

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

more than 10 years for a tier 1 location as defined in Title 30-A, section 5250-I, subsection 21-A and no more than 5 years for a tier 2 location as defined in Title 30-A, section 5250-I, subsection 21-B. Reimbursement under this paragraph may not be paid for years beginning after December 31, ~~2028~~ 2031.

Sec. 14. Department of Economic and Community Development; study and report.

1. Study. By January 15, 2019, the Department of Economic and Community Development shall study:

A. Whether the income requirements with respect to qualified Pine Tree Development Zone employees pursuant to the Maine Revised Statutes, Title 30-A, section 5250-I, subsection 18 should be amended in order to more effectually describe high-quality jobs; and

B. Whether geographical limitations under the Pine Tree Development Zone program should be amended in light of the public policy objectives of the program, given the current geographical distribution of qualified Pine Tree Development Zone businesses.

While performing this study, the Department of Economic and Community Development shall consult with, at a minimum, the Department of Labor and the Department of Administrative and Financial Services, Maine Revenue Services.

2. Report. The Department of Economic and Community Development shall submit a report of its findings and any recommended legislation to the joint standing committee of the Legislature having jurisdiction over economic development matters by January 15, 2019. The committee may report out a bill in response to the study to the First Regular Session of the 129th Legislature.

Sec. 15. Department of Economic and Community Development; annual reports before June 1, 2021. With respect to aggregate information for the most recent 3 report years that must be reported to the relevant joint standing committees of the Legislature pursuant to the Maine Revised Statutes, Title 30-A, section 5250-P, subsection 1, paragraph C, the Commissioner of Economic and Community Development is not required to report information for a year in which the data upon which such aggregate information would be based are not available and were not collected by virtue of such data collection not being required pursuant to statute. By June 1, 2021 the commissioner shall fully report all requisite information in the commissioner's annual reports to the Legislature.

Sec. 16. Application. Those sections of this Act that amend the Maine Revised Statutes, Title 30-A, section 5250-I, subsections 16 and 17 and sec-

tion 5250-O and Title 36, section 1760, subsection 87 and section 2016, subsections 3 and 4 and repeal and replace Title 36, section 2016, subsection 2 apply to businesses that apply to the Commissioner of Economic and Community Development for certification as a qualified Pine Tree Development Zone business on or after January 1, 2019.

Sec. 17. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF Business Development 0585

Initiative: Provides one-time funds to update tax incentive software in order to expand data collection and reporting.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$33,750
GENERAL FUND TOTAL	\$0	\$33,750

See title page for effective date.

**CHAPTER 441
S.P. 619 - L.D. 1683**

An Act To Extend the Term of Guide Licenses

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

Sec. 1. 12 MRSA §12853, sub-§5, as amended by PL 2005, c. 12, Pt. III, §30, is further amended to read:

5. Fee. The fee for a ~~3-year~~ guide license is ~~\$81~~ \$135.

Sec. 2. 12 MRSA §12853, sub-§6, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

6. Term of license. A guide license issued under this section expires on December 31st of the 4th complete year after the date of issuance.

Sec. 3. Effective date. This Act takes effect January 1, 2019.

Effective January 1, 2019.

**CHAPTER 442
H.P. 1194 - L.D. 1714**

**An Act To Clarify Liability
Pertaining to the Collection of
Debts of MaineCare Providers
by the Department of Health
and Human Services**

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 Department of Health and Human Services amended its rules governing the MaineCare program to provide that anyone with a direct or indirect "ownership interest" of any size in a MaineCare provider, and every officer, director or member of a MaineCare provider, is personally liable for the provider's debts owed to the department; and

Whereas, the rule amendment contravenes a foundational principle of our political and economic system assuring that a provider organization's members, directors and, if applicable, shareholders are protected from the organization's liabilities except in extraordinary circumstances; and

Whereas, the imposition of personal liability for a provider organization's debts on employees, officers, directors, members and shareholders will disruptively alter established insurance risks, financial arrangements and investor and creditor expectations and may deter qualified persons from serving in positions of trust or responsibility in nonprofit or for-profit organizations that deliver health care to Maine people; 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. 22 MRSA §1714-A, sub-§5, as amended by PL 2003, c. 419, §5, is further amended to read:

5. Department may offset. The department may offset against current reimbursement owed to a provider or any entity related by ownership or control to that provider any debt it is owed by that provider after the debt becomes collectible. The department shall adopt rules that implement this subsection and define the ownership or control relationships that are subject to an offset under this subsection, except that the department may not define any ownership or control relationship as subject to an offset unless the relation-

ship allows the person whose relationship is the subject of the offset to control at least the number of votes of the provider's governing body or management that is needed to govern the operations of the provider. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 22 MRSA §1714-A, sub-§10 is enacted to read:

10. No imposition of liability on other persons. The department may not by any means, including without limitation any rule or any contract or agreement with a provider, impose liability for a debt under this section on any person other than the provider notified of the debt pursuant to subsection 2 or a person subject to collection by offset pursuant to rules adopted under subsection 5. This subsection does not prohibit the department from seeking recovery of civil penalties from any person as provided in section 15.

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

Effective July 4, 2019.

**CHAPTER 443
S.P. 695 - L.D. 1842**

**An Act To Require Education
and Training Regarding
Harassment for Legislators,
Legislative Staff and Lobbyists**

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

Sec. 1. 3 MRSA §170-B is enacted to read:

§170-B. Required training regarding harassment

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including sexual harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

Sec. 2. 3 MRSA §312-B is enacted to read:

§312-B. Required training regarding harassment

A lobbyist shall complete the training required under section 170-B, retain proof of completion of the training for 2 years following completion and certify completion of that training to the commission at the time of registration under section 313. If completion of the required training prior to registration is not pos-