

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

(a) Serves samples of the manufacturer's product in accordance with subsection 2, paragraphs E and F; and

(b) Is authorized under this section to sell the manufacturer's product to nonlicensees for off-premises consumption; and

(2) Transfer product produced by the licensee in bulk or packaged in kegs, bottles or cans, including by the case, from a facility at which the licensee is licensed to manufacture liquor to any establishment licensed for on-premises consumption under chapter 43 operated by the licensee as authorized under paragraph I.

If the same person or persons hold a majority ownership interest of greater than 50% in more than one facility licensed for the manufacture of liquor under this section, the person or persons is considered one licensee for the purpose of transferring liquor as authorized by this paragraph.

See title page for effective date.

CHAPTER 124

S.P. 221 - L.D. 659

An Act To Amend the Maine Guaranteed Access Reinsurance Association Act

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

Sec. 1. 24-A MRSA §3953, sub-§1, as amended by PL 2015, c. 404, §1, is further amended to read:

1. Guaranteed access reinsurance mechanism established. The Maine Guaranteed Access Reinsurance Association is established as a nonprofit legal entity. As a condition of doing business in the State, an insurer that has issued or administered medical insurance within the previous 12 months or is actively marketing a medical insurance policy or medical insurance administrative services in this State must participate in the association. The Dirigo Health Program established in chapter 87 and any other state-sponsored health benefit program shall also participate in the association. ~~Except as provided in section 3962~~ Unless an earlier resumption of operations is ordered by the superintendent in accordance with paragraph A, operations of the association are suspended until December 31, 2023 except to the extent provided in section 3962 and the association may not collect assessments as provided in section 3957, provide reinsurance for member insurers under section 3958 or provide reimbursement for member insurers under section

3961 as of the date on which a transitional reinsurance program established under the authority of Section 1341 of the federal Affordable Care Act commences operations in this State ~~until December 31, 2017.~~

A. If the board proposes a revised plan of operation that calls for the resumption of operations earlier than December 31, 2023 and the superintendent determines that the revised plan is likely to provide significant benefit to the State's health insurance market, the superintendent may order the association to resume operations in accordance with the revised plan. This paragraph applies only if:

(1) An innovation waiver under Section 1332 of the federal Affordable Care Act as contemplated by paragraphs B and C is granted; or

(2) The federal Affordable Care Act is repealed or amended in a manner that makes the granting of an innovation waiver unnecessary or inapplicable.

B. After consulting with the board and receiving public comment, the superintendent may develop a proposal for an innovation waiver under Section 1332 of the federal Affordable Care Act that facilitates the resumption of operations of the association in a manner that prevents or minimizes the loss of federal funding to support the affordability of health insurance in the State.

C. With the approval of the Governor, the superintendent may submit an application on behalf of the State in accordance with the proposal developed under paragraph B for the purposes of resuming operations of the association to the United States Department of Health and Human Services and to the United States Secretary of the Treasury to waive certain provisions of the federal Affordable Care Act as provided in Section 1332. The superintendent may implement any federally approved waiver.

See title page for effective date.

CHAPTER 125

H.P. 721 - L.D. 1019

An Act To Establish a 6-day Nonresident Archery License

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

Sec. 1. 12 MRSA §11109, sub-§7, as amended by PL 2015, c. 245, §3, is further amended to read:

7. Archery hunting licenses; combination licenses; fees. Archery hunting licenses, combination licenses and fees are as follows:

- A. A resident archery license is \$26;
- B. A resident combination archery hunting and fishing license is \$43;
- C. A nonresident archery license is \$75; and
- D. An alien archery license is \$85; and
- E. A nonresident 6-day archery license, which is valid for 6 consecutive hunting days, is \$26.

See title page for effective date.

CHAPTER 126

S.P. 354 - L.D. 1072

An Act To Amend the Laws Regarding Dealers in Secondhand Precious Metals

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

Sec. 1. 30-A MRSA §3972, sub-§1, ¶B, as enacted by PL 2013, c. 398, §1, is amended to read:

B. "Precious metals" means any item composed in whole or in part of gold, palladium, platinum or silver, but does not include dental gold, unrefined metal ore, an electronic product, any part of a mechanical system on a motor vehicle or gold or silver coins or bullion.

Sec. 2. 30-A MRSA §3972, sub-§2, ¶C, as enacted by PL 2013, c. 398, §1, is amended to read:

C. A digital photograph of each item of precious metals that is the subject of the transaction, ~~as well as a complete description of the item purchased or acquired from the seller, including the weight of the item and any identification numbers, names, initials, serial numbers or identifying marks on the item.~~ A dealer may satisfy the requirements of this paragraph by taking digital photographs of groups of 5 or fewer substantially similar items, as long as the quality of each digital photograph is sufficient to allow the item to be identified by the owner; and

Sec. 3. 30-A MRSA §3972, sub-§2, ¶D, as enacted by PL 2013, c. 398, §1, is repealed.

Sec. 4. 30-A MRSA §3972, sub-§6, as enacted by PL 2013, c. 398, §1, is amended to read:

6. Municipal registration or permit. A person may not act as a dealer without a permit issued by the registering as a dealer in secondhand precious metals with or, if required by the municipality, obtaining a

permit issued by the municipal officers of the municipality in which the person intends to maintain a permanent place or places of business. A dealer shall provide the address of the permanent place of business at which the dealer will do business to the municipality and shall notify the municipality if the location changes. ~~The municipal officers may require other reasonable information as to the identity of the persons managing, supervising or conducting the business as necessary in order to fulfill the purposes of this section. The municipal officers may not issue a permit to act as a dealer to a person if they find that issuance of the permit would be detrimental to the public health, safety or welfare. Without a municipal permit, a person may not engage in the business of dealing in secondhand precious metals.~~

See title page for effective date.

CHAPTER 127

S.P. 411 - L.D. 1220

An Act To Repeal the Former Interstate Compact for Juveniles

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

Sec. 1. 15 MRSA §3101, sub-§2, ¶C, as amended by PL 1979, c. 681, §38, is further amended to read:

C. Juvenile Courts ~~shall~~ have jurisdiction over all petitions brought under ~~the Uniform Interstate Compact on Juveniles, Title 34 34-A, chapter 9, subchapter 7~~ pertaining to juveniles who have been adjudicated as having committed juvenile crimes in other states, but who are found within the territorial jurisdiction of ~~Maine~~ the State.

Sec. 2. 34-A MRSA c. 9, sub-c. 1, as amended, is repealed.

See title page for effective date.

CHAPTER 128

S.P. 412 - L.D. 1221

An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services

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

Sec. 1. 17-A MRSA §1175, first ¶, as amended by PL 2013, c. 133, §10, is further amended to read: