

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

**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-

sible due to circumstances that are beyond a lobbyist's control, the commission may provide a limited extension to that lobbyist for completion of the training. If a lobbyist has a very limited physical presence in the State House and the Burton M. Cross Building, the commission may exempt the lobbyist from the requirements of this section.

Sec. 3. 3 MRSA §316, sub-§4-C, as enacted by PL 2007, c. 630, §12, is amended to read:

4-C. Website of employer. The address for the employer's publicly accessible website; and

Sec. 4. 3 MRSA §316, sub-§4-D is enacted to read:

4-D. Date of completion of required harassment training. The date that the lobbyist completed the training required under section 170-B; and

Sec. 5. 3 MRSA §321, sub-§9 is enacted to read:

9. Reject registrations. The commission shall reject registrations that do not include certification of completion of training required under section 170-B.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds for the contracting and related costs of providing harassment training for lobbyists.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$2,650
GENERAL FUND TOTAL	\$0	\$2,650

See title page for effective date.

CHAPTER 444

H.P. 1282 - L.D. 1845

An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training

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

Sec. 1. 5 MRSA §3371, sub-§8, ¶¶F and G, as enacted by PL 1999, c. 731, Pt. AAAA, §1, are amended to read:

F. Assist all governmental agencies with firefighter training and education responsibilities to enhance their delivery of services to fire prevention, protection and life safety professionals, including paid, call and volunteer fire service members; and

G. Submit proposed legislation to the Legislature to implement any recommendations of the commission; and

Sec. 2. 5 MRSA §3371, sub-§8, ¶H is enacted to read:

H. Make awards from the Live Fire Service Training Facilities Fund pursuant to Title 20-A, section 9004 and direct the Maine Fire Service Institute within the Maine Community College System to make payments to municipalities from the fund.

Sec. 3. 20-A MRSA §9004 is enacted to read:

§9004. Live Fire Service Training Facilities Fund

1. Fund established. The Live Fire Service Training Facilities Fund, referred to in this section as "the fund," is established under the Maine Fire Service Institute within the Maine Community College System as a nonlapsing fund to provide funds to municipalities for the construction and repair or replacement of regional live fire service training facilities in the State.

2. Grant program. The Maine Fire Protection Services Commission, referred to in this section as "the commission" and established pursuant to Title 5, section 12004-J, subsection 12, shall establish criteria to award grants to municipalities from the fund, including a requirement that proposals be fully designed and approved by a licensed professional engineer as defined in Title 32, section 1251, subsection 4. The commission may adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Procedure. Municipalities may apply to the commission for grants. The commission shall evaluate each application pursuant to the criteria developed in subsection 2 and, to the extent funds are available, shall award grants from the fund to support the construction and repair or replacement of regional live fire service training facilities.

4. Payment of grants. Upon the award of a grant by the commission, the commission shall direct the Maine Fire Service Institute to make the payment of the grant award to the municipality from the fund.

Sec. 4. Sunset of funding for programs. Notwithstanding any provision of law to the contrary, funding provided to the Board of Trustees of the Maine Community College System related to expenditures for the construction and repair or replacement of