

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1730

H.P. 1279

House of Representatives, May 27, 2021

An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine

(EMERGENCY)

Reported by Representative HARNETT of Gardiner for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

Received by the Clerk of the House on May 25, 2021. Referred to the Committee on Judiciary pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

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

3 **Whereas,** acts of this and previous Legislatures have resulted in certain technical
4 errors, conflicts and inconsistencies in the laws of Maine; and

5 **Whereas,** these errors, conflicts and inconsistencies create uncertainties and
6 confusion in interpreting legislative intent; and

7 **Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved
8 in order to prevent any injustice or hardship to the citizens of Maine; and

9 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
10 the meaning of the Constitution of Maine and require the following legislation as
11 immediately necessary for the preservation of the public peace, health and safety; now,
12 therefore,

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

14 **PART A**

15 **Sec. A-1. 4 MRSA §1051,** as amended by PL 2019, c. 59, §1 and c. 475, §49, is
16 repealed and the following enacted in its place:

17 **§1051. Legal holidays**

18 Court may not be held on Sunday or any day designated for the annual Thanksgiving;
19 New Year's Day, January 1st; Martin Luther King, Jr., Day, the 3rd Monday in January;
20 Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in
21 April; Memorial Day, the last Monday in May, but if the Federal Government designates
22 May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July;
23 Labor Day, the first Monday of September; Indigenous Peoples Day, the 2nd Monday in
24 October; Veterans Day, November 11th; or Christmas Day. The Chief Justice of the
25 Supreme Judicial Court may order that court be held on a legal holiday when the Chief
26 Justice finds that the interests of justice and judicial economy in any particular case will be
27 served. The public offices in county buildings may be closed to business on the holidays
28 named in this section. When any one of the holidays named in this section falls on Sunday,
29 the Monday following must be observed as a holiday, with all the privileges applying to
30 any of the days named in this section.

31 **Sec. A-2. 5 MRSA §1531, sub-§2,** as amended by PL 2019, c. 343, Pt. D, §2 and
32 Pt. III, §1, is repealed and the following enacted in its place:

33 **2. Average personal income growth.** "Average personal income growth" means the
34 average for the prior 10 calendar years, ending with the most recent calendar year for which
35 data is available, of the percent change in personal income in this State, as estimated by the
36 United States Department of Commerce, Bureau of Economic Analysis. The average
37 personal income growth is determined by October 1st, annually, by the State Economist.

38 **Sec. A-3. 5 MRSA §1710-D,** as amended by PL 2019, c. 343, Pt. D, §4 and Pt. III,
39 §2, is repealed and the following enacted in its place:

40 **§1710-D. Staffing**

1 **4. Quorum.** A majority of board members constitutes a quorum.

2 **5. Chair.** The Governor shall name the chair.

3 **6. Meetings.** Beginning no later than March 1, 2020, the board shall meet in public
4 session at least every 12 weeks to review prescription drug information and to make
5 recommendations pursuant to section 2042. Meetings may be cancelled or postponed at the
6 discretion of the chair.

7 A. Each public meeting must be announced 2 weeks in advance, and materials for the
8 meeting must be made public at least one week in advance.

9 B. Each public meeting must provide opportunity for comment from the public in
10 attendance at the meeting, and the board shall provide the opportunity for the public to
11 submit written comments on pending decisions.

12 C. The board may allow expert testimony at public meetings and any meeting
13 conducted in executive session as permitted by paragraph D.

14 D. Notwithstanding the requirements of Title 1, section 405, the board may meet in
15 executive session, except that any decision of the board must be made in public.

16 **7. Conflicts of interest.** The following provisions govern any conflict of interest for
17 a member of the board, a member of the advisory council established pursuant to subsection
18 10 or any staff member or contractor of the board.

19 A. When appointing a member of the board or the advisory council established
20 pursuant to subsection 10, the appointing authority shall consider any conflict of
21 interest disclosed by the prospective member. A member shall elect to be recused from
22 any board activity in the case in which the member or an immediate family member of
23 the member has a conflict of interest. For the purposes of this paragraph, "conflict of
24 interest" means an association, including a financial or personal association, that has
25 the potential to bias or have the appearance of biasing an individual's decisions in
26 matters related to the board or the conduct of the board's activities.

27 B. A board member or staff or contractor of the board with a conflict of interest shall
28 elect to be recused. For purposes of this paragraph, "conflict of interest" means any
29 instance in which a member of the board or an immediate family member of the
30 member has received or could receive either of the following:

31 (1) A direct financial benefit of any amount deriving from the results or findings
32 of a study or determination by or for the board; or

33 (2) A financial benefit from individuals or companies that own or manufacture
34 prescription drugs, services or items to be studied by the board that in the aggregate
35 exceeds \$5,000 per year. For purposes of this subparagraph, "financial benefit"
36 includes honoraria, fees, stock or other financial benefit and the current value of
37 the member's or immediate family member's already existing stock holdings, in
38 addition to any direct financial benefit deriving from the results or findings
39 conducted under this section.

40 C. A conflict of interest must be disclosed in the following manner:

41 (1) By the board in the employment of board senior staff;

1 (2) By the Governor, President of the Senate or Speaker of the House of
2 Representatives when appointing members to the board and advisory council
3 established pursuant to subsection 10;

4 (3) By the board, describing any recusals as part of any final decision relating to a
5 prescription drug; and

6 (4) By the 5th day after a conflict is identified or, if a public meeting of the board
7 will occur within that 5-day period, in advance of the public meeting.

8 D. Conflicts of interest must be publicly posted on the website of the board. The
9 information disclosed must include the type, nature and magnitude of the interests of
10 the individual involved, except to the extent that the individual elects to be recused
11 from participation in any activity with respect to which the potential conflict exists.

12 E. The board, the advisory council established pursuant to subsection 10, a member of
13 the board or staff or a contractor of the board may not accept gifts, bequests or
14 donations of services or property that suggest a conflict of interest or have the
15 appearance of creating bias in the work of the board or advisory council.

16 F. A member of the advisory council established pursuant to subsection 10 who accepts
17 a gift, bequest or donation of services or property that suggests a conflict of interest or
18 has the appearance of creating bias in the work of the advisory council shall disclose
19 the gift, bequest or donation publicly.

20 **8. Staff.** The board may employ an executive director, whose salary, to the extent
21 feasible, must comport with state personnel rules and requirements.

22 **9. Compensation.** A member of the board and a member of the advisory council
23 appointed pursuant to subsection 10, paragraph L are entitled to legislative per diem and
24 reimbursement for expenses as provided in section 12004-G, subsection 14-I.

25 **10. Advisory council.** A 12-member advisory council is established to advise the
26 board on establishing annual spending targets pursuant to section 2042, subsection 1 and
27 determining methods for meeting those spending targets pursuant to section 2042,
28 subsection 3. The advisory council consists of:

29 A. The Governor or the governor's designee;

30 B. The Commissioner of Administrative and Financial Services or the commissioner's
31 designee;

32 C. The Commissioner of Corrections or the commissioner's designee;

33 D. The Commissioner of Health and Human Services or the commissioner's designee;

34 E. The Attorney General or the Attorney General's designee;

35 F. The Executive Director of Employee Health and Benefits, within the Department
36 of Administrative and Financial Services, Bureau of Human Resources, or the
37 executive director's designee;

38 G. A representative from the Maine State Employees Association, appointed by the
39 Governor, based on a nomination by the association;

40 H. A representative from the Maine Education Association, appointed by the
41 Governor, based on a nomination by the association;

1 I. A representative from the Maine Municipal Association, appointed by the Governor,
2 based on a nomination by the association;

3 J. A representative from the University of Maine System, appointed by the Governor,
4 based on a nomination by the system;

5 K. A representative from the Maine Community College System, appointed by the
6 Governor, based on a nomination by the system; and

7 L. A representative of consumer interests, appointed by the Governor, who serves a
8 3-year term.

9 **11. Funds and grants.** The board may apply for and receive funds, grants or contracts
10 from public and private sources.

11 **12. Assessment.** The board may recommend that a public payor, as defined in section
12 2042, subsection 1, pay an annual assessment to support the administrative costs of the
13 board.

14 **§2042. Powers and duties of the board**

15 **1. Prescription drug spending targets.** The board has the following powers and
16 duties. For the purposes of this section, the term "public payor" means any division of state,
17 county or municipal government that administers a health plan for employees of that
18 division of state, county or municipal government or an association of state, county or
19 municipal employers that administers a health plan for its employees, except for the
20 MaineCare program. The board shall:

21 A. Beginning for the year 2021 and in consultation with the advisory council
22 established under section 2041, subsection 10, determine annual spending targets for
23 prescription drugs purchased by public payors based upon a 10-year rolling average of
24 the medical care services component of the United States Department of Labor, Bureau
25 of Labor Statistics Consumer Price Index medical care services index plus a reasonable
26 percentage for inflation and minus a spending target determined by the board for
27 pharmacy savings;

28 B. Determine spending targets on specific prescription drugs that may cause
29 affordability challenges to enrollees in a public payor health plan; and

30 C. Determine which public payors are likely to exceed the spending targets determined
31 under paragraph A.

32 **2. Prescription drug spending data.** The board may consider the following data to
33 accomplish its duties under this section:

34 A. A public payor's prescription drug spending data, which the 3rd-party administrator
35 or insurer for the public payor's health plan shall provide to the board on behalf of the
36 public payor upon request notwithstanding any provision of law to the contrary,
37 including:

38 (1) Expenditures and utilization data for prescription drugs for each plan offered
39 by a public payor;

40 (2) The formulary for each plan offered by a public payor and prescription drugs
41 common to each formulary;

1 (3) Pharmacy benefit management services and other administrative expenses of
2 the prescription drug benefit for each plan offered by a public payor; and

3 (4) Enrollee cost sharing for each plan offered by a public payor; and

4 B. Data compiled by the Maine Health Data Organization under Title 22, chapter 1683.
5 Prescription drug spending data provided to the board under this subsection is confidential
6 to the same extent it is confidential while in the custody of the entity that provided the data
7 to the board.

8 **3. Recommendations.** Based upon the prescription drug spending data received under
9 subsection 2, the board, in consultation with a representative of each public payor identified
10 under subsection 1, paragraph A, shall determine methods for the public payor to meet the
11 spending targets established under subsection 1. The board shall determine whether the
12 following methods reduce costs to individuals purchasing prescription drugs through a
13 public payor and allow public payors to meet the spending targets established under
14 subsection 1:

15 A. Negotiating specific rebate amounts on the prescription drugs that contribute most
16 to spending that exceeds the spending targets;

17 B. Changing a formulary when sufficient rebates cannot be secured under paragraph
18 A;

19 C. Changing a formulary with respect to all of the prescription drugs of a manufacturer
20 within a formulary when sufficient rebates cannot be secured under paragraph A;

21 D. Establishing a common prescription drug formulary for all public payors;

22 E. Prohibiting health insurance carriers in the State from offering on their formularies
23 a prescription drug or any of the prescription drugs manufactured by a particular
24 manufacturer when the methods described in paragraph B or C are implemented;

25 F. Purchasing prescription drugs in bulk or through a single purchasing agreement for
26 use among public payors;

27 G. Collaborating with other states and state prescription drug purchasing consortia to
28 purchase prescription drugs in bulk or to jointly negotiate rebates;

29 H. Allowing health insurance carriers providing coverage to small businesses and
30 individuals in the State to participate in the public payor prescription drug benefit for
31 a fee;

32 I. Procuring common expert services for public payors, including but not limited to
33 pharmacy benefit management services and actuarial services; and

34 J. Any other method the board may determine.

35 **4. Report.** The board shall report its recommendations, including prescription drug
36 spending targets, and the progress of implementing those recommendations to the joint
37 standing committee of the Legislature having jurisdiction over health coverage and
38 insurance matters no later than October 1, 2020 and on January 30th annually thereafter.
39 The joint standing committee may report out legislation based upon the report.

40 **Sec. A-6. 5 MRSA c. 168** is enacted to read:

1 CHAPTER 168

2 WHOLESALE PRESCRIPTION DRUG IMPORTATION PROGRAM

3 **§2045. Authorization**

4 The Wholesale Prescription Drug Importation Program, referred to in this chapter as
5 "the program," is established to provide for the wholesale importation of prescription drugs
6 from Canada by or on behalf of the State. The program must be designed in accordance
7 with the requirements of this chapter. The program may not be implemented unless the
8 State obtains approval and certification, pursuant to section 2046, subsection 3, from the
9 United States Department of Health and Human Services.

10 **§2046. Design of program**

11 **1. Design requirements.** The Department of Health and Human Services, in
12 consultation with appropriate federal and other state agencies, other states and interested
13 parties, shall design the program to comply with the applicable requirements of 21 United
14 States Code, Section 384, including requirements regarding safety and cost savings. The
15 program design must:

16 A. Designate a state agency to become a licensed drug wholesaler or to contract with
17 a licensed drug wholesaler in order to seek federal certification and approval, pursuant
18 to subsection 3, to import safe prescription drugs and provide cost savings to consumers
19 in the State;

20 B. Use prescription drug suppliers in Canada regulated under the laws of Canada or of
21 one or more Canadian provinces, or both;

22 C. Ensure that only prescription drugs meeting the federal Food and Drug
23 Administration's safety, effectiveness and other standards are imported by or on behalf
24 of the State;

25 D. Import only those prescription drugs expected to generate substantial cost savings
26 for consumers in the State;

27 E. Ensure that the program complies with the transaction and tracing requirements of
28 21 United States Code, Sections 360eee and 360eee-1 to the extent feasible and
29 practical prior to imported prescription drugs coming into the possession of the licensed
30 drug wholesaler and that the program complies fully with those federal requirements
31 after imported prescription drugs are in the possession of the licensed drug wholesaler;

32 F. Consider whether the program may be developed on a multistate basis through
33 collaboration with other states;

34 G. Prohibit the distribution, dispensing or sale of imported prescription drugs outside
35 of the State;

36 H. Recommend a charge per prescription or another method of financing to ensure that
37 the program is adequately funded in a manner that does not jeopardize significant cost
38 savings to consumers, including adequate funding for the initial start-up costs of the
39 program;

1 I. Apply for and receive funds, grants or contracts from public and private sources;
2 and

3 J. Include an audit function.

4 **2. Rules.** The Department of Health and Human Services shall adopt rules to design
5 the program in accordance with the requirements of subsection 1 no later than January 1,
6 2020. Rules adopted pursuant to this subsection are major substantive rules as defined in
7 chapter 375, subchapter 2-A.

8 **3. Request for federal approval and certification.** The Department of Health and
9 Human Services shall submit a request for approval and certification of the program to the
10 United States Department of Health and Human Services no later than May 1, 2020.

11 **§2047. Implementation**

12 **1. Implementation; operation.** Upon receipt of federal approval and certification
13 under section 2046, subsection 3, the state agency designated to oversee the program
14 pursuant to this chapter shall implement the program as required in subsection 2. The
15 program must begin operating no later than 6 months following receipt of federal approval
16 and certification.

17 **2. Requirements.** Prior to operating the program, the state agency designated to
18 oversee the program pursuant to this chapter shall:

19 A. Become a licensed drug wholesaler or enter into a contract with a licensed drug
20 wholesaler in the State;

21 B. Contract with one or more distributors licensed in the State;

22 C. Contract with one or more licensed and regulated prescription drug suppliers in
23 Canada;

24 D. Consult with health insurance carriers, employers, pharmacies, pharmacists, health
25 care providers and consumers;

26 E. Develop a registration process for health insurance carriers, pharmacies and health
27 care providers authorized to prescribe and administer prescription drugs that are willing
28 to participate in the program;

29 F. Create a publicly accessible website for listing the prices of prescription drugs to be
30 imported under the program;

31 G. Create an outreach and marketing plan to generate public awareness of the program;

32 H. Provide a telephone hotline to answer questions and address needs of consumers,
33 employers, health insurance carriers, pharmacies, health care providers and others
34 affected by the program;

35 I. Develop a 2-year audit work plan; and

36 J. Conduct any other activity determined necessary to successfully implement and
37 operate the program.

38 **§2048. Annual reporting**

39 Beginning January 2021, and annually thereafter, the Department of Health and Human
40 Services, or other state agency designated to oversee the program pursuant to this chapter,

1 shall report to the joint standing committee of the Legislature having jurisdiction over
2 health coverage and prescription drugs regarding the implementation and operation of the
3 program during the previous calendar year, including:

4 **1. Prescription drugs included.** The prescription drugs included in the program;

5 **2. Participation.** The number of participating pharmacies, health care providers and
6 health insurance carriers;

7 **3. Prescriptions dispensed.** The number of prescription drugs dispensed through the
8 program;

9 **4. Estimated savings.** The estimated cost savings to consumers, health insurance
10 carriers, employers and the State during the previous calendar year and to date;

11 **5. Audit findings.** Information regarding implementation of the audit work plan and
12 audit findings; and

13 **6. Other relevant information.** Any other information the Department of Health and
14 Human Services, or other state agency designated to oversee the program pursuant to this
15 chapter, considers relevant.

16 **Sec. A-7. 5 MRSA §3101, sub-§1,** as amended by PL 2019, c. 343, Pt. D, §6 and
17 c. 383, §1, is repealed and the following enacted in its place:

18 **1. Director.** "Director" means the Director of the Office of Policy Innovation and the
19 Future established by section 3102.

20 **Sec. A-8. 5 MRSA §3101, sub-§2,** as amended by PL 2019, c. 343, Pt. D, §6 and
21 c. 383, §1, is repealed and the following enacted in its place:

22 **2. Office.** "Office" means the Office of Policy Innovation and the Future established
23 by section 3102.

24 **Sec. A-9. 5 MRSA §3102,** as amended by PL 2019, c. 343, Pt. D, §7 and repealed
25 and replaced by c. 383, §2, is repealed and the following enacted in its place:

26 **§3102. Office established; purpose**

27 The Office of Policy Innovation and the Future is established in the Executive
28 Department to: support the creation of a coherent system of policy planning and
29 coordinated implementation as one function and responsibility of the executive branch;
30 serve the Governor as a research, advisory, consultative, coordinating and administrative
31 agency; and advance policies that support a sustainable future for the State's people,
32 communities, natural resources, physical infrastructure, industries, businesses and
33 institutions by:

34 **1. Assistance; data; policy.** Providing technical assistance and data to the Governor
35 by undertaking special studies and plans as directed and preparing policy;

36 **2. Coordination.** Facilitating general intergovernmental coordination;

37 **3. Innovation.** Supporting state efforts to encourage innovation and policy that
38 facilitates innovation in the public and private sectors;

39 **4. Technology.** Supporting improved technology use for government programs and
40 advancing responsible state data policies;

1 **5. Resources.** Supporting the development of the State's economy and energy
2 resources with the conservation of its natural resources; and

3 **6. Analysis.** Conducting ongoing demographic, economic, workforce and other
4 needed analyses to support state policy makers.

5 **Sec. A-10. 5 MRSA §3103**, as amended by PL 2019, c. 343, Pt. D, §8 and c. 383,
6 §3, is repealed and the following enacted in its place:

7 **§3103. Director**

8 The Director of the Office of Policy Innovation and the Future is appointed by the
9 Governor and serves at the pleasure of the Governor.

10 **Sec. A-11. 5 MRSA §12004-C, sub-§7**, as enacted by PL 1995, c. 676, §1 and
11 affected by c. 676, §13, is amended to read:

12 7.

13 School Board of the Maine Educational Legislative Per Diem 20-A MRSA §7406
14 Center for the Deaf and Hard of Hearing and Expenses
15 and the Governor Baxter School for the
16 Deaf

17 **Sec. A-12. 5 MRSA §13056, sub-§3**, as amended by PL 2019, c. 343, Pt. D, §9
18 and Pt. IIII, §4, is repealed and the following enacted in its place:

19 **3. Conduct planning and research.** Conduct planning, research and analysis for
20 department needs, but not macroeconomic forecasting, which is the responsibility of the
21 Department of Administrative and Financial Services. The department shall gather and
22 maintain and must have access to all economic and other information necessary to the
23 performance of its duties;

24 **Sec. A-13. 5 MRSA §13056, sub-§6, ¶B**, as amended by PL 2003, c. 159, §2, is
25 further amended to read:

26 B. Other community planning and development assistance programs of the former
27 State Planning Office;

28 **Sec. A-14. 9-A MRSA §14-105, sub-§5**, as enacted by PL 2019, c. 431, §2 and
29 affected by §4, is repealed.

30 **Sec. A-15. 10 MRSA §363, sub-§2-A**, as amended by PL 2019, c. 343, Pt. D, §11
31 and Pt. IIII, §5, is repealed and the following enacted in its place:

32 **2-A. Recommendation of Governor and issuers.** At any time action of the
33 Legislature under subsection 1-A is necessary or desirable, the Governor shall recommend
34 to the appropriate committee of the Legislature a proposed allocation or reallocation of all
35 or part of the state ceiling. To assist the Governor in making a recommendation of proposed
36 allocations of the state ceiling on private activity bonds, the group of 7 representatives
37 described in subsection 1-A shall make a recommendation regarding allocation or
38 reallocation of the state ceiling. In order to assist the group in making its recommendation
39 and to assist the Governor and the Legislature, the Department of Administrative and
40 Financial Services shall prepare an annual analysis of the State's economic outlook,
41 prevailing interest rate forecasts related to tax-exempt financing by the issuers specifically

1 identified in subsections 4 to 8, the availability to those issuers of alternative financing
2 from sources that do not require an allocation of the state ceiling and the relationship of
3 these factors and various public policy considerations to the allocation or reallocation of
4 the state ceiling. In recommending any allocation or reallocation of the state ceiling to the
5 Legislature, the Governor shall consider the requests and recommendations of those issuers
6 of bonds within the State designated in this section, the recommendations of the group of
7 representatives described in subsection 1-A and the annual analysis of the Department of
8 Administrative and Financial Services.

9 **Sec. A-16. 10 MRSA §1310-H, sub-§3**, as amended by PL 2019, c. 77, §1 and c.
10 407, §2, is repealed and the following enacted in its place:

11 **3. Nonliability.** A person may not be held liable for any violation of this section if the
12 person shows by a preponderance of the evidence that at the time of the alleged violation
13 the person maintained reasonable procedures to ensure compliance with the provisions of
14 subsection 1, 2, 2-A and 4.

15 **Sec. A-17. 10 MRSA §9722, sub-§6, ¶G**, as amended by PL 2019, c. 391, §4, is
16 further amended to read:

17 G. In accordance with section 9723, ensure that training and certification regarding
18 the Maine Uniform Building and Energy Code is readily available, affordable and
19 accessible to municipal building officials; ~~and~~

20 **Sec. A-18. 10 MRSA §9722, sub-§6, ¶I**, as amended by PL 2019, c. 391, §4, is
21 further amended to read:

22 I. Approve methods of energy performance rating for use in generating any consumer
23 information labels that may be required in the marketing and sale of residential and
24 commercial buildings or units within buildings; and

25 **Sec. A-19. 10 MRSA §9722, sub-§6, ¶M**, as repealed by PL 2019, c. 391, §4 and
26 amended by c. 392, §1, is repealed.

27 **Sec. A-20. 10 MRSA §9722, sub-§6, ¶N**, as repealed by PL 2019, c. 391, §4 and
28 amended by c. 392, §2, is repealed.

29 **Sec. A-21. 12 MRSA §8876, sub-§2**, as amended by PL 2019, c. 343, Pt. D, §12
30 and Pt. IIII, §6, is repealed and the following enacted in its place:

31 **2. Future demand.** Project future demand for forest resources based on a common
32 economic forecast developed by the Consensus Economic Forecasting Commission and on
33 other appropriate economic projections;

34 **Sec. A-22. 12 MRSA §11154, sub-§2**, as amended by PL 2017, c. 427, §11 and
35 affected by §19 and amended by c. 458, §1, is repealed and the following enacted in its
36 place:

37 **2. Issuance of moose hunting permits.** In accordance with section 11552, the
38 commissioner may issue moose hunting permits and may establish the number of moose
39 hunting permits to be issued for each wildlife management district established by the
40 commissioner by rule open to moose hunting. No more than 8% of the moose hunting
41 permits may be issued to nonresident hunters. No more than 2% of the moose hunting
42 permits may be issued to hunting outfitters in accordance with subsection 14.

1 **Sec. A-23. 19-A MRSA §4012, sub-§5**, as amended by PL 2019, c. 412, §9, is
2 further amended to read:

3 **5. Arrest in certain situations.** When a law enforcement officer has probable cause
4 to believe that there has been a criminal violation under section 4011 of a court-approved
5 consent agreement or a protection order issued pursuant to this chapter or Title 15, chapter
6 12-A, or that a violation of Title 17-A, section 208-D, 208-E, or 208-F has occurred, that
7 enforcement officer shall arrest and take into custody the alleged offender.

8 **Sec. A-24. 20-A MRSA §10, sub-§2, ¶G**, as amended by PL 2019, c. 450, §12, is
9 further amended to read:

10 G. The Maine Municipal Association; ~~and~~

11 **Sec. A-25. 20-A MRSA §10, sub-§2, ¶H**, as amended by PL 2019, c. 450, §13, is
12 further amended to read:

13 H. The Maine Principals Association; ~~and~~

14 **Sec. A-26. 22 MRSA §2422, sub-§4-N**, as enacted by PL 2019, c. 331, §2 and c.
15 528, §16, is repealed and the following enacted in its place:

16 **4-N. Immature marijuana plant.** "Immature marijuana plant" means a nonflowering
17 marijuana plant that measures more than 24 inches from the base of the main plant stalk to
18 the most distant point of the plant's leaf stems or branches. "Immature marijuana plant"
19 does not include hemp as defined in Title 7, section 2231, subsection 1-A, paragraph D.

20 **Sec. A-27. 22 MRSA §2422, sub-§4-S**, as enacted by PL 2019, c. 331, §2 and c.
21 528, §16, is repealed and the following enacted in its place:

22 **4-S. Marijuana concentrate.** "Marijuana concentrate" means the resin extracted from
23 any part of a marijuana plant and every compound, manufacture, salt, derivative, mixture
24 or preparation from such resin, including, but not limited to, hashish. "Marijuana
25 concentrate" does not include resin extracted from hemp as defined in Title 7, section 2231,
26 subsection 1-A, paragraph D or any compound, manufacture, salt, derivative, mixture or
27 preparation therefrom.

28 **Sec. A-28. 22 MRSA §2428, sub-§1-A, ¶F**, as repealed and replaced by PL 2019,
29 c. 331, §24 and c. 354, §7, is repealed and the following enacted in its place:

30 F. Except as provided in section 2426:

31 (1) Transfer marijuana plants and harvested marijuana to a qualifying patient and
32 to a caregiver on behalf of a qualifying patient in a retail sale for reasonable
33 compensation;

34 (2) Transfer marijuana plants and harvested marijuana to a qualifying patient,
35 caregiver or dispensary for no remuneration;

36 (3) Acquire marijuana plants and harvested marijuana from another dispensary for
37 no remuneration;

38 (4) Transfer to and accept from a registered caregiver or another dispensary
39 marijuana plants and harvested marijuana in a wholesale transaction in accordance
40 with this paragraph. A dispensary may transfer in wholesale transactions for
41 reasonable compensation or for no remuneration up to 75% of the mature

1 marijuana plants grown by the dispensary over the course of a calendar year,
2 including any marijuana products or marijuana concentrate manufactured from that
3 75% of the mature marijuana plants grown by the dispensary. A dispensary may
4 transfer to or accept from registered caregivers and dispensaries in wholesale
5 transactions an unlimited amount of immature marijuana plants and seedlings. A
6 dispensary that acquires mature marijuana plants, marijuana products or marijuana
7 concentrate in a wholesale transaction under this subparagraph may not resell the
8 mature marijuana plants, marijuana products or marijuana concentrate except to a
9 qualifying patient or to a caregiver or dispensary to assist a qualifying patient;

10 (5) Transfer harvested marijuana to a manufacturing facility and accept marijuana
11 products and marijuana concentrate from the manufacturing facility that are
12 produced from the harvested marijuana the dispensary provided to the
13 manufacturing facility; and

14 (6) Provide samples to a marijuana testing facility for testing and research
15 purposes;

16 **Sec. A-29. 22 MRSA §3739, sub-§2, ¶G,** as repealed by PL 2019, c. 450, §16 and
17 amended by c. 524, §16, is repealed.

18 **Sec. A-30. 24-A MRSA §4316, sub-§4, ¶C,** as enacted by PL 2019, c. 289, §2, is
19 amended to read:

20 C. The enrollee is cognitively and physically capable of operating the mobile health
21 devices or the enrollee has a caregiver willing and able to assist with the mobile health
22 devices; and

23 **Sec. A-31. 25 MRSA §1542-A, sub-§1, ¶R,** as amended by PL 2019, c. 343, Pt.
24 G, §5; c. 399, §3; c. 402, §3; and c. 416, §3, is repealed and the following enacted in its
25 place:

26 R. Who is required to have a criminal background check under Title 22, section
27 8302-A or 8302-B.

28 **Sec. A-32. 25 MRSA §1542-A, sub-§1, ¶S,** as enacted by PL 2019, c. 399, §4 and
29 c. 402, §4 and reallocated by c. 343, Pt. G, §4 and c. 416, §2, is repealed and the following
30 enacted in its place:

31 S. Who is required to have a criminal history record check under Title 22, section
32 2425-A, subsection 3-A.

33 **Sec. A-33. 25 MRSA §1542-A, sub-§1, ¶T,** as enacted by PL 2019, c. 399, §4; c.
34 402, §4; and c. 416, §4, is repealed and the following enacted in its place:

35 T. Who is required to have a criminal history record check under Title 22, section
36 8110.

37 **Sec. A-34. 25 MRSA §1542-A, sub-§1, ¶U,** as enacted by PL 2019, c. 616, Pt. S,
38 §2, is reallocated to 25 MRSA §1542-A, sub-§1, ¶X.

39 **Sec. A-35. 25 MRSA §1542-A, sub-§1, ¶V** is enacted to read:

40 V. Who is employed or may be offered employment by the Office of the State Auditor
41 as required under Title 5, section 247.

1 **Sec. A-36. 25 MRSA §1542-A, sub-§1, ¶W** is enacted to read:
2 W. Who is required to have a criminal history record check under Title 19-A, section
3 2111.

4 **Sec. A-37. 25 MRSA §1542-A, sub-§3, ¶O**, as repealed by PL 2019, c. 343, Pt.
5 G, §8 and c. 416, §5 and repealed and replaced by c. 399, §5 and c. 402, §5, is repealed and
6 the following enacted in its place:

7 O. The State Police shall take or cause to be taken the fingerprints of the person named
8 in subsection 1, paragraph P at the request of that person and upon payment of the
9 expenses by that person as required by Title 32, section 2571-A.

10 **Sec. A-38. 25 MRSA §1542-A, sub-§3, ¶S**, as enacted by PL 2019, c. 399, §6; c.
11 402, §6; and c. 416, §7, is repealed and the following enacted in its place:

12 S. The State Police shall take or cause to be taken the fingerprints of the person named
13 in subsection 1, paragraph T at the request of that person or the Department of Health
14 and Human Services pursuant to Title 22, section 8110.

15 **Sec. A-39. 25 MRSA §1542-A, sub-§3, ¶T**, as enacted by PL 2019, c. 616, Pt. S,
16 §3 and c. 644, §2, is repealed and the following enacted in its place:

17 T. The State Police shall take or cause to be taken the fingerprints of the person named
18 in subsection 1, paragraph U at the request of that person and upon payment of the
19 expenses by the Department of Labor, Bureau of Unemployment Compensation as
20 specified under Title 26, section 1085, subsection 3.

21 **Sec. A-40. 25 MRSA §1542-A, sub-§3, ¶U** is enacted to read:

22 U. The State Police shall take or cause to be taken the fingerprints of the person named
23 in subsection 1, paragraph V at the request of that person or the Office of the State
24 Auditor and upon payment by the Office of the State Auditor of the fee established in
25 Title 5, section 247, subsection 3.

26 **Sec. A-41. 25 MRSA §1542-A, sub-§3, ¶V** is enacted to read:

27 V. The State Police shall take or cause to be taken the fingerprints of the person named
28 in subsection 1, paragraph W at the request of that person or the Department of Health
29 and Human Services pursuant to Title 19-A, section 2111.

30 **Sec. A-42. 25 MRSA §1542-A, sub-§3, ¶W** is enacted to read:

31 W. The State Police shall take or cause to be taken the fingerprints of the person named
32 in subsection 1, paragraph X at the request of that person or the Department of
33 Administrative and Financial Services, Office of Information Technology and upon
34 payment of the fee as provided under Title 5, section 1986.

35 **Sec. A-43. 25 MRSA §1542-A, sub-§4**, as repealed and replaced by PL 2019, c.
36 343, Pt. G, §10; c. 399, §7; c. 402, §7; and c. 416, §8, is repealed and the following enacted
37 in its place:

38 **4. Duty to submit to State Bureau of Identification.** It is the duty of the law
39 enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B
40 and G to transmit immediately to the State Bureau of Identification the criminal fingerprint
41 record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to

1 subsection 5 may not be submitted to the State Bureau of Identification unless an express
2 request is made by the commanding officer of the State Bureau of Identification.
3 Fingerprints taken pursuant to subsection 1, paragraph G must be transmitted immediately
4 to the State Bureau of Identification to enable the bureau to conduct state and national
5 criminal history record checks for the Department of Education. The bureau may not use
6 the fingerprints for any purpose other than that provided for under Title 20-A, section 6103.
7 The bureau shall retain the fingerprints, except as provided under Title 20-A, section 6103,
8 subsection 9. Fingerprints taken pursuant to subsection 1, paragraph I and subsection 3,
9 paragraph I must be transmitted immediately to the State Bureau of Identification to enable
10 the bureau to conduct state and national criminal history record checks for the court and
11 the Department of Public Safety, Gambling Control Board, respectively. Fingerprints
12 taken pursuant to subsection 1, paragraph J or S must be transmitted immediately to the
13 State Bureau of Identification to enable the bureau to conduct state and national criminal
14 history record checks for the Department of Administrative and Financial Services.
15 Fingerprints taken pursuant to subsection 1, paragraph P must be transmitted immediately
16 to the State Bureau of Identification to enable the bureau to conduct state and national
17 criminal history record checks for the Board of Osteopathic Licensure, established in Title
18 32, chapter 36. Fingerprints taken pursuant to subsection 1, paragraph N must be
19 transmitted immediately to the State Bureau of Identification to enable the bureau to
20 conduct state and national criminal history record checks for the Board of Licensure in
21 Medicine, established in Title 32, chapter 48. Fingerprints taken pursuant to subsection 1,
22 paragraph Q must be transmitted immediately to the State Bureau of Identification to enable
23 the bureau to conduct state and national criminal history record checks for the State Board
24 of Nursing, established in Title 32, chapter 31. Fingerprints taken pursuant to subsection
25 1, paragraph O must be transmitted immediately to the State Bureau of Identification to
26 enable the bureau to conduct state and national criminal history record checks under Title
27 28-B, section 204. Fingerprints taken pursuant to subsection 1, paragraph R, T or W must
28 be transmitted immediately to the State Bureau of Identification to enable the bureau to
29 conduct state and national criminal history record checks for the Department of Health and
30 Human Services. Fingerprints taken pursuant to subsection 1, paragraph V must be
31 transmitted immediately to the State Bureau of Identification to enable the bureau to
32 conduct state and national criminal history record checks for the Office of the State Auditor.

33 **Sec. A-44. 26 MRSA §3, sub-§3, ¶B**, as amended by PL 2019, c. 343, Pt. D, §13
34 and Pt. IIII, §7, is repealed and the following enacted in its place:

35 B. Information and records pertaining to the workforce, employment patterns, wage
36 rates, poverty and low-income patterns, economically distressed communities and
37 regions and other similar information and data to the Department of Administrative
38 and Financial Services and the Department of Economic and Community Development
39 for the purposes of analysis and evaluation, measuring and monitoring poverty and
40 economic and social conditions throughout the State, and promoting economic
41 development.

42 **Sec. A-45. 30-A MRSA §4312, sub-§3, ¶K**, as amended by PL 2019, c. 38, §3;
43 c. 145, §3; and c. 153, §2, is further amended to read:

44 K. To encourage municipalities to develop policies that assess community needs and
45 environmental effects of municipal regulations, lessen the effect of excessive parking
46 requirements for buildings in downtowns and on main streets and provide for

1 alternative approaches for compliance relating to the reuse of upper floors of buildings
2 in downtowns and on main streets; ~~and~~

3 **Sec. A-46. 30-A MRSA §4312, sub-§3, ¶M**, as enacted by PL 2019, c. 145, §4
4 and reallocated by RR 2019, c. 1, Pt. A, §38, is amended to read:

5 M. To encourage municipalities to develop policies that provide for accessory
6 dwelling units; ~~and~~

7 **Sec. A-47. 30-A MRSA §5903, sub-§6-A**, as amended by PL 2019, c. 343, Pt. D,
8 §14 and Pt. IIII, §9, is repealed and the following enacted in its place:

9 **6-A. Median household income.** "Median household income" means the income
10 computed based on the most current census information available, as provided by the State
11 Economist.

12 **Sec. A-48. 35-A MRSA §3454, first ¶**, as amended by PL 2019, c. 343, Pt. D, §15
13 and Pt. IIII, §10, is repealed and the following enacted in its place:

14 In making findings pursuant to Title 38, section 484, subsection 3, the primary siting
15 authority shall presume that an expedited wind energy development provides energy and
16 emissions-related benefits described in section 3402 and shall make additional findings
17 regarding other tangible benefits provided by the development. The Department of Labor,
18 the Governor's Energy Office and the Public Utilities Commission shall provide review
19 comments if requested by the primary siting authority.

20 **Sec. A-49. 35-A MRSA §10104, sub-§4, ¶F**, as amended by PL 2019, c. 313, §5
21 and c. 476, §4, is repealed and the following enacted in its place:

22 F. It is an objective of the triennial plan to design, coordinate and integrate sustained
23 energy efficiency and weatherization programs that are available to all energy
24 consumers in the State and to users of all fuel types. The plan must set forth the costs
25 and benefits of energy efficiency programs that advance the following goals and
26 funding necessary to meet those goals:

- 27 (1) Reducing energy costs, including residential heating costs;
28 (2) Weatherizing substantially all homes whose owners or occupants are willing
29 to participate in and share the costs of cost-effective home weatherization to a
30 minimum standard of weatherization, as defined by the trust, by 2030;
31 (3) Reducing peak-load demand for electricity through trust programs by 300
32 megawatts by 2020;
33 (4) By 2020, achieving electricity and natural gas program savings of at least 20%
34 and heating fuel savings of at least 20%, as defined in and determined pursuant to
35 the performance metrics approved by the commission under section 10120;
36 (5) Creating stable private sector jobs providing alternative energy and energy
37 efficiency products and services in the State by 2020; and
38 (6) Contributing to the effort to reduce greenhouse gas emissions in the State by
39 amounts consistent with the greenhouse gas emission levels established in Title 38,
40 section 576-A.

1 As used in this paragraph, "heating fuel" means liquefied petroleum gas, kerosene or
2 #2 heating oil, but does not include fuels when used for industrial or manufacturing
3 processes.

4 **Sec. A-50. 35-A MRSA §10104, sub-§4, ¶G**, as enacted by PL 2019, c. 298, §21
5 and c. 313, §5, is repealed and the following enacted in its place:

6 G. In developing the triennial plan, or an annual update plan under subsection 6, the
7 trust may include, as part of its budget for electric efficiency and conservation
8 programs under section 10110, the costs of providing nonwires alternatives in
9 accordance with section 3132-D.

10 **Sec. A-51. 35-A MRSA §10104, sub-§4, ¶H** is enacted to read:

11 H. After the triennial plan is approved, the trust or any party to the triennial plan may
12 petition for, or the commission may initiate on its own, consideration of revising the
13 calculations of avoided energy costs used in the determination of maximum achievable
14 cost-effective energy efficiency resources pursuant to section 10110, subsection 4 A or
15 section 10111, subsection 2 upon a showing that, subsequent to the publication of the
16 avoided energy cost study relied upon, changes in price forecasts would result in more
17 than a 25% change in the value of avoided energy cost affecting a significant portion
18 of the program activity in the triennial plan.

19 **Sec. A-52. 35-A MRSA §10110, sub-§1, ¶C**, as amended by PL 2019, c. 306, §4
20 and c. 365, §2, is repealed and the following enacted in its place:

21 C. "Conservation programs" means programs developed by the trust pursuant to this
22 section designed to increase the efficiency of electricity use.

23 **Sec. A-53. 36 MRSA §1754-B, sub-§1-B**, as enacted by PL 2019, c. 401, Pt. B,
24 §11 and c. 441, §4, is repealed and the following enacted in its place:

25 **1-B. Persons required to register.** Except as otherwise provided in this section and
26 section 1951-C, the following persons, other than casual sellers, shall register with the
27 assessor and collect and remit taxes in accordance with the provisions of this Part:

28 A. Every person that has a substantial physical presence in this State and that makes
29 sales of tangible personal property or taxable services in this State, including, but not
30 limited to:

31 (1) Every person that makes sales of tangible personal property or taxable services,
32 whether or not at retail, that maintains in this State any office, manufacturing
33 facility, distribution facility, warehouse or storage facility, sales or sample room or
34 other place of business;

35 (2) Every person that makes sales of tangible personal property or taxable services
36 that does not maintain a place of business in this State but makes retail sales in this
37 State or solicits orders, by means of one or more salespeople within this State, for
38 retail sales within this State; and

39 (3) Every lessor engaged in the leasing of tangible personal property located in
40 this State that does not maintain a place of business in this State but makes retail
41 sales to purchasers from this State;

1 B. Every person that makes sales of tangible personal property or taxable services for
2 delivery into this State if:

3 (1) The person's gross sales from delivery of tangible personal property or taxable
4 services into this State in the previous calendar year or current calendar year
5 exceeds \$100,000; or

6 (2) The person sold tangible personal property or taxable services for delivery into
7 this State in at least 200 separate transactions in the previous calendar year or the
8 current calendar year;

9 C. Every person that has a substantial physical presence in this State and that makes
10 retail sales in this State of tangible personal property or taxable services on behalf of a
11 principal that is outside of this State if the principal is not the holder of a valid
12 registration certificate;

13 D. Every agent, representative, salesperson, solicitor or distributor that has a
14 substantial physical presence in this State and that receives compensation by reason of
15 sales of tangible personal property or taxable services made outside this State by a
16 principal for use, storage or other consumption in this State;

17 E. Every person that manages or operates in the regular course of business or on a
18 casual basis a hotel, rooming house or tourist or trailer camp in this State or that collects
19 or receives rents on behalf of a hotel, rooming house or tourist or trailer camp in this
20 State;

21 F. Every person that operates a transient rental platform and reserves, arranges for,
22 offers, furnishes or collects or receives consideration for the rental of living quarters in
23 this State;

24 G. Every room remarketer;

25 H. Every person that makes retail sales in this State of tangible personal property or
26 taxable services on behalf of the owner of that property or the provider of those
27 services;

28 I. Every person not otherwise required to be registered that sells tangible personal
29 property to the State and is required to register as a condition of doing business with
30 the State pursuant to Title 5, section 1825-B;

31 J. Every person that holds a wine direct shipper license under Title 28-A, section
32 1403-A; and

33 K. A marketplace facilitator if:

34 (1) The marketplace facilitator's gross sales from delivery of tangible personal
35 property or taxable services into this State in the previous calendar year or current
36 calendar year exceeds \$100,000; or

37 (2) The marketplace facilitator sold or facilitated sales of tangible personal
38 property or taxable services for delivery into this State in at least 200 separate
39 transactions in the previous calendar year or the current calendar year.

40 For the purposes of this paragraph, the marketplace facilitator's gross sales and total
41 number of transactions include sales facilitated on behalf of marketplace sellers and

1 any sales of tangible personal property or taxable services made directly by the
2 marketplace facilitator.

3 **Sec. A-54. 36 MRSA §1817, sub-§5**, as repealed by PL 2017, c. 409, Pt. D, §3 and
4 amended by c. 452, §30, is repealed.

5 **Sec. A-55. 37-B MRSA §111**, as enacted by PL 1983, c. 460, §3, is repealed.

6 **Sec. A-56. 38 MRSA §484, sub-§10**, as amended by PL 2019, c. 343, Pt. D, §17
7 and Pt. IIII, §12, is repealed and the following enacted in its place:

8 **10. Special provisions; wind energy development or offshore wind power project.**
9 In the case of a grid-scale wind energy development, or an offshore wind power project
10 with an aggregate generating capacity of 3 megawatts or more, the proposed generating
11 facilities, as defined in Title 35-A, section 3451, subsection 5:

12 A. Will be designed and sited to avoid unreasonable adverse shadow flicker effects;

13 B. Will be constructed with setbacks adequate to protect public safety. In making a
14 finding pursuant to this paragraph, the department shall consider the recommendation
15 of a professional, licensed civil engineer as well as any applicable setback
16 recommended by a manufacturer of the generating facilities; and

17 C. Will provide significant tangible benefits as determined pursuant to Title 35-A,
18 section 3454, if the development is an expedited wind energy development.

19 The Department of Labor, the Governor's Energy Office and the Public Utilities
20 Commission shall provide review comments if requested by the primary siting authority.

21 For purposes of this subsection, "grid-scale wind energy development," "primary siting
22 authority," "significant tangible benefits" and "expedited wind energy development" have
23 the same meanings as in Title 35-A, section 3451.

24 **Sec. A-57. PL 2019, c. 343, Pt. D, §18** is amended to read:

25 **Sec. D-18. Maine Revised Statutes amended; revision clause.** Wherever in
26 the Maine Revised Statutes the words "Governor's Office of Policy and Management"
27 appear or reference is made to that entity or those words, those words are amended to read
28 or mean, as appropriate, "Governor's Office of Policy Innovation and the Future" and the
29 Revisor of Statutes shall implement this revision when updating, publishing or republishing
30 the statutes.

31 **PART B**

32 **Sec. B-1. 3 MRSA §312-A, sub-§11-A**, as amended by PL 2019, c. 587, §5 and c.
33 599, §2, is repealed and the following enacted in its place:

34 **11-A. Original source.** "Original source" means any person who pays \$1,000 or more
35 in any lobbying year directly or indirectly to any employer of a lobbyist for purposes of
36 lobbying or grassroots lobbying or to any other person for purposes of grassroots lobbying,
37 except that payments of membership dues to nonprofit corporations formed under Title
38 13-B, under any equivalent state law or by legislative enactment are not considered
39 payments by an original source.

40 **Sec. B-2. 5 MRSA §4572, sub-§1, ¶D**, as amended by PL 2005, c. 10, §12, is
41 further amended by amending subparagraph (2) to read:

1 (2) Make or keep a record of race or color, sex, sexual orientation, physical or
2 mental disability, religion, age, ancestry or national origin, any previous assertion
3 of a claim or right under former Title 39 or Title 39-A or any previous actions that
4 are protected under Title 26, chapter 7, subchapter 5-B, except ~~under that~~, in
5 relation to physical or mental disability, when an employer requires a physical or
6 mental examination prior to employment, a privileged record of that examination
7 is permissible if made and kept in compliance with this Act;

8 **Sec. B-3. 5 MRSA §17851-A, sub-§6-B**, as enacted by PL 2019, c. 541, §10, is
9 amended to read:

10 **6-B. Consequences of participation in retirement plan under section 17851,**
11 **subsection 14.** A member in the capacity specified in subsection 1, paragraph ~~N~~ O who,
12 prior to July 1, 2020, elected the retirement option provided in section 17851, subsection
13 14 is treated as follows under the 1998 Special Plan.

14 A. A member who made the election at the time of first employment in a position
15 covered under section 17851, subsection 14 is considered to be a member under the
16 1998 Special Plan as of the date of hire. Beginning July 1, 2020, a member covered by
17 this paragraph shall contribute to the State Employee and Teacher Retirement Program
18 or have pick-up contributions made at a rate of 8.65% of earnable compensation until
19 completion of 25 years of creditable service and shall contribute at a rate of 7.65%
20 thereafter.

21 B. A member who was serving in a position covered under section 17851, subsection
22 14 at the time of the election and who elected to participate in the retirement option
23 prospectively from the time of election is considered to be a member under the 1998
24 Special Plan as of the effective date of the election. Beginning July 1, 2020, a member
25 covered by this paragraph shall contribute to the State Employee and Teacher
26 Retirement Program or have pick-up contributions made at a rate of 8.65% of earnable
27 compensation until completion of 25 years of creditable service and shall contribute at
28 a rate of 7.65% thereafter.

29 C. A member who was serving in a position covered under section 17851, subsection
30 14 at the time of the election and who elected to participate in the retirement option
31 prospectively from the time of election and also elected to purchase credit for service
32 earned while serving in the same capacity before exercising the election is considered
33 to be a member under the 1998 Special Plan as of the beginning date of the service for
34 which credit is purchased, as long as all of the payments required under section 17852,
35 subsection 15 are made before retirement. If all the required payments are not made
36 before retirement, that member is considered to be a member under the 1998 Special
37 Plan as of the effective date of the election. Beginning July 1, 2020, for employees
38 identified in subsection 1, paragraph ~~N~~ O, a member covered by this paragraph shall
39 contribute to the State Employee and Teacher Retirement Program or have pick-up
40 contributions made at a rate of 8.65% of earnable compensation until completion of 25
41 years of creditable service and shall contribute at a rate of 7.65% thereafter.

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

1 **Sec. B-4. 12 MRSA §13155, sub-§3**, as affected by PL 2003, c. 614, §9 and
2 amended by c. 695, Pt. B, §13 and affected by Pt. C, §1, is further amended to read:

3 **3. Application and issuance.** The commissioner, or an agent designated by the
4 commissioner, may register and assign a registration number to an ATV upon application
5 and payment of an annual fee by the owner. The commissioner shall charge a fee of \$1 in
6 addition to the annual fee for each registration issued by an employee of the department.
7 The registration number in the form of stickers issued by the commissioner must be clearly
8 displayed on the front and rear of the vehicle. A registration is valid for one year
9 commencing July 1st of each year, except that any registration issued prior to July 1st but
10 after May 1st is valid from the date of issuance until June ~~31st~~ 30th of the following year.

11 **Sec. B-5. 16 MRSA §707, sub-§1**, as amended by PL 2015, c. 354, §2, is further
12 amended to read:

13 **1. Offense.** A person is guilty of unlawful dissemination of confidential criminal
14 history record information if the person intentionally disseminates confidential criminal
15 history record information knowing it to be in violation of any of the provisions of this
16 chapter ~~or if the person intentionally disseminates criminal history record information~~
17 ~~relating to a criminal conviction in violation of Title 15, section 2255 knowing it to be in~~
18 ~~violation.~~

19 **Sec. B-6. 21-A MRSA §1, sub-§27-C**, as amended by PL 2019, c. 320, §1 and c.
20 539, §§1 and 2 and affected by §6, is repealed and the following enacted in its place:

21 **27-C. Elections determined by ranked-choice voting.** "Elections determined by
22 ranked-choice voting" means any of the following elections in which 3 or more candidates
23 have qualified to be listed on the ballot for a particular office or at least 2 such candidates
24 plus one or more declared write-in candidates have qualified for that particular office:

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

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

29 D. General elections for presidential electors; and

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

31 **Sec. B-7. 24 MRSA §2905-B, headnote**, as enacted by PL 2019, c. 602, §1, is
32 amended to read:

33 **§2905-B. Informed consent required for pelvic, rectal or prostate examination ~~on~~**
34 **anesthetized or; exception for unconscious patient**

35 **Sec. B-8. 26 MRSA §931, first ¶**, as amended by PL 2007, c. 175, §1, is further
36 amended to read:

37 The State Board of Arbitration and Conciliation, in this subchapter called "the "board,"
38 consists of 3 members appointed by the Governor from time to time upon the expiration of
39 the terms of the several members, for terms of 3 years. One member must be an employer
40 of labor or selected from some association representing employers of labor, and another
41 must be an employee or selected from some bona fide trade or labor union. The 3rd
42 member must represent the public interests of the State and serves as chair. Vacancies

1 occurring during a term must be filled for the unexpired term. Members of the board are
2 entitled to receive \$150 a day for their services for the time actually employed in the
3 discharge of their official duties. They are entitled to receive their traveling and all other
4 necessary expenses. The costs for services rendered and expenses incurred by the State
5 Board of Arbitration and Conciliation and any state allocation program charges must be
6 shared equally by the parties to the proceedings and must be paid into a special fund
7 administered by the Maine Labor Relations Board. Authorization for services rendered
8 and expenditures incurred by the State Board of Arbitration and Conciliation is the
9 responsibility of the Executive Director of the Maine Labor Relations Board. All costs
10 must be paid from that special fund. The executive director may estimate costs upon receipt
11 of a request for services and collect those costs prior to providing the services. The
12 executive director shall bill or reimburse the parties, as appropriate, for any difference
13 between the estimated costs that were collected and the actual costs of providing the
14 services. Once one party has paid its share of the estimated cost of providing the service,
15 the matter is scheduled for hearing. A party who has not paid an invoice for the estimated
16 or actual cost of providing services within 60 days of the date the invoice was issued is, in
17 the absence of good cause shown, liable for the amount of the invoice together with a
18 penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected
19 pursuant to this provision remains in the special fund administered by the Maine Labor
20 Relations Board and that fund does not lapse. The executive director is authorized to collect
21 any sums due and payable pursuant to this provision through civil action. In such an action,
22 the court shall allow litigation costs, including court costs and reasonable attorney's fees,
23 to be deposited in the General Fund if the executive director is the prevailing party in the
24 action. The executive director shall, annually, on or before July 1st, make a report of the
25 activities of the State Board of Arbitration and Conciliation to the Governor. The board
26 shall from time to time adopt rules of procedure as it determines necessary, ~~including rules~~
27 ~~of procedure for proceedings under chapter 18.~~ Rules adopted pursuant to this section are
28 routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

29 **Sec. B-9. 29-A MRSA §2081, sub-§2-B**, as amended by PL 2019, c. 577, §3, is
30 further amended to read:

31 **2-B. Children 2 years of age or older and weighing less than 55 pounds.** When a
32 child who is 2 years of age or older and who weighs less than 55 pounds is being transported
33 in a motor vehicle that is required by the United States Department of Transportation to be
34 equipped with seat belts, the operator shall ensure that the child is properly secured in a
35 child restraint system with an internal harness in accordance with the child restraint system
36 manufacturer's instructions and the vehicle manufacturer's instructions except that, if the
37 child exceeds the child restraint system manufacturer's recommended height limit for the
38 child restraint system, the operator shall ensure that the child is properly secured in a
39 federally approved belt positioning seat. Violation of this subsection is a traffic infraction
40 for which a fine of \$50 for the first offense, \$125 for the 2nd offense and \$250 for the 3rd
41 and subsequent offenses must be imposed. A fine imposed under this subsection may not
42 be suspended by the court.

43 **Sec. B-10. 30-A MRSA §5225, sub-§1, ¶C**, as amended by PL 2019, c. 604, §3
44 and c. 625, §3, is repealed and the following enacted in its place:

45 C. Costs related to economic development, environmental improvements, fisheries and
46 wildlife or marine resources projects, recreational trails, broadband service

1 development, expansion or improvement, including connecting to broadband service
2 outside the tax increment financing district, employment training or the promotion of
3 workforce development and retention within the municipality or plantation, including,
4 but not limited to:

5 (1) Costs of funding economic development programs or events developed by the
6 municipality or plantation or funding the marketing of the municipality or
7 plantation as a business or arts location;

8 (2) Costs of funding environmental improvement projects developed by the
9 municipality or plantation for commercial or arts district use or related to such
10 activities;

11 (3) Funding to establish permanent economic development revolving loan funds,
12 investment funds and grants;

13 (4) Costs of services and equipment to provide skills development and training,
14 including scholarships to in-state educational institutions or to online learning
15 entities when in-state options are not available, for jobs created or retained in the
16 municipality or plantation. These costs must be designated as training funds in the
17 development program;

18 (5) Costs associated with quality child care facilities and adult care facilities,
19 including finance costs and construction, staffing, training, certification and
20 accreditation costs related to child care and adult care;

21 (6) Costs associated with new or existing recreational trails determined by the
22 department to have significant potential to promote economic development,
23 including, but not limited to, costs for multiple projects and project phases that may
24 include planning, design, construction, maintenance, grooming and improvements
25 with respect to new or existing recreational trails, which may include bridges that
26 are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles,
27 hiking, bicycling, cross-country skiing or other related multiple uses;

28 (7) Costs associated with a new or expanded transit service, limited to:

29 (a) Transit service capital costs, including but not limited to: transit vehicles
30 such as buses, ferries, vans, rail conveyances and related equipment; bus
31 shelters and other transit-related structures; and benches, signs and other
32 transit-related infrastructure; and

33 (b) In the case of transit-oriented development districts, ongoing costs of
34 adding to an existing transit system or creating a new transit service and limited
35 strictly to transit operator salaries, transit vehicle fuel and transit vehicle parts
36 replacements;

37 (8) Costs associated with the development of fisheries and wildlife or marine
38 resources projects;

39 (9) Costs related to the construction or operation of municipal or plantation public
40 safety facilities, the need for which is related to general economic development
41 within the municipality or plantation, not to exceed 15% of the captured assessed
42 value of the development district; and

1 (10) Costs associated with broadband and fiber optics expansion projects,
2 including preparation, planning, engineering and other related costs in addition to
3 the construction costs of those projects. If an area within a municipality or
4 plantation is unserved with respect to broadband service, as defined by the
5 ConnectMaine Authority as provided in Title 35-A, section 9204-A, subsection 1,
6 broadband and fiber optics expansion projects may serve residential or other
7 nonbusiness or noncommercial areas in addition to business or commercial areas
8 within the municipality or plantation; and

9 **Sec. B-11. 32 MRSA §3300-D**, as enacted by PL 2015, c. 137, §1, is amended to
10 read:

11 **§3300-D. Interstate practice of telemedicine telehealth**

12 **1. Definition.** For the purposes of this section, "telemedicine telehealth" has the same
13 meaning as in Title 24-A, section 4316, subsection 1.

14 **2. Requirements.** A physician not licensed to practice medicine in this State may
15 provide consultative services through interstate telemedicine telehealth to a patient located
16 in this State if the physician is registered in accordance with subsection 3. A physician
17 intending to provide consultative services in this State through interstate telemedicine
18 telehealth shall provide any information requested by the board and complete information
19 on:

- 20 A. All states and jurisdictions in which the physician is currently licensed;
- 21 B. All states and jurisdictions in which the physician was previously licensed; and
- 22 C. All negative licensing actions taken previously against the physician in any state or
23 jurisdiction.

24 **3. Registration.** The board may register a physician to practice medicine in this State
25 through interstate telemedicine telehealth if the following conditions are met:

- 26 A. The physician is fully licensed without restriction to practice medicine in the state
27 from which the physician provides telemedicine telehealth services;
- 28 B. The physician has not had a license to practice medicine revoked or restricted in
29 any state or jurisdiction;
- 30 C. The physician does not open an office in this State, does not meet with patients in
31 this State, does not receive calls in this State from patients and agrees to provide only
32 consultative services as requested by a physician, advanced practice registered nurse
33 or physician assistant licensed in this State and the physician, advanced practice
34 registered nurse or physician assistant licensed in this State retains ultimate authority
35 over the diagnosis, care and treatment of the patient;
- 36 D. The physician registers with the board every 2 years, on a form provided by the
37 board; and
- 38 E. The physician pays a registration fee not to exceed \$500.

39 **4. Notification of restrictions.** A physician registered to provide interstate
40 telemedicine telehealth services under this section shall immediately notify the board of
41 restrictions placed on the physician's license to practice medicine in any state or
42 jurisdiction.

1 **Sec. B-17. 38 MRSA §1154**, as amended by PL 1983, c. 444, is repealed and the
2 following enacted in its place:

3 **§1154. Appeal**

4 If a person sustaining damages by any taking by a sanitary district under section 1153
5 does not agree with the district upon the sum to be paid therefor, either party, upon petition
6 to the county commissioners of the county in which the property is located, may have the
7 damages assessed by them; the procedure and all subsequent proceedings and right of
8 appeal thereon must be had under the same restrictions, conditions and limitations as are
9 or may be by law prescribed in the case of damages by the laying out of highways by the
10 county commissioners, except only:

11 **1. Title not vested until payment.** Title to the lands, real estate, easements or interests
12 therein and other property and rights to be taken do not vest in the district until payment to
13 the owner of the amount awarded therefor or, if such payment is refused upon tender, until
14 tender thereof to the treasurer of the county in which lands and interests are located, for
15 escrow at interest for the benefit of the owner pending final determination of the amount to
16 which the owner is entitled; and

17 **2. Appeal.** In the event of an appeal of the amount awarded as damages for such a
18 taking:

19 A. The petition for assessment of damages must be filed with the clerk of the county
20 commissioners, by either party, within 30 days following the filing and recording of
21 plans of the location of all the property, facilities and rights taken; and

22 B. If the return of the county commissioners has not been made within 120 days
23 following the filing of the petition for assessment, the county commissioners must be
24 conclusively presumed to have confirmed the award of damages by the district and
25 either party may, within 30 days following that 120-day period, appeal the amount of
26 the damages awarded by the district to the Superior Court.

27 **Sec. B-18. PL 2019, c. 574, §1, amending clause** is amended to read:

28 **Sec. 1. 19-A MRSA §4007, sub-§1**, as amended by PL 2019, c. 176, §2 and c. 407,
29 §4, is further amended to read:

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

32 **SUMMARY**

33 Part A does the following.

34 Section 1 corrects a conflict created by Public Law 2019, chapters 59 and 475, which
35 affected the same provision of law, by incorporating the changes made by both laws and
36 using the chapter 475 version of the reference to the Chief Justice of the Supreme Judicial
37 Court.

38 Sections 2 to 4 correct conflicts created by Public Law 2019, chapter 343, Part D and
39 Part III, which affected the same provisions of law, by repealing the provisions and
40 replacing them with the Part III versions.

1 Sections 5 and 6 correct a numbering problem created by Public Law 2019, chapters
2 471 and 472, which enacted 2 substantively different provisions with the same chapter
3 number in the Maine Revised Statutes, Title 5. These sections correct the conflict by
4 repealing Title 5, chapter 167 and replacing it with the chapter 471 version and enacting
5 the chapter 472 version as Title 5, chapter 168.

6 Sections 7 and 8 correct conflicts created by Public Law 2019, chapters 343 and 383,
7 which affected the same provisions of law, by repealing the provisions and replacing them
8 with the chapter 383 versions.

9 Section 9 corrects a conflict created by Public Law 2019, chapters 343 and 383, which
10 affected the same provision of law, by repealing the provision and replacing it with the
11 chapter 383 version and corrects a clerical error.

12 Section 10 corrects a conflict created by Public Law 2019, chapters 343 and 383, which
13 affected the same provision of law, by repealing the provision and replacing it with the
14 chapter 383 version.

15 Section 11 corrects a reference to the Maine Educational Center for the Deaf and Hard
16 of Hearing and the Governor Baxter School for the Deaf.

17 Section 12 corrects a conflict created by Public Law 2019, chapter 343, Part D and Part
18 III, which affected the same provision of law, by repealing the provision and replacing it
19 with the Part III version.

20 Section 13 corrects a reference to the former State Planning Office.

21 Section 14 repeals duplicate language.

22 Section 15 corrects a conflict created by Public Law 2019, chapter 343, Part D and Part
23 III, which affected the same provision of law, by repealing the provision and replacing it
24 with the Part III version.

25 Section 16 corrects a conflict created by Public Law 2019, chapters 77 and 407, which
26 affected the same provision of law, by incorporating the changes made by both laws.

27 Section 17 makes a technical correction.

28 Section 18 makes a technical correction.

29 Section 19 corrects a conflict created when Public Law 2019, chapter 391 repealed
30 Title 10, section 9722, subsection 6, paragraph M and Public Law 2019, chapter 392
31 amended the paragraph. This section corrects the conflict by repealing the paragraph.

32 Section 20 corrects a conflict created when Public Law 2019, chapter 391 repealed
33 Title 10, section 9722, subsection 6, paragraph N and Public Law 2019, chapter 392
34 amended the paragraph. This section corrects the conflict by repealing the paragraph.

35 Section 21 corrects a conflict created by Public Law 2019, chapter 343, Part D and Part
36 III, which affected the same provision of law, by repealing the provision and replacing it
37 with the Part III version.

38 Section 22 corrects a conflict created by Public Law 2017, chapters 427 and 458, which
39 affected the same provision of law, by incorporating the changes made by both laws.

40 Section 23 corrects a clerical error.

41 Section 24 makes a technical correction.

1 Section 25 makes a technical correction.

2 Section 26 corrects a conflict created by Public Law 2019, chapters 331 and 528, which
3 affected the same provision of law, by incorporating the changes made by both laws.

4 Section 27 corrects a conflict created by Public Law 2019, chapters 331 and 528, which
5 affected the same provision of law, by incorporating the changes made by both laws.

6 Section 28 corrects a conflict created by Public Law 2019, chapters 331 and 354, which
7 affected the same provision of law, by repealing the provision and replacing it with the
8 chapter 354 version.

9 Section 29 corrects a conflict created by Public Law 2019, chapter 450, which repealed
10 Title 22, section 3739, and Public Law 2019, chapter 524, which amended section 3739,
11 subsection 2, paragraph G, by repealing paragraph G.

12 Section 30 corrects a clerical error.

13 Section 31 corrects a conflict created by Public Law 2019, chapters 343, 399, 402 and
14 416, which affected the same provision of law, by repealing the provision and replacing it
15 with the chapters 399 and 402 version.

16 Section 32 corrects a conflict created by Public Law 2019, chapters 343, 399, 402 and
17 416, which affected the same provision of law, by repealing the provision and replacing it
18 with the chapters 399 and 402 version and makes a technical correction.

19 Sections 33 to 36 correct lettering problems created by Public Law 2019, chapters 399,
20 402, 416 and 616, which enacted substantively different provisions with the same
21 paragraph letters, and make technical changes.

22 Section 37 corrects a conflict created by Public Law 2019, chapters 343, 399, 402 and
23 416, which affected the same provision of law, by repealing the provision and replacing it
24 with the chapters 399 and 402 version.

25 Sections 38 to 42 correct lettering problems created by Public Law 2019, chapters 399,
26 402, 416, 616 and 644, which enacted substantively different provisions with the same
27 paragraph letters, and correct cross-references.

28 Section 43 corrects a conflict created by Public Law 2019, chapters 343, 399, 402 and
29 416, which affected the same provision of law, by repealing the provision and replacing it
30 with a version incorporating the changes made by all 4 laws.

31 Section 44 corrects a conflict created by Public Law 2019, chapter 343, Parts D and
32 III, which affected the same provision of law, by repealing the provision and replacing it
33 with the Part III version.

34 Sections 45 and 46 make technical corrections.

35 Section 47 corrects a conflict created by Public Law 2019, chapter 343, Parts D and
36 III, which affected the same provision of law, by repealing the provision and replacing it
37 with the Part III version.

38 Section 48 corrects a conflict created by Public Law 2019, chapter 343, Parts D and
39 III, which affected the same provision of law, by repealing the provision and replacing it
40 with the Part III version.

1 Section 49 corrects a conflict created by Public Law 2019, chapters 313 and 476, which
2 affected the same provision of law, by repealing the provision and replacing it with the
3 chapter 313 version and corrects a cross-reference.

4 Sections 50 and 51 correct a lettering problem created by Public Law 2019, chapters
5 298 and 313, which enacted 2 substantively different provisions with the same paragraph
6 letter.

7 Section 52 corrects a conflict created by Public Law 2019, chapters 306 and 365, which
8 affected the same provision of law, by repealing the provision and replacing it with the
9 chapter 306 version.

10 Section 53 corrects a conflict created by Public Law 2019, chapters 401 and 441, which
11 affected the same provision of law, by repealing the provision and replacing it with the
12 chapter 441 version.

13 Section 54 corrects a conflict created when Public Law 2017, chapter 409 repealed
14 Title 36, section 1817, subsection 5 and Public Law 2017, chapter 452 amended the
15 subsection. This section corrects the conflict by repealing the subsection.

16 Section 55 repeals an outdated provision regarding gender.

17 Section 56 corrects a conflict created by Public Law 2019, chapter 343, Parts D and
18 III, which affected the same provision of law, by repealing the provision and replacing it
19 with the Part III version.

20 Section 57 corrects a revision clause.

21 Part B does the following.

22 Section 1 corrects a conflict created by Public Law 2019, chapters 587 and 599, which
23 affected the same provision of law, by incorporating the changes made by both laws.

24 Section 2 makes grammatical and technical corrections.

25 Section 3 corrects cross-references.

26 Section 4 corrects a clerical error.

27 Section 5 corrects a cross-reference.

28 Section 6 corrects a conflict created by Public Law 2019, chapters 320 and 539, which
29 affected the same provision of law, by repealing the provision and replacing it with the
30 chapter 539 version.

31 Section 7 corrects a headnote.

32 Section 8 corrects a cross-reference and makes technical corrections.

33 Section 9 corrects a clerical error.

34 Section 10 corrects a numbering problem created by Public Law 2019, chapters 148
35 and 260, which enacted 2 substantially different provisions with the same subparagraph
36 number.

37 Public Law 2019, chapter 289, section 2 repealed and replaced Title 24-A, section
38 4316, changing the definition of "telemedicine" to "telehealth." Section 11 corrects
39 references to that defined term.

1 Section 12 corrects a numbering problem created by Public Law 2019, chapters 265
2 and 269, which enacted 2 substantially different subchapters with the same subchapter
3 number.

4 Public Law 2019, chapter 289, section 2 repealed and replaced Title 24-A, section
5 4316, changing the definition of "telemedicine" to "telehealth." Sections 13 to 15 correct
6 references to that defined term.

7 Section 16 corrects a cross-reference.

8 Section 17 repeals and replaces Title 38, section 1154 to make technical and
9 grammatical corrections.

10 Section 18 corrects an amending clause.