

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2016 to April 29, 2016**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 29, 2016**

**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**  
**2016**

**CHAPTER 404**  
**S.P. 605 - L.D. 1545**

**An Act To Amend the Maine  
Guaranteed Access  
Reinsurance Association Act**

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

**Sec. 1. 24-A MRSA §3953, sub-§1**, as amended by PL 2013, c. 273, §1, is further amended to read:

**1. Guaranteed access reinsurance mechanism established.** The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. The Dirigo Health Program established in chapter 87 and any other state-sponsored health benefit program shall also participate in the association. Except as provided in section 3962, operations of the association are suspended and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section 3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State ~~through the date the federal program ceases operations in this State until December 31, 2017.~~

**Sec. 2. 24-A MRSA §3962, first ¶**, as enacted by PL 2013, c. 273, §4, is amended to read:

This section governs the suspension of operations of the association during the period ~~in which the transitional reinsurance program pursuant to Section 1341 of the federal Affordable Care Act operates in this State~~ of suspension set forth in section 3953, subsection 1 and the authority of the association to conduct certain activities.

**Sec. 3. 24-A MRSA §3962, sub-§3**, as enacted by PL 2013, c. 273, §4, is repealed.

**Sec. 4. PL 2013, c. 273, §5** is repealed.

**Sec. 5. Review of the Maine Guaranteed Access Reinsurance Association.** The Superintendent of Insurance shall review the Maine Guaranteed Access Reinsurance Association as established by the Maine Revised Statutes, Title 24-A, chapter 54-A and the differences between the association and the transitional reinsurance program operating in the State between January 1, 2014 and December 31, 2016 pursuant to the federal Patient Protection and Affordable Care Act and federal regulations adopted pursuant to

that Act. Before February 15, 2017, the superintendent shall make a recommendation to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters as to whether the Maine Guaranteed Access Reinsurance Association should resume operations following its suspension pursuant to Title 24-A, section 3953, subsection 1 pursuant to a revised plan of operation or should terminate its operations and dissolve and whether any changes should be made to the statutes governing the association in connection with its continued operation or dissolution. The joint standing committee of the Legislature having jurisdiction over insurance and financial services matters may submit a bill relating to the Maine Guaranteed Access Reinsurance Association to the First Regular Session of the 128th Legislature.

See title page for effective date.

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**CHAPTER 405**  
**H.P. 1000 - L.D. 1459**

**An Act To Clarify the Use of  
Student Data from the  
Statewide Assessment Test**

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

**Sec. 1. 20-A MRSA §13705, first ¶**, as amended by PL 2015, c. 18, §1, is further amended to read:

The requirements of this chapter apply to all school administrative units beginning in the ~~2016-2017~~ 2017-2018 school year. In the 2014-2015 school year, each unit shall develop a system that meets the standards of this chapter, in collaboration with teachers, principals, administrators, school board members, parents and other members of the public. In the 2015-2016 school year, each unit shall operate as a pilot project the system developed in the ~~prior~~ 2014-2015 school year by applying it in one or more of the schools in the unit or by applying it without using results in any official manner or shall employ other means to provide information to enable the unit to adjust the system prior to the first year of full implementation. In the 2016-2017 school year, each unit shall operate as a pilot project the system developed in the 2014-2015 school year by applying it to all of the schools and applicable staff in the unit. At the end of the 2016-2017 school year, units may modify the system approved in the 2015-2016 school year. The modified system must meet the standards of this chapter. Nothing in this section prohibits a unit from fully implementing the system earlier than the ~~2016-2017~~ 2017-2018 school year.

**Sec. 2. Delay using measurements of student learning and growth in the performance evaluation and professional growth system.** Prior to the 2017-2018 school year, the Commissioner of Education may not require a school administrative unit to implement the measurements of student learning and growth as part of the performance evaluation and professional growth system established pursuant to the Maine Revised Statutes, Title 20-A, chapter 508.

**Sec. 3. Delay using statewide assessment data of student academic achievement in school performance grading system.** Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 222 or any other provision of law, prior to the 2017-2018 school year, neither the Department of Education nor any other state agency may use statewide assessment data of student academic achievement as part of a system to evaluate or rate the performance of public schools in the State that is similar to or different from the school performance grading system developed by the Department of Education and introduced on May 1, 2013.

Nothing in this section may be construed to prevent or inhibit the Department of Education from providing an annual report of the results of the state assessment program required by the Maine Revised Statutes, Title 20-A, section 6204 to meet the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70 and the federal Every Student Succeeds Act of 2015, 20 United States Code, Chapter 70.

See title page for effective date.

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**CHAPTER 406**

**H.P. 1050 - L.D. 1539**

**An Act To Expand the Early Processing of Absentee Ballots**

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

**Whereas,** this legislation makes changes to improve the administration of absentee voting; and

**Whereas,** required planning necessary for administration of absentee voting for the next general election must begin well before the election; 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 preserva-

tion of the public peace, health and safety; now, therefore,

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

**Sec. 1. 21-A MRSA §760-B,** as amended by PL 2013, c. 457, §4, is further amended to read:

**§760-B. Procedures when clerk processes absentee ballots prior to election day**

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots ~~on the beginning on the 3rd day~~ immediately prior to election day, except that processing on a Sunday is not permitted. The clerk shall use the following procedure when processing the absentee ballots during this time.

**1. Time for processing.** In a municipality that has opted to process absentee ballots on ~~the day immediately one or more of the days~~ prior to election day authorized by this section, the municipal clerk or the clerk's designees may process absentee ballots at the times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if an inspection is requested pursuant to subsection 3, processing may not begin until after the inspection period has concluded.

**2. Notice of early processing.** The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under section 621-A, stating the ~~time days and times~~ that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of election to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day.

**3. Inspection of absentee envelopes before processing.** A member of the public may make a written request of the clerk to inspect absentee ballot applications and envelopes before they are processed if the request is made by 9:00 a.m. on ~~the each day immediately~~ that the clerk will process absentee ballots as specified on the notice of election prior to election day. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the starting time specified in the notice of election for processing the absentee ballots. The clerk may imme-