 621	B	2	32	13866			RAL	RR 1	A	47
30	6210	5		AFF	PL 621	A	3	32	13867			RAL	RR 1	A	47
30	6210	5		NEW	PL 621	A	2	32	14049-G	1	M	AMD	PL 641		1
								32	14049-I			AMD	PL 641		2
30-A	2528	6	D	RPR	PL 636		20								
30-A	2531-B	11		AMD	PL 558		1	33	203		1st	AMD	PL 607	A	3
30-A	3009	1	C	AMD	PL 648		2	33	2052	13-A		NEW	PL 571		1
30-A	3010	1-A		AMD	PL 657		1	33	2052	13-B		NEW	PL 571		2
30-A	3010	2-A		AMD	PL 657		2	33	2052	24	B	AMD	PL 571		3
30-A	3108			AMD	PL 560		5	33	2054			AMD	PL 571		4
30-A	3504	3		AMD	PL 554		1	33	2061	15		AMD	PL 571		5
30-A	4301	1-B		RAL	RR 1	A	36	33	2067	2		AMD	PL 553		1
30-A	4301	1-C		RAL	RR 1	A	36	33	2101	1		COR	RR 1	A	48
30-A	4312	3	L	COR	RR 1	A	37	33	2113	9		NEW	PL 571		6
30-A	4312	3	L	RAL	RR 1	A	38								
30-A	4312	3	L	RAL	RR 1	A	39	34-B	1208-A			RP	PL 590		5
30-A	4312	3	M	RAL	RR 1	A	38	34-B	3801	4-B		AMD	PL 627	B	20
30-A	4312	3	N	RAL	RR 1	A	39	34-B	5604-A	2		AMD	PL 661		4
30-A	4326	3-A	K	COR	RR 1	A	40	34-B	19001	4		AMD	PL 566		1
30-A	4326	3-A	L	COR	RR 1	A	41								
30-A	4326	3-A	L	RAL	RR 1	A	42	35-A	505	1	A	AMD	PL 586		1
30-A	4326	3-A	M	RAL	RR 1	A	42	35-A	2503	2		AMD	PL 625		4
30-A	4722	1	DD	AMD	PL 659	J	1	35-A	3106			RAL	RR 1	A	49
30-A	4722	1	EE	AMD	PL 555		1	35-A	3106			RAL	RR 1	A	50
30-A	4722	1	FF	AMD	PL 555		2	35-A	3107			RAL	RR 1	A	49
30-A	4722	1	GG	NEW	PL 555		3	35-A	3108			RAL	RR 1	A	50
30-A	5222	1-B		NEW	PL 604		1	35-A	3209-B	1	C	COR	RR 1	A	51
30-A	5222	2-A		NEW	PL 604		2	35-A	3210	3-C		AMD	PL 576		1
30-A	5225	1	C	AMD	PL 604		3	35-A	3214	2-A		AMD	PL 608		1
30-A	5225	1	C	AMD	PL 625		3	35-A	3484	3	G	COR	RR 1	A	52
30-A	5227	3	D	AMD	PL 607	A	1	35-A	4151	6	G	COR	RR 1	A	53
30-A	5250-A	3	D	AMD	PL 607	A	2	35-A	7104-B	5	I	AMD	PL 625		5
30-A	5250-P	1		AMD	PL 659	E	3	35-A	9202	2		AMD	PL 625		6
								35-A	9203			AMD	PL 625		7
32	83	16-B		AMD	PL 617	C	1	35-A	9204-A	7		AMD	PL 625		8
32	85	7		NEW	PL 609		1	35-A	9207			AMD	PL 625		9
32	86	2-A	A	AMD	PL 627	B	9	35-A	9208	3		AMD	PL 625		10
32	88	2	H	AMD	PL 617	C	2	35-A	9211			AMD	PL 625		11
32	88-B			NEW	PL 617	C	3	35-A	9216			RP	PL 625		12
32	1528-A	1		COR	RR 1	A	43	35-A	9217	1		AMD	PL 625		13
32	2561			AMD	PL 627	B	10	35-A	10110	2	L	AMD	PL 608		2
32	2594-A			AMD	PL 627	B	11	35-A	10124			RAL	RR 1	A	54
32	2594-E			AMD	PL 627	B	12	35-A	10124			RAL	RR 1	A	55
32	2594-F			NEW	PL 627	B	13	35-A	10126			RAL	RR 1	A	54
32	2600-D			RAL	RR 1	A	44	35-A	10127			RAL	RR 1	A	55
32	2600-F			RAL	RR 1	A	44								
32	3263		1st	AMD	PL 627	B	14	36	111	1-A		AMD	PL 616	X	1

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TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC	TITLE	SECTION	SUB	PARA	EFF	CHAPTER	PART	SEC		
36	141	1		AMD	PL 659	G	1	36	5122	2	RR	RAL	RR	1	A	70	
36	172		1st	AMD	PL 659	F	2	36	5122	2	SS	RAL	RR	1	A	71	
36	177	2		AMD	PL 607	D	1	36	5122	2	TT	RAL	RR	1	A	69	
36	185-A			NEW	PL 659	D	6	36	5124-C	1		AMD	PL 616	X		2	
36	191	2	J	AMD	PL 659	D	7	36	5124-C	1-A		NEW	PL 616	X		3	
36	191	2	BBB	AMD	PL 659	A	1	36	5126-A	1		AMD	PL 659	C		1	
36	191	2	HHH	AMD	PL 607	C	1	36	5147			AMD	PL 607	C		3	
36	191	2	HHH	RAL	RR	1	A	56	36	5200-A	1	DD	COR	RR	1	A	72
36	191	2	JJJ	RAL	RR	1	A	56	36	5200-A	2	AA	AMD	PL 659	I		2
36	191	2	KKK	NEW	PL 555			4	36	5200-A	2	BB	RAL	RR	1	A	73
36	191	2	LLL	NEW	PL 628			1	36	5200-A	2	GG	RAL	RR	1	A	73
36	194-D	1	A	AMD	PL 607	D	2	36	5206		last	AMD	PL 607	C		4	
36	194-D	1	D	NEW	PL 607	D	3	36	5216-B	6		NEW	PL 616	LL		12	
36	194-D	2	A	AMD	PL 607	D	4	36	5219-X	5		AMD	PL 628			2	
36	208			RPR	PL 607	A	4	36	5219-BB	1	C	AMD	PL 659	J		2	
36	655	1	B	AMD	PL 607	A	5	36	5219-BB	2		AMD	PL 659	J		3	
36	686			AMD	PL 607	A	6	36	5219-RR	9	A	AMD	PL 607	C		5	
36	691	1	A	AMD	PL 659	B	1	36	5219-RR	9	C	AMD	PL 607	C		6	
36	691	1	F	AMD	PL 659	B	2	36	5219-VV	1	F	AMD	PL 659	H		1	
36	1752	6-E		RAL	RR	1	A	57	36	5219-VV	1	K	AMD	PL 659	H		2
36	1752	6-F		RAL	RR	1	A	58	36	5219-VV	2	D	AMD	PL 659	H		3
36	1752	6-H		RAL	RR	1	A	57	36	5219-VV	2	E	AMD	PL 659	H		4
36	1752	6-I		RAL	RR	1	A	58	36	5219-VV	3	B	AMD	PL 659	H		5
36	1752	11	B	AMD	PL 607	B	1	36	5219-VV	5		AMD	PL 607	C		7	
36	1760	9-B		COR	RR	1	A	59	36	5219-VV	5	A	AMD	PL 659	H		6
36	1760	12-A	B	COR	RR	1	A	60	36	5219-WW			NEW	PL 555			6
36	1760	33		COR	RR	1	A	61	36	5219-XX			NEW	PL 628			3
36	1760	47-A		COR	RR	1	A	62	36	5231	1-A		AMD	PL 659	G		2
36	1760	51		COR	RR	1	A	63	36	5234			RP	PL 607	C		8
36	1760	52		COR	RR	1	A	64	36	5250-A	3	C	AMD	PL 659	C		2
36	1760	56		COR	RR	1	A	65	36	5276	1		AMD	PL 659	D		8
36	1760	69		COR	RR	1	A	66	36	5276-A			RP	PL 659	D		9
36	1760	102		RAL	RR	1	A	67	36	5278	1		AMD	PL 659	G		3
36	1760	103		RAL	RR	1	A	67	36	5278	5	A	AMD	PL 659	G		4
36	1760	103		AFF	PL 550			3	36	5279	4		AMD	PL 659	D		10
36	1760	103		NEW	PL 550			1	36	6232	1-A		AMD	PL 607	A		10
36	1760	103		AFF	PL 551			3	36	6758			AMD	PL 659	E		4
36	1760	103		NEW	PL 551			1									
36	1760	103		AFF	PL 552			3	37-B	103			COR	RR	1	B	1
36	1760	103		NEW	PL 552			1	37-B	141		1st	COR	RR	1	B	2
36	1811	1	A	AMD	PL 607	B	2	37-B	144				COR	RR	1	B	3
36	1811	1	B	AMD	PL 607	B	3	37-B	145	2			COR	RR	1	B	4
36	1811	1	C	AMD	PL 607	B	4	37-B	146	1			COR	RR	1	B	5
36	1811	1	D	AMD	PL 607	B	5	37-B	149				COR	RR	1	B	6
36	1861-A			AMD	PL 607	C	2	37-B	158		1st		COR	RR	1	A	74
36	2534			AMD	PL 555		5	37-B	185	1-A			AMD	PL 627	B		21
36	2873	1		AMD	PL 607	B	6	37-B	187	1			COR	RR	1	B	7
36	2892		last	AMD	PL 616	Y	1	37-B	187	2			COR	RR	1	B	8
36	4119			AMD	PL 607	D	5	37-B	221	1			COR	RR	1	B	9
36	4401	9	C	AMD	PL 607	B	7	37-B	221	2			COR	RR	1	B	10
36	4641-B	2		AMD	PL 607	A	7	37-B	223	2			COR	RR	1	B	11
36	4641-B	7		AMD	PL 607	A	8	37-B	224	1			COR	RR	1	B	12
36	4641-D		1st	AMD	PL 607	A	9	37-B	224	2			COR	RR	1	B	13
36	4911			AFF	PL 548		5	37-B	224	3			COR	RR	1	B	14
36	4911			NEW	PL 548		2	37-B	224	5			COR	RR	1	B	15
36	5122	1	LL	COR	RR	1	A	68	37-B	224	7		COR	RR	1	B	16
36	5122	2	OO	AMD	PL 659	I	1	37-B	225				COR	RR	1	B	17
36	5122	2	PP	RAL	RR	1	A	69	37-B	266	1	B	COR	RR	1	B	18
36	5122	2	QQ	RAL	RR	1	A	70	37-B	266	3		COR	RR	1	B	19
36	5122	2	QQ	RAL	RR	1	A	71	37-B	342	3		COR	RR	1	B	20

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37-B	342	4			COR RR	1 B	21	38	551	5	P	NEW	PL 583		2
37-B	382		1st		COR RR	1 B	22	38	552-B			AFF	PL 678		7
37-B	406	3			COR RR	1 B	23	38	552-B			NEW	PL 678		6
37-B	407	1	A		COR RR	1 B	24	38	1303-C	6		AMD	PL 619		1
37-B	410				COR RR	1 B	25	38	1303-C	22-A		NEW	PL 619		2
37-B	412				COR RR	1 B	26	38	1303-C	40-A		NEW	PL 619		3
37-B	413				COR RR	1 B	27	38	1310-N	5-A	B	AMD	PL 619		4
37-B	420	4			COR RR	1 B	28	38	1310-N	11		AMD	PL 619		5
37-B	421	3			COR RR	1 B	29	38	1310-AA	1-A		AMD	PL 619		6
37-B	421	4			COR RR	1 B	30	38	1310-AA	2		AMD	PL 619		7
37-B	422	1			COR RR	1 B	31	38	1310-AA	3		AMD	PL 619		8
37-B	431				COR RR	1 B	32	38	1611	1	H	AMD	PL 674		1
37-B	432	3			COR RR	1 B	33	38	1611	3	A	AMD	PL 617	J	1
37-B	435				COR RR	1 B	34	38	1611	5		AMD	PL 617	J	2
37-B	436				COR RR	1 B	35								
37-B	441	1			COR RR	1 B	36								
37-B	442				COR RR	1 B	37								
37-B	443				COR RR	1 B	38								
37-B	447				COR RR	1 B	39								
37-B	448	1	A		COR RR	1 B	40								
37-B	448	1	C		COR RR	1 B	41								
37-B	451				COR RR	1 B	42								
37-B	504	4	A-1		AMD PL	601	1								
37-B	505	1-C			AMD PL	601	2								
37-B	507-A				COR RR	1 B	43								
37-B	604	3			COR RR	1 B	44								
37-B	742	1	C		AMD PL	617	H	1							
37-B	742	1	D		NEW PL	617	A	1							
37-B	743	1			COR RR	1 B	45								
37-B	744	1	A		COR RR	1 B	46								
37-B	744	2-A	B		COR RR	1 B	47								
37-B	744	3	A		COR RR	1 B	48								
37-B	821		1st		COR RR	1 B	49								
37-B	821	3			COR RR	1 B	50								
37-B	821	4			COR RR	1 B	51								
37-B	821	5			COR RR	1 B	52								
37-B	1007				COR RR	1 B	53								
37-B	1010				COR RR	1 B	54								
38	91		last		NEW PL	663	1								
38	353-B	2	A		AMD PL	631	1								
38	414-B	5			NEW PL	582	1								
38	467	15	E		COR RR	1	A	75							
38	480-Z		4th		AMD PL	581	1								
38	480-Z	3			AMD PL	581	2								
38	480-Z	7	D		AMD PL	581	3								
38	480-Z	7	E		AMD PL	581	3								
38	480-Z	7	F		NEW PL	581	4								
38	542	4-B			AFF PL	678	7								
38	542	4-B			NEW PL	678	1								
38	542	6			AFF PL	678	7								
38	542	6			AMD PL	678	2								
38	542	7			AFF PL	678	7								
38	542	7			AMD PL	678	3								
38	542	9-D			AFF PL	678	7								
38	542	9-D			NEW PL	678	4								
38	546				AFF PL	678	7								
38	546				AMD PL	678	5								
38	551	5	N		AMD PL	583	1								
38	551	5	O		AMD PL	583	1								

**CROSS-REFERENCE TABLE II**

**TABLE II**

Public Laws not allocated to the Maine Revised Statutes affected by the laws of the First Special Session and the Second Regular Session of the 129<sup>th</sup> Legislature and the Revisor's Report 2019, Chapter 1.

YEAR	CHAP	SEC	AFFECTED BY (TYPE)	YEAR	CHAP	SEC	YEAR	CHAP	SEC	AFFECTED BY (TYPE)	YEAR	CHAP	SEC		
1957	44		RPR	P&S	2019	15	1	2017	460	B4	AMD	PL	2019	533	3
1957	44		AFF	P&S	2019	15	7	2017	460	B4	AMD	PL	2019	533	4
2007	22	A12	AMD	P&S	2019	18	1	2019	432	4	COR	RR	2019	1	A76
2007	22	A19	AMD	P&S	2019	18	2	2019	453	1	COR	RR	2019	1	A77
2017	460	B3	AMD	PL	2019	533	1	2019	475	1	COR	RR	2019	1	A78
2017	460	B3	AMD	PL	2019	533	2								

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to the Laws of the First Special Session  
and the Second Regular Session of the 129th Legislature

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