

# 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.**

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**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

that ~~no~~ a relative or other resource is not available to pay for the direct burial or cremation costs, but the decision must be rendered within 8 days after receiving an application. The father, mother, grandfather, grandmother, children or grandchildren, by consanguinity, ~~living within or owning real or tangible property within the State, or the spouse or registered domestic partner~~ are responsible for the burial or cremation costs of the eligible person in proportion to their respective abilities. When no legally liable relative possesses a financial capacity to pay either in lump sum or on an installment basis for the direct costs of a burial or cremation, the contribution of a municipality under this subsection is limited to a reasonable calculation of the funeral director's direct costs, less any and all contributions from any other source. For the purposes of this subsection, "registered domestic partner" means an individual registered as a domestic partner under section 2710, subsection 3.

See title page for effective date.

## CHAPTER 63

### S.P. 208 - L.D. 593

#### An Act To Update the Licensure Renewal Provision of the Board of Licensure in Medicine

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

**Sec. 1. 32 MRSA §3280-A, sub-§1, ¶B,** as enacted by PL 1993, c. 526, §2 and affected by §4, is amended to read:

B. At least 60 days prior to expiration of a current license, the board shall ~~mail to notify~~ each licensee ~~at the licensee's last known address a notice of the requirement to renew the license with appropriate application forms for the renewal. Whenever a licensee fails, prior to the expiration of the licensee's current license, to return to the board a completed application either to renew the license or to withdraw from licensure, the board shall notify the licensee as soon as possible at the licensee's last known address that the license renewal is past due. Thirty days after the notice has been sent, if the application has neither been submitted by the licensee nor returned by the United States Postal Service as undeliverable, the board shall notify the licensee by certified mail, return receipt requested, that the licensee's license has been administratively suspended for 30 days. If an administratively complete relicensure application, pursuant to subsection 3, paragraph B, has not been submitted within the 30 day period of administrative suspension, the license immediately and automatically lapses. The board may not restore the license prior to completion of the rein-~~

~~statement proceedings pursuant to subsection 4. If an administratively complete license renewal application, as determined pursuant to subsection 3, paragraph B, has not been submitted prior to the expiration date of the existing license, the license immediately and automatically expires. A license may be reinstated within 90 days after the date of expiration upon payment of the renewal fee and late fee. If an administratively complete renewal application is not submitted within 90 days of the date of the expiration of the license, the license immediately and automatically lapses. The board may reinstate a license that has lapsed pursuant to subsection 4.~~

See title page for effective date.

## CHAPTER 64

### H.P. 271 - L.D. 365

#### An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding

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

**Sec. 1. 18-A MRSA §9-304, sub-§(a-1),** as amended by PL 2013, c. 267, Pt. B, §12, is further amended to read:

(a-1). Upon the filing of a petition for adoption of a minor child, the court shall request a background check and shall direct the department or a licensed child-placing agency to conduct a study and make a report to the court.

(1). The study must include an investigation of the conditions and antecedents of the child to determine whether the child is a proper subject for adoption and whether the proposed home is suitable for the child. The department or licensed child-placing agency shall submit the report to the court within 60 days.

(i) If the court has a report that provides sufficient, current information, the court may waive the requirement of a study and report.

(ii) If the petitioner is a blood relative of the child, the court may waive the requirement of a study and report.

(2). The court shall request a background check for each prospective adoptive parent who is not the biological parent of the child. The background check must include a screening for child abuse cases in the records of the department and criminal history record information obtained from the Maine Criminal Justice Information System and the Federal Bureau of Investigation.