

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

extent that such deposits are insured by any provisions of federal law.

~~¶~~ 4. If any surplus remains at the end of the year, ~~the~~ the surplus may be transferred to the sinking fund.

**Sec. 10. P&SL 1899, c. 200, §12**, as amended by P&SL 1911, c. 75, is repealed.

**Sec. 11. P&SL 1899, c. 200, §14**, as amended by P&SL 1981, c. 41, §3, is repealed.

**Sec. 12. P&SL 1899, c. 200, §15** is repealed.

**Sec. 13. P&SL 1899, c. 200, §16** is repealed.

**Sec. 14. P&SL 1905, c. 152, §4** is repealed.

**Sec. 15. P&SL 1905, c. 152, §5** is repealed.

**Sec. 16. P&SL 1905, c. 152, §6** is repealed.

**Sec. 17. P&SL 1905, c. 152, §7** is repealed.

**Sec. 18. P&SL 1905, c. 152, §8** is repealed.

**Sec. 19. P&SL 1927, c. 79, §2** is repealed.

**Sec. 20. P&SL 1927, c. 79, §3** is repealed.

**Sec. 21. P&SL 1981, c. 41, §4** is repealed.

See title page for effective date.

## CHAPTER 39

### H.P. 1259 - L.D. 1769

#### An Act To Extend Access to Federal Health Insurance Premium Assistance

**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 American Recovery and Reinvestment Act of 2009 provided health insurance premium assistance for a period of 9 months to persons laid off from September 1, 2008 to December 31, 2009 and eligible for continuation of health insurance coverage under state law; and

**Whereas**, persons eligible for continuation of health insurance coverage under state law must be provided a 2nd election period to qualify for premium assistance through the American Recovery and Reinvestment Act of 2009; and

**Whereas**, Public Law 2009, chapter 244, Part J, section 1 provided a 2nd election period to conform to federal law; and

**Whereas**, the federal Department of Defense Appropriations Act, 2010 extends the eligibility period for the premium assistance for an additional 2 months

through February 28, 2010 and extends premium assistance to 15 months; and

**Whereas**, the federal Temporary Extension Act of 2010 extends the eligibility period for premium assistance for an additional month through March 31, 2010; and

**Whereas**, immediate enactment of this Act is necessary to allow laid-off employees who receive premium assistance to qualify for the extended premium assistance; 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. Extension of current coverage.** Insurers and health maintenance organizations that issued health insurance coverage during a 2nd election period required by Public Law 2009, chapter 244, Part J, section 1 and that included a 9-month coverage limit as required by that section shall extend that coverage by eliminating the 9-month limit. Such coverage may not be terminated except as provided by the Maine Revised Statutes, Title 24-A, section 2809-A, subsection 11, paragraphs F and G.

**Sec. 2. Notice requirement.** Insurers and health maintenance organizations that provide group health insurance policies subject to the requirements of the Maine Revised Statutes, Title 24-A, section 2809-A, subsection 11 shall provide notice, as required by Sections 3001(a)(7)(A)(ii) and 300(a)(16)(D)(i) of the American Recovery and Reinvestment Act of 2009 as amended by the federal Department of Defense Appropriations Act, 2010, Section 1010 and the federal Temporary Extension Act of 2010, Section 3. The notice must be provided by first-class mail in a form acceptable to the Superintendent of Insurance to eligible employees whose employment terminated between September 1, 2008 and March 31, 2010 and who have elected to continue coverage pursuant to Title 24-A, section 2809-A, subsection 11 and to any eligible employees whose employment terminates after March 31, 2010 who are eligible for premium assistance as provided by that section of this Act relating to future extensions.

**Sec. 3. Future extensions.** If the Superintendent of Insurance determines that the American Recovery and Reinvestment Act of 2009 is amended to extend premium assistance to individuals whose coverage terminates after March 31, 2010, the requirements of section 2 apply to those individuals.

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

Effective March 26, 2010.

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**CHAPTER 40  
H.P. 388 - L.D. 543**

**An Act Concerning the  
Allocation of Power Generated  
by GNE, LLC**

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

**Sec. 1. P&SL 2001, c. 45, §2-A** is enacted to read:

**Sec. 2-A. Sale of electricity; municipally owned electricity provider.** Electricity generated by the hydropower facilities that is not under contract to be sold to the paper production facilities in Millinocket and East Millinocket or to any other entity may be offered for sale by the owner of the hydropower facilities to any municipally owned electricity provider serving the Katahdin region, and, if that electricity is so offered, the parties shall negotiate in good faith to reach mutually agreeable terms of sale. The owner of the hydropower facilities may offer to a municipally owned electricity provider serving the Katahdin region a right of first refusal with respect to the purchase of electricity generated by the hydropower facilities. For the purposes of this section, "municipally owned electricity provider" means a municipally owned entity authorized under applicable law to buy and sell electricity.

See title page for effective date.

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**CHAPTER 41  
H.P. 1321 - L.D. 1830**

**An Act To Make  
Administrative Changes to Tax  
Laws To Maintain a Balanced  
Budget**

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

**Sec. 1. Legislative findings.** The Legislature acknowledges that Public Law 2009, chapter 382, An Act To Implement Tax Relief and Tax Reform, is suspended due to the petition of the electors for a referendum to be held June 8, 2010 on the law pursuant to the

Constitution of Maine, Article IV, Part Third, Section 17. The Legislature finds that certain dates specified in the suspended law for the implementation of changes in the State's tax laws have now passed and the application dates for the law, if ratified by the voters, would be inconsistent with the intent of the legislation. The Legislature also finds that, because of the suspension of the law, if the law is implemented without adjustments to its implementation dates, the law would result in an unintended budget shortfall of approximately \$50,000,000. The Legislature finds that it is essential for the proper administration of the tax laws that the dates specified in the suspended law be updated.

**Sec. 2. Extension of dates.** In order to ensure the proper administration of the tax laws, this Act extends for one year the implementation dates specified in Public Law 2009, chapter 382 in order to allow for proper planning by taxpayers and to maintain a balanced state budget.

**Sec. 3. Contingent effective date.** This Act takes effect only if Public Law 2009, chapter 382 is not rejected by a majority of the electors voting on that measure pursuant to the Constitution of Maine, Article IV, Part Third, Section 17.

**Sec. 4. Maine Revised Statutes; revision clause.** Wherever in the Maine Revised Statutes a date appears that is amended or enacted by Public Law 2009, chapter 382, that date is amended to read or mean, as appropriate, one year following the specified year, and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 42  
H.P. 75 - L.D. 91**

**An Act To Fund the Maine  
Downtown Center**

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

**Sec. 1. Appropriations and allocations.** The following appropriations and allocations are made.

**EXECUTIVE DEPARTMENT**

**Planning Office 0082**

Initiative: Provides a one-time appropriation to recapitalize the Maine Downtown Center.