

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

the Secretary of the United States Department of Health and Human Services, pursuant to Section 1311 of the federal Affordable Care Act.

B. "Navigator" means a person selected to perform the activities and duties identified in Section 1311(i) of the federal Affordable Care Act. For the purposes of this section, if an organization or business entity serves as a navigator, an individual performing navigator duties for that organization or business entity is considered to be acting in the capacity of a navigator within the meaning of subsection 4.

2. Permitted insurance producer or consultant activities. Only a person licensed as an insurance producer in this State in accordance with chapter 16, or, with respect to paragraph B, a person licensed as a consultant in accordance with chapter 16, may:

- A. Sell, solicit or negotiate health insurance;
- B. Make recommendations to purchasers, enrollees or employers or prospective purchasers or enrollees concerning the substantive benefits, terms or conditions of health plans; or
- C. Enroll an individual or employee in a qualified health plan offered through an exchange or act as an intermediary between an employer and an insurer that offers a qualified health plan offered through an exchange.

3. Certification of navigators. Prior to any exchange becoming operational in this State, the superintendent shall:

- A. Develop criteria for use by any exchange for the selection of a navigator pursuant to Section 1311(i) of the federal Affordable Care Act and state law;
- B. Adopt rules to establish a certification and training program for a prospective individual navigator that includes initial and continuing education requirements and an examination; and
- C. Adopt rules, to the extent permitted by the federal Affordable Care Act, that require a navigator to carry and maintain errors and omissions insurance to cover all activities contemplated or performed pursuant to this section and Section 1311(i) of the federal Affordable Care Act.

4. Navigator requirements. An individual other than a licensed insurance producer under chapter 16, may not act in the capacity of a navigator unless the individual:

- A. Is at least 18 years of age;
- B. Has completed and submitted a disclosure form, which must be developed by the superintendent and which may include such information as the superintendent determines necessary, and

has declared under penalty of refusal, suspension or revocation of the navigator certification that the statements made in the form are true, correct and complete to the best of the individual's knowledge and belief;

C. Has submitted to any criminal history record check or regulatory background check required by the superintendent by rule;

D. Has not committed any act that would be a ground for denial, suspension or revocation of a producer license as set forth in section 1420-K;

E. Has successfully completed the certification and training requirements adopted by the superintendent in accordance with subsection 3; and

F. Has paid any fees required by the superintendent.

5. Unfair practices. The provisions of this chapter and chapter 24 and any rules adopted pursuant to those chapters apply to navigators. For purposes of this section and the application of other provisions of this Title, the duties of a navigator are deemed to constitute the business of insurance.

6. Denial, suspension or revocation. The superintendent may deny, suspend or revoke the authority of a navigator certified pursuant to this section for good cause.

7. Rules. The superintendent may adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 632

S.P. 557 - L.D. 1658

An Act To Protect Gasoline Marketers from Liability for Selling Federally Approved Gasoline

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

Sec. 1. 10 MRSA §1453, sub-§§1-A and 1-B are enacted to read:

1-A. Blender. "Blender" means any person who blends stock with gasoline or who sells or distributes blend stock for the purpose of being blended with gasoline.

1-B. Blend stock. "Blend stock" means ethanol, methanol or any other products blended with gasoline to produce motor fuel.

Sec. 2. 10 MRSA §1457-A is enacted to read:

§1457-A. Liability for use of ethanol-enhanced motor fuel

A distributor, blender or retail dealer is not liable for damages caused by the use of motor fuel containing more than 10% ethanol sold, consigned or distributed by that distributor, blender or retail dealer if the sale, consignment or distribution of that motor fuel is in accordance with federal law and the fuel is a transportation fuel or fuel additive that has received a waiver for introduction into interstate commerce by the Administrator of the United States Environmental Protection Agency pursuant to 42 United States Code, Section 7545(f)(4) (2011).

See title page for effective date.

CHAPTER 633**H.P. 1312 - L.D. 1787**

**An Act To Create Efficiencies
in the Administration and
Enforcement of the Maine
Uniform Building and
Energy Code**

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

Sec. 1. 5 MRSA §948, sub-§1, ¶L, as amended by PL 2009, c. 317, Pt. A, §1, is further amended to read:

L. Director, Maine Emergency Medical Services;
and

Sec. 2. 5 MRSA §948, sub-§1, ¶M, as enacted by PL 2009, c. 317, Pt. A, §1, is amended to read:

M. Director, Bureau of Consolidated Emergency Communications; and

Sec. 3. 5 MRSA §948, sub-§1, ¶N, as enacted by PL 2009, c. 317, Pt. A, §1, is repealed.

Sec. 4. 10 MRSA §9042, sub-§3, as amended by PL 2005, c. 344, §19, is further amended to read:

3. Exemption. Notwithstanding the provisions of Title 25, section ~~2357~~ 2357-A and Title 30-A, section 4358, new manufactured housing that is manufactured, brokered, distributed, sold, installed or serviced in compliance with this chapter is exempt from all state or other political subdivision codes, standards, rules or regulations that regulate the same matters. A building permit or certificate of occupancy may not be delayed, denied or withheld on account of any alleged failure of new manufactured housing to comply with any code, standard, rule or regulation from which the new manufactured housing is exempt under this subsection.

Sec. 5. 10 MRSA §9722, sub-§1, as enacted by PL 2007, c. 699, §6, is amended to read:

1. Establishment. The Technical Building Codes and Standards Board, established in Title 5, section 12004-G, subsection 5-A and located within the Department of Public Safety, Office of the State Fire Marshal, is established to adopt, amend and maintain the Maine Uniform Building and Energy Code, to resolve conflicts between the Maine Uniform Building and Energy Code and the fire and life safety codes in Title 25, sections 2452 and 2465 and to provide for training for municipal building officials, local code enforcement officers and 3rd-party inspectors.

Sec. 6. 10 MRSA §9723, sub-§2, as enacted by PL 2007, c. 699, §6, is amended to read:

2. Training program standards; implementation. The committee shall direct the training coordinator of the ~~Bureau~~ Division of Building Codes and Standards, established in Title 25, section 2372, to develop a training program for municipal building officials, local code enforcement officers and 3rd-party inspectors. The Executive Department, State Planning Office, pursuant to Title 30-A, section 4451, subsection 3-A, shall implement the training and certification program established under this chapter.

Sec. 7. 25 MRSA §2371, sub-§3, as enacted by PL 2007, c. 699, §11, is repealed.

Sec. 8. 25 MRSA §2371, sub-§5-A is enacted to read:

5-A. Division. "Division" means the Division of Building Codes and Standards established in section 2372.

Sec. 9. 25 MRSA §2372, as enacted by PL 2007, c. 699, §11, is amended to read:

§2372. Division of Building Codes and Standards

1. Established. The ~~Bureau~~ Division of Building Codes and Standards is established within the Department of Public Safety, Office of the State Fire Marshal to provide administrative support and technical assistance to the board in executing its duties pursuant to Title 10, section 9722, subsection 6.

2. Staff. The commissioner may appoint or remove for cause staff of the ~~bureau~~ division, including:

A. A technical codes coordinator certified in building standards pursuant to Title 30-A, section 4451, subsection 2-A, paragraph E, who serves as the ~~bureau~~ division director and principal administrative and supervisory employee of the board. The technical codes coordinator shall attend meetings of the board, keep records of the proceedings of the board and direct and supervise the personnel employed to carry out the duties of the board, including but not limited to providing technical support and public outreach for the adoption of