

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.

Augusta, Maine
2016

sections 2804-C and 2804-E. The authorization of the municipal officers must be accompanied by an agreement between the requesting municipality and the respective county that specifies the purpose and time period for which the authorization is granted and which governmental entity is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to law enforcement officers of the municipality in the course of exercising their authority as deputy sheriffs. A municipal law enforcement officer appointed pursuant to this paragraph has the same authority as a deputy sheriff within the respective county, except as to the service of civil process, and has the same privileges and immunities as when acting within the officer's own jurisdiction.

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

Effective March 31, 2016.

CHAPTER 420

H.P. 1042 - L.D. 1517

An Act To Enable an Alternative Organizational Structure To Purchase Group Health Insurance for Its Employees

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

Whereas, beginning in July 2017, under the federal Affordable Care Act, certain school administrative units with fewer than 50 employees will no longer be eligible to purchase insurance benefits through their current policy providers; and

Whereas, without this legislation, certain employment contracts that include these benefits will have to be renegotiated and alternative organizational structures will be out of compliance with their governing interlocal agreements and state law; 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. 20-A MRSA §1001, sub-§14, ¶E, as reallocated by RR 2011, c. 1, §25, is amended to read:

E. In order to facilitate the competitive bidding process in procuring health insurance for a school administrative unit's employees under this subsection, a school administrative unit may request from the insurer providing health insurance coverage to its employees and retirees loss information concerning all of that school administrative unit's employees and retirees and their dependents covered under the school administrative unit's policy or contract pursuant to Title 24-A, section 2803-A. The school boards of the alternative organizational structure's member school administrative units may authorize the governing body of the alternative organizational structure to contract for a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications. If an alternative organizational structure contracts for a single health insurance policy that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications, the governing body of the alternative organizational structure shall provide notice to the insurer of the alternative organizational structure's election to contract for a single health insurance policy at least 6 months before the effective date of the policy. The alternative organizational structure may not revoke a single health insurance policy under this paragraph for a period of 5 years after the effective date of the policy and shall provide notice of revocation at least 6 months before the effective date of the revocation.

Sec. 2. 24-A MRSA §2803-A, sub-§2, as corrected by RR 2011, c. 1, §39, is amended to read:

2. Disclosure of basic loss information. Upon written request, every insurer shall provide loss information concerning a group policy or contract to its policyholder, to a former policyholder or to a school administrative unit pursuant to Title 20-A, section 1001, subsection 14, paragraph E within 21 business days of the date of the request. This subsection does not apply to a former policyholder whose coverage terminated more than 18 months prior to the date of a request. For the purposes of this subsection, "school administrative unit" has the same meaning as in Title 20-A, section 1, subsection 26.

Sec. 3. 24-A MRSA §2804, sub-§1, as repealed and replaced by PL 1981, c. 147, §2, is amended to read:

1. The employees eligible for insurance under the policy ~~shall~~ **must** be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" includes

the employees of one or more subsidiary corporations and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of the affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" includes the individual proprietor or partners if the employer is an individual proprietorship or partnership. The policy may provide that the term "employees" includes retired employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" includes elected or appointed officials. If authorized by the school boards of the alternative organizational structure's member school administrative units pursuant to Title 20-A, section 1001, an alternative organizational structure established pursuant to Title 20-A, section 1461-B may contract for group health insurance that is offered to all eligible employees and retirees of the alternative organizational structure and its member school administrative units and their dependents in one or more employment classifications.

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

Effective March 31, 2016.

CHAPTER 421

S.P. 591 - L.D. 1529

An Act Regarding the Application Fees and Inspection Fees Associated with the Provision of Amusement Rides

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

Whereas, maintaining the safety of amusement rides operated in this State is crucial to public safety and the economic viability of events that use amusement rides; and

Whereas, annual inspections of amusement rides by the Office of the State Fire Marshal is key to ensuring their structural integrity; and

Whereas, the Legislature needs to enact properly structured inspection fees to ensure the Office of the State Fire Marshal can continue to conduct amusement ride inspections in a timely and cost-efficient manner; and

Whereas, amusement rides will begin operating in the summer, which is prior to 90 days after ad-

journalment of the Second Regular Session of the 127th Legislature; 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. 8 MRSA §471, sub-§1, as enacted by PL 2015, c. 148, §1, is amended to read:

1. Amusement ride. "Amusement ride" means a device or combination of devices or elements that carry, convey or direct a person over or through a fixed or restricted course or within a defined area for the primary purpose of amusement or entertainment. "Amusement ride" does not include ~~nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily placed in a public location and does not normally require the supervision or services of an operator;~~

A. An inflatable bounce house or similar inflatable structure; or

B. Nonmechanized playground equipment or a coin-operated ride that is manually, mechanically or electrically operated, is customarily placed in a public location and does not normally require the supervision or services of an operator.

Sec. 2. 8 MRSA §472, sub-§6, as enacted by PL 2015, c. 148, §1, is amended to read:

6. Application and inspection required. A person may not operate an amusement ride prior to filing an application with the Office of the State Fire Marshal and before the amusement ride passes inspection as required in this section. ~~An application must be accompanied by payment of an application fee in an amount set by rule adopted by the commissioner not to exceed \$100 per amusement ride.~~ An application must include the following:

A. The name of the person or corporation operating the amusement ride;

B. A statement of proposed territory within the limits of the State, including the names of the cities and towns, in which the amusement ride is to operate; and

C. A certificate of public liability insurance from an insurer approved by the commissioner in accordance with subsection 2.

Sec. 3. 8 MRSA §473, as enacted by PL 2015, c. 148, §1, is amended to read: