

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2014 to July 16, 2015**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 15, 2015**

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

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**Augusta, Maine**  
**2015**

**Sec. 8. 12 MRSA §10157, sub-§7, ¶G** is enacted to read:

G. Issue an annual report that includes the following:

- (1) A summary of the major accomplishments of the program over the last year and plans for the coming year;
- (2) A summary of how the department administrative and staff support time was spent, including any time spent by the landowner relations coordinator on matters unrelated to landowner relations;
- (3) A summary of landowner-related complaints received and any resulting action on behalf of the department or advisory board;
- (4) An accounting of income and expenses of the Landowner Relations Fund established in section 10265; and
- (5) An explanation of what the advisory board accomplished pursuant to each of its statutory duties.

**Sec. 9. 12 MRSA §10265**, as enacted by PL 2011, c. 576, §5, is amended to read:

**§10265. Landowner Relations Fund**

The Landowner Relations Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the landowner relations program established pursuant to section 10108, subsection 4-A and the Keep Maine Clean program established in section 10108, subsection 4-B. All funds from fees collected under section 10108, subsection 3 and subsection 4-A, paragraph C and money accepted by the commissioner pursuant to section 10108, subsection 4-B must be deposited in the fund. The fund receives any other funds appropriated or allocated to the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

**Sec. 10. Transition.** Current members of the Landowners and Sportsmen Relations Advisory Board that fit within the new membership criteria, as determined by the Commissioner of Inland Fisheries and Wildlife, may continue to serve the terms for which they were originally appointed under the former Maine Revised Statutes, Title 12, section 10157, subsection 1.

See title page for effective date.

**CHAPTER 278**

**H.P. 927 - L.D. 1365**

**An Act Regarding Licensed Children's Programs**

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

**Sec. 1. 22 MRSA §7701, sub-§§4 and 5** are enacted to read:

**4. Division.** As used in section 7707, "division" means the Department of Health and Human Services, Division of Licensing and Regulatory Services.

**5. Reportable incident.** As used in section 7707, "reportable incident" means:

A. A child's death that occurs while the child is in the care of an entity required to report under section 7707, subsection 1; and

B. An injury or trauma to a child that occurs while the child is in the care of an entity required to report under section 7707, subsection 1 and results in the transportation of the child to a hospital by emergency medical services personnel.

**Sec. 2. 22 MRSA §7707** is enacted to read:

**§7707. Reportable incidents**

**1. Reporting requirements.** A child care facility licensed pursuant to section 8301-A, subsection 2; a family child care provider certified pursuant to section 8301-A, subsection 3; and a nursery school licensed pursuant to section 8402 shall report reportable incidents in accordance with this section.

**2. Notification by next business day.** An entity required to report pursuant to subsection 1 shall submit a division-approved reportable incident form to the division by the next business day after a reportable incident occurred. The form must include at least the following information:

- A. The date of the reportable incident;
- B. The time the reportable incident occurred;
- C. The name of the entity;
- D. The name of the entity's contact person;
- E. A description of the reportable incident;
- F. The condition of the child;
- G. The name of the child;
- H. The action taken by the entity; and
- I. The involvement of a fire or police department, emergency medical services or other entity.

**3. Rules.** The department may adopt rules necessary to implement the reporting of reportable incidents. 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 279

### H.P. 934 - L.D. 1379

#### An Act To Establish Transportation Network Company Insurance

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

**Whereas,** transportation network companies that are currently operating in this State are not subject to state regulation; and

**Whereas,** this legislation establishes requirements for the operation of transportation network companies in the State; and

**Whereas,** immediate enactment of this legislation is necessary to ensure that transportation network companies are subject to state regulation as soon as possible for the protection of those individuals who use their services; and

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

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

**Sec. 1. 24-A MRSA c. 93** is enacted to read:

#### **CHAPTER 93**

#### **TRANSPORTATION NETWORK COMPANY INSURANCE**

##### **§7301. Short title**

This chapter may be known and cited as "the Transportation Network Company Insurance Act."

##### **§7302. Definitions**

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

**1. Digital network.** "Digital network" means any online-enabled application, software, website or system offered or used by a transportation network company that enables the provision of prearranged rides by transportation network company drivers.

**2. Personal vehicle.** "Personal vehicle" means a vehicle that:

A. Is used by a transportation network company driver;

B. Is owned, leased or otherwise authorized for use by the transportation network company driver; and

C. Is not a taxicab, as defined in Title 29-A, section 101, subsection 79, a limousine, as defined in Title 29-A, section 101, subsection 32 or for-hire transportation as defined in Title 29-A, section 101, subsection 25.

**3. Prearranged ride.** "Prearranged ride" means transportation provided by a transportation network company driver to a transportation network company rider, beginning when the driver accepts a transportation request through a digital network and ending when the rider departs from the driver's personal vehicle. "Prearranged ride" does not include transportation provided using a taxi, limousine or other for-hire vehicle or transportation through a shared-expense carpool or vanpool arrangement that does not generate income or profit or accept a transportation request through a digital network.

**4. Transportation network company.** "Transportation network company" means a corporation, partnership, sole proprietorship or other entity operating in the State that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides. "Transportation network company" does not include a transportation broker arranging non-emergency medical transportation for Medicaid or Medicare members pursuant to a contract with the State or a managed care organization.

**5. Transportation network company driver; driver.** "Transportation network company driver" or "driver" means an individual who:

A. Receives information regarding potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company; and

B. Uses a personal vehicle to offer or provide prearranged rides to a transportation network company rider in return for compensation or payment of a fee.

**6. Transportation network company rider; rider.** "Transportation network company rider" or "rider" means an individual or person who uses a transportation network company's digital network to connect with a transportation network company driver for a ride between locations chosen by the rider.