

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

3. The rule must be amended in section 3, subsection A to change "communications service providers" to "broadband service providers";

4. The rule must be amended in section 3, subsection C to provide that the ConnectME Authority may request and communications service providers may voluntarily provide additional information to determine availability of broadband service in specific geographic locations to assist in evaluating or developing infrastructure grant proposals and that any information collected may be designated as confidential by the authority in accordance with the Maine Revised Statutes, Title 35-A, section 9207 and Chapter 101 and may be used for only the purposes for which it is collected;

5. The rule must be amended in section 4, subsection C, paragraph 4 to add a provision to clarify that no release of records may take place before 7 days following issuance of a denial of stay request either by the ConnectME Authority or by a court of competent jurisdiction, whichever is later; and

6. The rule must be amended in section 6, subsection D, paragraph 5, subparagraph (a), divisions (i) and (ii) and paragraph 6 to specify that the completion of a project and submission of a report demonstrating project completion must occur within one year of receiving funding or within 180 days of receiving all necessary permits, licenses or government approvals, whichever is later.

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

Effective April 8, 2018.

CHAPTER 45

H.P. 1248 - L.D. 1803

Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 28: Advanced Deposit Wagering, a provisionally adopted major substantive rule of the Gambling Control Board that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 10, 2018.

CHAPTER 46

H.P. 1204 - L.D. 1724

Resolve, To Establish the Commission on Autonomous Vehicles and To Allow the Testing, Demonstration and Deployment of Automated Driving Systems

Sec. 1. Commission established. Resolved: That the Commission on Autonomous Vehicles, referred to in this resolve as "the commission," is established to coordinate efforts among state agencies and knowledgeable stakeholders to inform the development of a process to allow an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way.

1. Membership. The commission consists of, at a minimum, 11 members as follows:

- A. The Commissioner of Transportation or the commissioner's designee, who serves as chair;
- B. The Secretary of State or the secretary's designee from the Department of the Secretary of State, Bureau of Motor Vehicles;
- C. The Commissioner of Public Safety or the commissioner's designee from the Department of Public Safety, Bureau of State Police;
- D. The Chief Information Officer or the officer's designee from the Department of Administrative and Financial Services, Office of Information Technology;

E. A representative of the Department of Public Safety, Bureau of Highway Safety, appointed by the Commissioner of Public Safety;

F. A representative of the Department of Professional and Financial Regulation, Bureau of Insurance, appointed by the Commissioner of Professional and Financial Regulation;

G. A representative of the office of aging and disability services within the Department of Health and Human Services, appointed by the Commissioner of Health and Human Services;

H. The Executive Director of the Maine Turnpike Authority or the executive director's designee;

I. One member who has expertise in autonomous vehicle technologies, appointed by the Commissioner of Transportation;

J. One member representing a nonprofit transit provider, appointed by the Commissioner of Transportation; and

K. One member representing the motor carrier industry, appointed by the Commissioner of Transportation.

The chair may make other appointments to the commission as necessary.

2. Definitions. For the purposes of this resolve, the following terms have the following meanings.

A. "Automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis regardless of whether it is limited to a specific operational design domain. "Automated driving system" is used specifically to describe a level 3, 4 or 5 driving automation system in accordance with standards and specifications outlined in standard J3016 adopted by the Society of Automotive Engineers in September 2016.

B. "Autonomous vehicle" means any vehicle or motor vehicle equipped with a driving automation system.

C. "Autonomous vehicle manufacturer" means a person or entity that builds or sells autonomous vehicles or that develops or installs automated driving systems in motor vehicles that are not originally built as autonomous vehicles.

D. "Autonomous vehicle tester" means an autonomous vehicle manufacturer, institution of higher education, fleet service provider or automotive equipment or technology provider that tests autonomous vehicles.

E. "Driving automation system" means a system in a motor vehicle that performs all or part of the dynamic driving task on a sustained basis.

F. "Dynamic driving task" means all of the real time operational and tactical functions required to operate a vehicle in on-road traffic.

G. "Operational design domain" means the specific conditions under which a given driving automation system or feature is designed to function, including but not limited to driving modes.

3. Duties. The commission shall:

A. Develop a recommendation for a process to evaluate and authorize an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way;

B. Review existing state laws and, if necessary, recommend legislation for the purposes of governing autonomous vehicle testers and the testing, demonstration, deployment and operation of automated driving systems on public ways;

C. Monitor state compliance with federal regulations as they relate to autonomous vehicles;

D. Consult with public sector and private sector experts on autonomous vehicle technologies, as appropriate; and

E. Invite the participation of knowledgeable stakeholders to provide written and oral comments on the commission's assigned duties. Knowledgeable stakeholders may include representatives from the Maine Municipal Association, the Maine Automobile Dealers Association, the American Council of Engineering Companies of Maine, the Maine Better Transportation Association and the Maine Motor Transport Association and a person representing labor interests.

4. Report. By January 15, 2020, the Commissioner of Transportation shall submit an initial written report on the progress of the commission and by January 15, 2022, the Commissioner of Transportation shall submit a final written report that includes findings and recommendations, including suggested legislation, for presentation to the joint standing committee of the Legislature having jurisdiction over transportation matters. The joint standing committee of the Legislature having jurisdiction over transportation matters may submit a bill to the Second Regular Session of the 129th Legislature relating to the subject matter of the initial report and to the Second Regular Session of the 130th Legislature relating to the subject matter of the final report; and be it further

Sec. 2. Rulemaking. Resolved: That, notwithstanding the Maine Revised Statutes, Title 29-A, section 470, the Commissioner of Transportation, in consultation with the commission, shall establish a process to evaluate and authorize an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way.

1. Rules. The Commissioner of Transportation shall adopt rules, in consultation with the Department of Public Safety and the Department of the Secretary of State, to establish a process to evaluate and authorize an autonomous vehicle tester to demonstrate and deploy for testing purposes an automated driving system on a public way. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Enforcement. The Commissioner of Transportation may immediately prohibit an operator or autonomous vehicle tester from testing an automated driving system if the Commissioner of Transportation, in consultation with the Commissioner of Public Safety and the Secretary of State, determines that testing poses a risk to public safety or that the operator or autonomous vehicle tester fails to comply with the requirements as established by rule adopted pursuant to subsection 1.

See title page for effective date.

CHAPTER 47

S.P. 125 - L.D. 384

Resolve, To Clarify Reimbursement for Parent- only Programs under the MaineCare Program

Sec. 1. Department of Health and Human Services to reimburse for parent-only programs when allowable. Resolved: That the Department of Health and Human Services shall amend its rules in Chapter 101: MaineCare Benefits Manual, Chapters II and III, Sections 28, 65 and 90 to reimburse for services provided to a parent or guardian of a child who qualifies for the MaineCare program but who is not present when the service is being provided, as long as the service relates to the child's plan of care and is permitted by the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services. These services may be provided to parents or guardians individually or in groups as long as the service is allowable under federal law. Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 48

H.P. 1146 - L.D. 1661

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a provisionally adopted major substantive rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if:

1. The requirement that providers must share information with parents regarding policies of parental visitation at the child care site in Section 5.C.11.b is removed from that section and a requirement that providers must allow parents to be able to visit and observe any time during the hours of operation is added to the rule;

2. In Section 8.A of the rule, the language stating that provider-child ratios are not based on the developmental stages in the definition section is removed;

3. In Section 8.A.1 of the rule, the ratios for mixed ages for one provider include the ratio of 8