

# 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**

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

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**Augusta, Maine**  
**2017**

See title page for effective date.

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## 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.

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## 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

~~States Environmental Protection Agency are so identified on the label. Pesticides restricted or limited by the Board of Pesticides Control board are listed by the board.~~

See title page for effective date.

**CHAPTER 60**

**H.P. 267 - L.D. 361**

**An Act To Ensure Fair Compensation for Licensed Insurance Agents**

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

**Sec. 1. 24-A MRSA §2189** is enacted to read:

**§2189. Requirements related to enrollment in health plans**

**1. Definition.** As used in this section, unless the context otherwise indicates, "exchange" has the same meaning as in section 2188, subsection 1, paragraph A.

**2. Requirements.** An insurer that offers a health plan in this State through the exchange or outside of the exchange shall pay a commission to a licensed insurance producer appointed by or contracted with the insurer for the enrollment of an individual or employee in a health plan during any annual or special enrollment period.

A commission paid to a licensed insurance producer appointed by or contracted with the insurer for enrollment in a health plan during any special enrollment period must be equal to the commission paid for enrollment during the insurer's annual enrollment period.

**3. Commission on health plan enrollment initially completed during special enrollment period.** An insurer may not eliminate, restrict or limit the payment of a commission to a licensed insurance producer appointed by or contracted with the insurer for the enrollment of an individual or employee in a health plan during any annual enrollment period on the basis that the producer was not paid a commission for the enrollment of the same individual or employee by the producer in a prior plan year during a special enrollment period.

**Sec. 2. Application.** The requirements of this Act apply to all health plans executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2018. For purposes of this Act, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.

See title page for effective date.

**CHAPTER 61**

**H.P. 154 - L.D. 198**

**An Act To Protect Landlords from Lawsuits for Damage or Harm Caused by Assistance Animals**

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

**Sec. 1. 14 MRSA §6030-G** is enacted to read:

**§6030-G. Injuries or property damage involving an assistance animal**

**1. No liability.** The owner, lessor, sublessor, managing agent or other person having the right to sell, rent, lease or manage a dwelling unit or any of their agents is not liable in a civil action for personal injury, death, property damage or other damages resulting from or arising out of an occurrence involving an assistance animal at the dwelling unit.

**2. Exceptions.** Subsection 1 does not limit the liability of the owner, lessor, sublessor, managing agent or other person having the right to sell, rent, lease or manage a dwelling unit or any of their agents:

**A.** In cases of gross negligence, recklessness or intentional misconduct on the part of the owner, lessor, sublessor, managing agent or other person having the right to sell, rent, lease or manage a dwelling unit or any of their agents; or

**B.** When the assistance animal is owned by or in the care of the owner, lessor, sublessor, managing agent or other person having the right to sell, rent, lease or manage a dwelling unit or any of their agents.

See title page for effective date.

**CHAPTER 62**

**S.P. 179 - L.D. 518**

**An Act To Amend the Laws Governing the Burial or Cremation of Certain Persons**

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

**Sec. 1. 22 MRSA §4313, sub-§2,** as amended by PL 2007, c. 411, §1, is further amended to read:

**2. Burial or cremation.** In the event of the death of an eligible person, the funeral director shall notify the overseer prior to burial or cremation or by the end of 3 business days following the funeral director's receipt of the body, whichever is earlier. Notwithstanding section 4305, subsection 3, paragraph C, a decision on any application for assistance with burial expenses need not be rendered until the overseer has verified