

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

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;

See title page for effective date.

CHAPTER 58

H.P. 477 - L.D. 686

An Act To Remove Restrictions on the Membership of Regional Water Councils

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

Sec. 1. 35-A MRSA §6801, as enacted by PL 2005, c. 209, §1, is amended to read:

§6801. Definitions

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

1. Regional water council. "Regional water council" means a nonprofit corporation established for the benefit of 2 or more ~~water utilities~~ water-related entities pursuant to this chapter, where at least one of the organizing members is a water utility.

2. Water-related entity. "Water-related entity" means a water utility or a municipal or quasi-municipal entity owning, controlling, operating or managing sewer, sanitary or storm water works.

Sec. 2. 35-A MRSA §6802, as enacted by PL 2005, c. 209, §1, is amended to read:

§6802. Regional water councils authorized

Two or more ~~water utilities~~ water-related entities may organize a regional water council by forming a nonprofit corporation under Title 13-B, ~~the~~ as long as one of the organizing members is a water utility. The membership of ~~which~~ a regional water council is restricted to ~~water utilities~~ water-related entities. A water utility is not required to become a member of a regional water council.

Sec. 3. 35-A MRSA §6803, as enacted by PL 2005, c. 209, §1, is amended to read:

§6803. Council organization

The organizational documents of a regional water council must provide for representation of each member. The documents must specify the organizational structure, the method of withdrawal, the method of terminating the council and the grounds for suspension of ~~member water utilities~~ members.

Sec. 4. 35-A MRSA §6804, sub-§1, ¶D, as enacted by PL 2005, c. 209, §1, is amended to read:

D. Exercise its powers and authority as a nonprofit corporation under Title 13-B as necessary or desirable for dealing with issues of local or regional significance to its members, except that it may not exercise any power or authority that

would cause the regional water council to become a ~~water utility~~ water-related entity within this State.

Sec. 5. 35-A MRSA §6807, as enacted by PL 2005, c. 209, §1, is amended to read:

§6807. Finances; annual report

1. Expenses. The ~~member water utilities~~ members of a regional water council may contribute funds to meet the expenses of the council. Services of personnel, use of equipment and office space and other necessary services may be accepted from members as part of their financial support.

2. Funds; limitation. A regional water council may accept funds, grants, gifts and services from:

- A. The Federal Government;
- B. The State or its departments, agencies or instrumentalities;
- C. Any governmental unit not specified in paragraph A or B, whether participating in the regional water council or not; and
- D. Private and public sources.

A fund, grant, gift or service of the State or its departments, agencies or instrumentalities otherwise available to ~~water utilities~~ water-related entities may not be made conditional on a ~~water utility's~~ water-related entity's membership in a regional water council.

3. Report. A regional water council shall make an annual report ~~of its~~ including a statement of financial activities to the ~~member~~ utilities water-related entities. The report must be filed with the Public Utilities Commission and the drinking water program of the Department of Health and Human Services.

See title page for effective date.

CHAPTER 59

S.P. 209 - L.D. 594

An Act To Modify the Definition of "General Use Pesticide"

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

Sec. 1. 22 MRSA §1471-C, sub-§11-B, as enacted by PL 1987, c. 723, §2, is amended to read:

11-B. General use pesticide. "General use pesticide" means any pesticide ~~which has been registered by the United States Environmental Protection Agency as evidenced by a registration number on the label that is required to be registered by the board pursuant to Title 7, chapter 103, subchapter 2-A and which that is not a restricted use or limited use pesticide, as defined in this section.~~ Pesticides restricted by the United