

MAINE STATE LEGISLATURE

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Date: 4-15-22

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1516, L.D. 2034, "An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine"

Amend the bill in Part A by striking out all of section 21.

Amend the bill in Part A by striking out all of section 24 and inserting the following:

'Sec. A-24. 12 MRSA §685-C, sub-§1, ¶A, as amended by PL 2011, c. 682, §21, is further amended by amending subparagraph (2) to read:

(2) Submitting the tentative plan to the ~~State Planning Office or its successor,~~ pursuant to Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, as described in Title 5 7-A, section 3305 206, subsection 1, paragraph G 4, or its successor, which shall forward its comments and recommendations, if any, to the commission within 30 days;

Amend the bill in Part A by striking out all of sections 30, 31 and 32.

Amend the bill in Part A in section 51 in paragraph E in the 2nd line (page 16, line 36 in L.D.) by striking out the following: "the sponsoring" and inserting the following: 'a'

Amend the bill in Part A in section 52 in subsection 5 in paragraph A in the 2nd line (page 17, line 4 in L.D.) by striking out the following: "budgets" and inserting the following: 'budgets budget'

Amend the bill by inserting after Part B the following:

PART C

Sec. C-1. 9-A MRSA §4-402, as enacted by PL 1997, c. 315, §8, is amended to read:

§4-402. Insurance ~~agency~~ producer activities

A supervised lender and any affiliate may become licensed under Title 24-A as an insurance ~~agent or agency, broker~~ producer or consultant for the sale of insurance products

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1 in this State and may act as an insurance ~~agent, broker~~ producer or consultant for the sale
2 of insurance products in this State.

3 **Sec. C-2. 9-A MRSA §4-403, sub-§1, ¶E**, as enacted by PL 1997, c. 315, §8, is
4 amended to read:

5 E. An insurer or insurance ~~agent, broker~~ producer or consultant utilizing space in the
6 retail area of a supervised lender, or an institution listed in paragraph A or B in order
7 to engage in the transaction of insurance when payments for use of such space are made
8 to the supervised lender or other such institution pursuant to a space-sharing agreement
9 based directly or indirectly on a percentage of the volume of business conducted by the
10 insurer; or insurance agent, broker producer or consultant.

11 **Sec. C-3. 9-A MRSA §4-403, sub-§5-A** is enacted to read:

12 **5-A. Insurance producer.** "Insurance producer" means a person required to be
13 licensed as an insurance producer as defined in Title 24-A, section 1402, subsection 5.

14 **Sec. C-4. 9-A MRSA §4-403, sub-§6**, as enacted by PL 1997, c. 315, §8, is
15 amended to read:

16 **6. Insurance product.** "Insurance product" means a contract of insurance that is
17 offered for sale by a ~~licensed agent or broker~~ an insurance producer employed by or
18 affiliated with a supervised lender.

19 **Sec. C-5. 9-A MRSA §4-403, sub-§7**, as enacted by PL 1997, c. 315, §8, is
20 amended to read:

21 **7. Licensed 3rd-party agent.** "Licensed 3rd-party agent" means a licensed insurance
22 ~~agent, broker producer~~ or consultant who engages in authorized insurance activities related
23 to insurance products directly on behalf of a specified licensed insurance entity through an
24 independent contractor relationship.

25 **Sec. C-6. 9-A MRSA §4-404**, as enacted by PL 1997, c. 315, §8, is amended to
26 read:

27 **§4-404. Choice of insurance ~~agent or broker~~ producer**

28 A supervised lender or its affiliate that negotiates or sells insurance products to
29 purchasers or borrowers as authorized under section 4-402 may not, in connection with the
30 extension of credit, interfere with a purchaser's or borrower's free choice of an insurance
31 ~~agent producer~~ or company under applicable provisions set forth in Title 24-A.

32 **Sec. C-7. 9-A MRSA §4-406**, as enacted by PL 1997, c. 315, §8, is amended to
33 read:

34 **§4-406. Distinguishing insurance products from loan products; identification of**
35 **insurance ~~brokers and agents~~ producers**

36 To the extent practicable, sales of insurance products authorized by this Part must take
37 place in a manner that minimizes customer confusion between any noninsurance product
38 offered by the supervised lender or its affiliates and those insurance products. A supervised
39 lender, or its affiliates, is in compliance with this section if it utilizes signs clearly visible
40 to its customers that distinguish insurance products of the supervised lender, or its affiliates,

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1 from its noninsurance products and that adequately identify insurance agents, ~~brokers~~
2 producers and consultants affiliated with the supervised lender.

3 **Sec. C-8. 9-A MRSA §4-407**, as amended by PL 1999, c. 127, Pt. A, §19; amended
4 by PL 2001, c. 44, §11 and affected by §14; amended by PL 2007, c. 273, Pt. B, §§5 and 6
5 and affected by §7; and affected by PL 2007, c. 695, Pt. A, §47, is further amended to read:

6 **§4-407. Rulemaking**

7 The Superintendent of Financial Institutions, the Superintendent of Insurance and the
8 Superintendent of Consumer Credit Protection may undertake joint rulemaking, pursuant
9 to this section, Title 9-B, section 448, subsection 5 and Title 24-A, section 1443-A,
10 subsection 3 to carry out the purposes of section 4-406, including issues regarding signs,
11 the physical location of sales of insurance and identification of ~~agents and brokers~~
12 producers affiliated with financial institutions, credit unions, financial institution holding
13 companies or supervised lenders. In adopting rules pursuant to this Part, the Superintendent
14 of Financial Institutions, the Superintendent of Insurance and the Superintendent of
15 Consumer Credit Protection shall consider the possibility of confusion and perception of
16 coercion among the insurance consuming public, the need for cost-effective delivery of
17 insurance products to insurance consumers and the importance of parity among ~~agents and~~
18 ~~brokers~~ producers affiliated with federally chartered and state-chartered financial
19 institutions and credit unions. Any rule adopted may not interfere significantly with the
20 ability of ~~an agent or broker~~ a producer to solicit or negotiate the sale of an insurance
21 product, whether or not that ~~agent or broker~~ producer is affiliated with a financial
22 institution, credit union, financial institution holding company or supervised lender, except
23 when no other reasonable alternative exists that protects the insurance consuming public.
24 Rules adopted under this Part are routine technical rules pursuant to Title 5, chapter 375,
25 subchapter ~~H-A~~ 2-A. Nothing in this section is intended to restrict or interfere with the
26 ability of the Bureau of Insurance, the Bureau of Financial Institutions or the Bureau of
27 Consumer Credit Protection to adopt rules with respect to areas in which the respective
28 agencies have independent jurisdiction.

29 **PART D**

30 **Sec. D-1. 10 MRSA §1063, sub-§2, ¶I-1**, as amended by PL 2011, c. 655, Pt. GG,
31 §6 and affected by §70, is further amended to read:

32 I-1. In the case of recycling and waste reduction projects, the proposed facility is
33 consistent with and will contribute to the management goals and objectives outlined in
34 the state waste management and recycling plan under Title 38, chapter 24 and will
35 reduce the amount of solid or hazardous waste requiring disposal. The Department of
36 Environmental Protection shall provide assistance to the authority in determining
37 consistency, technical eligibility and merit of applications for assistance under this
38 subchapter; and

39 **Sec. D-2. 10 MRSA §1063, sub-§2, ¶J**, as amended by PL 2011, c. 655, Pt. EE,
40 §15 and affected by §30 and amended by PL 2021, c. 293, Pt. A, §52, is further amended
41 to read:

42 J. In the case of an energy generating system, an energy distribution system or an
43 industrial-commercial project, any of which includes hydroelectric facilities deemed
44 necessary for the production of electricity:

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1 (1) The Public Utilities Commission has certified that all required licenses have
2 been issued or that none are required; and

3 (2) The Director of the Office of Policy Innovation and the Future has reviewed
4 and commented upon the project proposal. The Director of the Office of Policy
5 Innovation and the Future shall make comments within 30 days after receipt of a
6 notification and copy of the project proposal from the authority. The authority shall
7 take the comments into consideration in its consideration of the project; and.

8 **Sec. D-3. 10 MRSA §1063, sub-§2, ¶K,** as amended by PL 1985, c. 714, §35, is
9 repealed.

10 **Sec. D-4. 12 MRSA §6024, sub-§1-A,** as amended by PL 2021, c. 71, §1, is further
11 amended to read:

12 **1-A. Appointment; composition; term; compensation.** The Marine Resources
13 Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 16
14 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone
15 Council and the chair of the Shellfish Advisory Council are ex officio members of the
16 council. Each other member is appointed by the Governor and is subject to review by the
17 joint standing committee of the Legislature having jurisdiction over marine resources
18 matters and to confirmation by the Legislature. Five members must be persons who are
19 licensed under this Part to engage in commercial harvesting activities. Those 5 members
20 are selected by the Governor from names recommended to the Governor by groups
21 representing commercial harvesting interests. Each member must represent a different
22 commercial harvesting activity, except that none of those 5 members may represent lobster
23 harvesters. The remaining 8 members must include one public member, one member who
24 is a member of a federally recognized Indian nation, tribe or band in the State, 4 persons
25 who hold a nonharvesting-related license under this Part, one person representing
26 recreational saltwater anglers and one person representing the aquaculture industry. The
27 Governor shall select the person to represent the aquaculture industry from among the
28 names recommended by the aquaculture industry. The Governor shall select the member
29 who is a member of a federally recognized Indian nation, tribe or band in the State based
30 on the joint recommendation of the tribal governments of the Aroostook Band of Micmacs,
31 the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at ~~Motahmikuk~~
32 Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the
33 tribal governments do not make a unanimous joint recommendation, the Governor shall
34 appoint a member of a federally recognized Indian nation, tribe or band in the State and
35 rotate the appointment among members of each federally recognized Indian nation, tribe
36 or band in the State. The composition of the council must reflect a geographical distribution
37 along the coast. All appointed members are appointed for a term of 3 years, except a
38 vacancy must be filled in the same manner as an original member for the unexpired portion
39 of the term. An appointed member may not serve for more than 2 consecutive terms.
40 Appointed members serve until their successors are appointed. The chair of the Lobster
41 Advisory Council, the chair of the Sea Urchin Zone Council and the chair of the Shellfish
42 Advisory Council shall serve until a new chair of the Lobster Advisory Council, a new
43 chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council,
44 respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

COMMITTEE AMENDMENT

1 3. Section 5 clarifies the application of the fuel gas detector law passed in 2021 to
2 require a fuel gas detector in rooms containing an appliance that combusts propane, natural
3 gas or any liquified petroleum gas. Although the change is consistent with the intent of
4 Public Law 2021, chapter 194, this is a substantive change as existing law applies to rooms
5 containing an appliance that is fueled by propane, natural gas or any liquified petroleum
6 gas. Section 5 also incorporates application dates that were included in the unallocated
7 section of Public Law 2021, chapter 194 into the statute, applying to business occupancies,
8 mercantile occupancies and assembly occupancies. This is a technical correction to the
9 statutes.