

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

expiring contract or 12 months, whichever is shorter, without the express consent of the residential consumer; and

E. May not impose an early termination fee for any contract for generation service that was renewed without express consent from the residential consumer.

If a residential consumer does not provide the express consent required by paragraphs C and D, the residential consumer must be transferred to standard-offer service.

4-C. Residential consumer protection through transmission and distribution utility bill information. The monthly utility bill for a residential consumer that elects to receive generation service from a competitive electricity provider must contain the following:

A. A website address or other resource that residential consumers can access to obtain information that provides independent information as determined by the commission that allows residential consumers to compare terms, conditions and rates of electricity supply; and

B. A statement that directs the residential consumer to the competitive electricity provider for more information on the residential consumer's contract, including its terms, and that provides the telephone number of the competitive electricity provider.

Sec. 2. Report. The Public Utilities Commission in consultation with the Public Advocate shall conduct an analysis to determine the difference in price, if any, residential consumers paid for generation service by purchasing from a competitive electricity provider instead of receiving standard-offer service between 2014 and 2016. In evaluating any price difference, the Public Utilities Commission shall include, where possible, if and how the product purchased by the residential consumer differed from standard-offer service. The Public Utilities Commission shall report the findings of the analysis to the Joint Standing Committee on Energy, Utilities and Technology by February 15, 2018. The report may include recommendations. The joint standing committee may report out a bill based on the report to the Second Regular Session of the 128th Legislature.

See title page for effective date.

CHAPTER 75

S.P. 473 - L.D. 1386

An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers

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

Sec. 1. 24-A MRSA §6806, sub-§1, as amended by PL 2009, c. 376, §8, is further amended to read:

1. Annual report. A settlement provider licensee shall file with the superintendent by March 1st of each year an annual statement containing such information as the superintendent prescribes by rule, including information related to settlement transactions on policies settled within 5 years of policy issuance. The superintendent may not adopt any rule that requires the submission of information that permits the identification of a viator or relates to transactions when the viator is not a resident of this State. The superintendent may not request, collect or compile personal information that identifies any viator or insured except in connection with the investigation of a specific complaint and with the prior written permission of the viator or insured or the viator's or insured's estate or representative to collect that information. The annual statement required by this subsection and by rule of the superintendent is a public record within the meaning of Title 1, chapter 13, subchapter 1.

See title page for effective date.

CHAPTER 76

H.P. 395 - L.D. 553

An Act To Offer Hunters 65 Years of Age or Older Who Have Accumulated at Least 30 Points a Guaranteed Moose Permit

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

Whereas, current law allows a resident 70 years of age or older who has accumulated the necessary number of points to be awarded a moose hunting permit without participating in the public chance lottery for a moose permit; and

Whereas, many residents 70 years of age and older are unable to hunt moose at that age; and

Whereas, residents 65 years of age and older are better able to hunt moose if awarded a moose hunting permit; and

Whereas, this legislation must take effect before the end of the 90-day period so that it takes effect in time for the upcoming moose hunting season; 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. 12 MRSA §11154, sub-§9, as amended by PL 2013, c. 226, §1, is further amended to read:

9. Selection procedure. Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is ~~70~~ 65 years of age or older or will attain ~~70~~ 65 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to subsection 8 and who applies for and is otherwise eligible to obtain the permit.

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

Effective May 21, 2017.

CHAPTER 77

H.P. 601 - L.D. 852

An Act To Make Changes to the Maine Liquor Liability Act

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

Sec. 1. 28-A MRSA §2513, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§2513. Notice required

Every plaintiff seeking damages under this Act must give written notice to all defendants within 180 days of the date of the server's conduct creating liability under this Act. The notice must specify the time, place and circumstances of the server's conduct creating liability under this Act and the time, place and circumstances of any resulting damages. No error or omission in the notice voids the effect of the notice, if otherwise valid, unless the error or omission is substantially material. Failure to give written notice within the time specified is grounds for dismissal of a claim, unless the plaintiff provides written notice within the limits of section 2514 and shows good cause why notice could not have reasonably been filed within the 180-day limit. For purposes of this section, "good cause" includes but is not limited to the inability

of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency.

See title page for effective date.

CHAPTER 78

H.P. 686 - L.D. 973

An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members

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 budgets of counties are important undertakings requiring the participation of representatives of municipalities throughout the county; and

Whereas, when a vacancy occurs in a county budget committee, it reduces the ability of the budget committee to adequately represent all of its constituents and makes the task of creating a county budget more difficult; and

Whereas, county budget committees need adequate and prompt mechanisms to fill a vacancy when a municipality of a vacating member is unwilling or unable to fill the vacancy so that the budget committee can timely and efficiently produce a budget representing the interests of the entire county; and

Whereas, there may be a need to replace committee members before the next budget cycle; 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. 30-A MRSA §853, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Vacancies. A vacancy occurring on the budget committee ~~shall~~ must be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office must be a municipal officer from the same municipality as the person vacating the office. If the municipality of the person vacating the office declines to send a new member, the committee may solicit another municipality in the same district as the municipality of the vacating member that does not have a member sitting on the committee to send a municipal officer to fill the vacancy.