

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

3. Term. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term. A member may not serve more than 2 consecutive terms.

4. Officers. The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The council shall elect a member of the council for each officer position at the first regular meeting of each year.

5. Meeting. The council shall meet at least once a year. It may also meet at other times at the call of the commissioner.

Sec. 3. 12 MRSA §6806, sub-§3, as reallocated by RR 1999, c. 1, §18, is amended to read:

3. Plan required. Beginning in calendar year ~~2000~~ 2018, the commissioner shall by May 1st of each year present a plan for expenditures from the fund for the next fiscal year to the joint standing committee of the Legislature having jurisdiction over marine resource matters. When developing the plan, the commissioner shall consult with ~~harvesters and seaweed dealers~~ the Seaweed Fisheries Advisory Council established in Title 5, section 12004-I, subsection 57-H.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 12, section 6087, subsection 3, of the initial appointments of the Seaweed Fisheries Advisory Council, the Commissioner of Marine Resources shall designate the first appointment for a one-year term, the next 2 appointments for 2-year terms and any other appointments for 3-year terms. An initial term of one or 2 years may not be considered a full term for purposes of limiting the number of terms for which a member may serve.

See title page for effective date.

CHAPTER 53

H.P. 428 - L.D. 612

An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §217, sub-§8, as enacted by PL 2011, c. 647, §14, is repealed.

Sec. 2. 39-A MRSA §217, sub-§9 is enacted to read:

9. Reduction of benefits. If an employee is actively participating in a rehabilitation plan ordered pursuant to subsection 2, benefits may not be reduced except:

A. Under section 205, subsection 9, paragraph A, upon the employee's return to work with or an increase in pay from an employer who is paying the employee compensation under this Act;

B. Under section 205, subsection 9, paragraph B, based on the amount of actual documented earnings paid to the employee; or

C. When the employee reaches the durational limit of benefits paid under section 213.

See title page for effective date.

CHAPTER 54

H.P. 438 - L.D. 622

An Act To Ensure Appropriate Training for Harbor Masters

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

Sec. 1. 38 MRSA §1-A, sub-§1, as enacted by PL 2005, c. 525, §1, is amended to read:

1. Basic training course. A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association that represents Maine harbor masters within one year after being appointed or reappointed unless that person has previously completed such a course. The person appointed or reappointed a harbor master or deputy harbor master shall pay the cost of the training required under this subsection.

See title page for effective date.

CHAPTER 55

S.P. 54 - L.D. 135

An Act To Authorize the Department of Health and Human Services To Disclose Information to the Personal Representative of the Estate of an Incapacitated or Dependent Adult Who Dies While under Public Guardianship or Public Conservatorship

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

Sec. 1. 22 MRSA §3474, sub-§2, ¶1, as amended by PL 2007, c. 140, §2, is further amended to read:

I. A member of a panel appointed by the department or the Office of the Attorney General to review the death or serious injury of an incapacitated or dependent adult or a child; ~~and~~

Sec. 2. 22 MRSA §3474, sub-§2, ¶J, as enacted by PL 2007, c. 140, §3 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

J. The local animal control officer or the animal welfare program of the Department of Agriculture, Conservation and Forestry established pursuant to Title 7, section 3902 when there is a reasonable suspicion of animal cruelty, abuse or neglect. For purposes of this paragraph, "cruelty, abuse or neglect" has the same meaning as provided in Title 34-B, section 1901, subsection 1, paragraph B; and

Sec. 3. 22 MRSA §3474, sub-§2, ¶K is enacted to read:

K. The personal representative of the estate of an incapacitated or dependent adult who dies while under public guardianship or public conservatorship.

See title page for effective date.

CHAPTER 56

H.P. 835 - L.D. 1198

An Act To Enhance the Administration of the State's Group Health Plan

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

Whereas, the contract for the State's group health plan expired on June 30, 2016; and

Whereas, the State is currently in the competitive bidding process for awarding the next group health plan for state employees; and

Whereas, allowing the term of the State's next group health plan to be extended will enhance the administration of the plan and benefit the plan members; 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. 5 MRSA §285, sub-§5, as amended by PL 1995, c. 368, Pt. G, §1, is further amended to read:

5. Purchase of policies. The commission shall purchase, by competitive bidding, from one or more insurance companies, nonprofit organizations, 3rd-party administrators or any organization necessary to

administer and provide a health plan, a policy or policies or contract, to provide the benefits specified by this section. The purchase of policies by the commission must be accomplished by use of a written contract that must be fully executed within 90 calendar days of notification of bid acceptance from the commission to the insurer. In extenuating circumstances, the Commissioner of Administrative and Financial Services may grant a waiver to that 90-day limit. Notwithstanding this subsection, with the consent of the policyholder and of the insurer and at the sole discretion of the commission, existing policies of insurance covering at least 1,000 of the employees defined as eligible by this section may be amended to provide the benefits specified by this section and assigned to the Commissioner of Administrative and Financial Services for the benefit of all those eligible under this section. The company or companies or nonprofit organizations must be licensed under the laws of the State, when applicable. The policy provisions are subject to and as provided for by the insurance laws of this State, when applicable. Notwithstanding any other provisions of law, the term of a contract executed with a successful bidder may not exceed 3 years unless extended in one-year increments for up to 3 additional years.

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

Effective May 11, 2017.

CHAPTER 57

H.P. 605 - L.D. 856

An Act To Extend the Germination Testing Period for Cool-weather Lawn and Turf Seed from 9 to 15 Months

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

Sec. 1. 7 MRSA §1044, sub-§1, ¶A is amended to read:

A. Unless the test to determine the percentage of germination required by section 1043 ~~shall have~~ has been completed within a 9-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale or offering for sale or transportation except that, with regard to cool-weather lawn and turf seed, that test must have been completed within a 15-month period pursuant to this paragraph. As used in this paragraph, "cool-weather lawn and turf seed" includes Kentucky bluegrass, red fescue, Chewing's fescue, hard fescue, tall fescue, perennial ryegrass, intermediate ryegrass, annual ryegrass, colonial bentgrass and creeping bentgrass;