

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

~~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