

# 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.**

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**Augusta, Maine**  
**2019**

**Sec. 1. 35-A MRSA §9205, sub-§3**, as enacted by PL 2005, c. 665, §3, is amended to read:

**3. Bylaws; rules.** To adopt bylaws and any rule necessary or useful for carrying out any of the authority's powers or duties pursuant to this chapter. Rules adopted pursuant to this subsection are ~~major substantive~~ **routine technical** rules as defined in Title 5, chapter 375, subchapter 2-A;

See title page for effective date.

**CHAPTER 3**

**S.P. 63 - L.D. 251**

**An Act To Amend the Maine Condominium Act by Extending the Lien Period for Nonpayment of Assessments**

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

**Sec. 1. 33 MRSA §1603-116, sub-§(e)**, as amended by PL 2011, c. 368, §6, is further amended to read:

(e) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within ~~5~~ **6** years after the full amount of the assessments becomes due.

See title page for effective date.

**CHAPTER 4**

**H.P. 742 - L.D. 1000**

**An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2019**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Adjusts funding as a result of the review of vacant positions as authorized in Public Law 2017, chapter 284, Part EE.

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$2,899,082	\$0	\$0
GENERAL FUND TOTAL	\$2,899,082	\$0	\$0

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$2,899,082	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,899,082	\$0	\$0

**AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

**Land Management and Planning Z239**

Initiative: Provides funding for capital construction materials, capital improvements to bridges and roads, and other improvements to recreational trails and sites used by the public.

OTHER SPECIAL REVENUE FUNDS	2018-19	2019-20	2020-21
Capital Expenditures	\$200,000	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$200,000	\$0	\$0
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AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF			
DEPARTMENT TOTALS	2018-19	2019-20	2020-21

OTHER SPECIAL REVENUE FUNDS	\$200,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$200,000	\$0	\$0

**CULTURAL AFFAIRS COUNCIL, MAINE STATE**

**State of Maine Bicentennial Celebration Z260**

Initiative: Provides one-time funding for staff support and other expenses associated with the planning of the State of Maine bicentennial celebration. Funds appropriated for this purpose do not lapse but must be carried forward into the next fiscal year to be used only to support the expenses of planning the bicentennial celebration.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$1,000,000	\$0	\$0
GENERAL FUND TOTAL	\$1,000,000	\$0	\$0

**CULTURAL AFFAIRS COUNCIL, MAINE STATE**

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
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GENERAL FUND	\$1,000,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$1,000,000	\$0	\$0

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF  
Disaster Assistance 0841**

Initiative: Provides one-time funding to the Disaster Recovery Fund to meet the State's share of estimated disaster recovery costs, as authorized in the Maine Revised Statutes, Title 37-B, section 744, subsection 2-A.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$2,500,000	\$0	\$0
GENERAL FUND TOTAL	\$2,500,000	\$0	\$0

**DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF**

DEPARTMENT TOTALS	2018-19	2019-20	2020-21
GENERAL FUND	\$2,500,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$2,500,000	\$0	\$0

**EDUCATION, DEPARTMENT OF**

**Higher Education and Educator Support Services Z082**

Initiative: Establishes one Public Service Manager II position to provide leadership, strategic planning and direction for all certification activities effective April 8, 2019.

GENERAL FUND	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNCIL	1.000	0.000	0.000
Personal Services	\$19,821	\$0	\$0
GENERAL FUND TOTAL	\$19,821	\$0	\$0

**Leadership Team Z077**

Initiative: Establishes one Public Service Executive II position to serve as the chief innovation officer within the department effective April 1, 2019.

GENERAL FUND	2018-19	2019-20	2020-21
POSITIONS - LEGISLATIVE COUNCIL	1.000	0.000	0.000
Personal Services	\$31,373	\$0	\$0

	2018-19	2019-20	2020-21
GENERAL FUND TOTAL	\$31,373	\$0	\$0
<b>EDUCATION, DEPARTMENT OF</b>			
<b>DEPARTMENT TOTALS</b>	<b>2018-19</b>	<b>2019-20</b>	<b>2020-21</b>
GENERAL FUND	\$51,194	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$51,194</b>	<b>\$0</b>	<b>\$0</b>

**EXECUTIVE DEPARTMENT**

**Public Advocate 0410**

Initiative: Provides funding for expert witnesses and related costs in upcoming billing and metering and rate cases.

	2018-19	2019-20	2020-21
<b>OTHER SPECIAL REVENUE FUNDS</b>			
All Other	\$352,078	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$352,078</b>	<b>\$0</b>	<b>\$0</b>

**EXECUTIVE DEPARTMENT**

	2018-19	2019-20	2020-21
<b>DEPARTMENT TOTALS</b>			
OTHER SPECIAL REVENUE FUNDS	\$352,078	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$352,078</b>	<b>\$0</b>	<b>\$0</b>

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF**

**Disproportionate Share - Dorothea Dix Psychiatric Center Z225**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

	2018-19	2019-20	2020-21
<b>GENERAL FUND</b>			
POSITIONS - LEGISLATIVE COUNT	6.000	0.000	0.000
Personal Services	\$145,879	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$145,879</b>	<b>\$0</b>	<b>\$0</b>

**Dorothea Dix Psychiatric Center Z222**

Initiative: Transfers 6 Mental Health Worker I positions from 36% General Fund and 64% Other Special Revenue Funds in the Dorothea Dix Psychiatric Center program to 36% Disproportionate Share - Dorothea Dix Psychiatric Center program, General Fund and 64% Dorothea Dix Psychiatric Center program, Other Special Revenue Funds.

	2018-19	2019-20	2020-21
<b>GENERAL FUND</b>			
POSITIONS - LEGISLATIVE COUNT	(6.000)	0.000	0.000
Personal Services	(\$145,879)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$145,879)</b>	<b>\$0</b>	<b>\$0</b>

**Medical Care - Payments to Providers 0147**

Initiative: Adjusts allocations between the Medical Care - Payments to Providers program and the Nursing Facilities program within the same fund to correct an allocation approved in Public Law 2017, chapter 460.

	2018-19	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>			
All Other	(\$11,528,954)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>(\$11,528,954)</b>	<b>\$0</b>	<b>\$0</b>

**Nursing Facilities 0148**

Initiative: Adjusts allocations between the Medical Care - Payments to Providers program and the Nursing Facilities program within the same fund to correct an allocation approved in Public Law 2017, chapter 460.

	2018-19	2019-20	2020-21
<b>FEDERAL EXPENDITURES FUND</b>			
All Other	\$11,528,954	\$0	\$0

FEDERAL EXPENDITURES FUND TOTAL	\$11,528,954	\$0	\$0
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**HEALTH AND HUMAN SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

GENERAL FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0

DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0
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**JUDICIAL DEPARTMENT**

**Courts - Supreme, Superior and District 0063**

Initiative: Provides funding to meet current rates developed by the Department of Administrative and Financial Services, Office of Information Technology for network access.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$184,214	\$0	\$0

GENERAL FUND TOTAL	\$184,214	\$0	\$0
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**JUDICIAL DEPARTMENT DEPARTMENT TOTALS**

GENERAL FUND	\$184,214	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$184,214	\$0	\$0
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**LIBRARY, MAINE STATE**

**Maine State Library 0217**

Initiative: Provides funding for the full subscription and support of 13 public computers.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$6,400	\$0	\$0

GENERAL FUND TOTAL	\$6,400	\$0	\$0
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**LIBRARY, MAINE STATE**

**DEPARTMENT TOTALS**

GENERAL FUND	\$6,400	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$6,400	\$0	\$0
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**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Policy and Management 0258**

Initiative: Reallocates 15% of the cost of 8 Marine Patrol Officer positions and 3 Marine Patrol Specialist positions and 10% of the cost of 2 Marine Patrol Mechanic Specialist positions from the Bureau of Policy and Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, General Fund.

**OTHER SPECIAL REVENUE FUNDS**

Personal Services	2018-19	2019-20	2020-21
	(\$180,872)	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	(\$180,872)	\$0	\$0
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**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for the Department of Public Safety's State Police records management system.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$36,563	\$0	\$0

GENERAL FUND TOTAL	\$36,563	\$0	\$0
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**Marine Patrol - Bureau of 0029**

Initiative: Reallocates 15% of the cost of 8 Marine Patrol Officer positions and 3 Marine Patrol Specialist positions and 10% of the cost of 2 Marine Patrol Mechanic Specialist positions from the Bureau of Policy and Management program, Other Special Revenue Funds to the Marine Patrol - Bureau of program, General Fund.

GENERAL FUND	2018-19	2019-20	2020-21
Personal Services	\$180,872	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$180,872</b>	<b>\$0</b>	<b>\$0</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for an increase in fees for dispatch services provided by the Department of Public Safety.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$41,561	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$41,561</b>	<b>\$0</b>	<b>\$0</b>

**Marine Patrol - Bureau of 0029**

Initiative: Provides funding for insurance, uniforms, training, rents and minor equipment for the Bureau of Marine Patrol.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$176,387	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$176,387</b>	<b>\$0</b>	<b>\$0</b>

**MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$435,383	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	(\$180,872)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$254,511</b>	<b>\$0</b>	<b>\$0</b>

**PROPERTY TAX REVIEW, STATE BOARD OF**

**Property Tax Review - State Board of 0357**

Initiative: Provides funding for payment of Attorney General legal fees.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$38,772	\$0	\$0

GENERAL FUND TOTAL	\$38,772	\$0	\$0
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**PROPERTY TAX REVIEW, STATE BOARD OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$38,772	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$38,772</b>	<b>\$0</b>	<b>\$0</b>

**SECRETARY OF STATE, DEPARTMENT OF Bureau of Administrative Services and Corporations 0692**

Initiative: Provides funding for the annual lease of accessible voting system equipment, software and support to municipalities for 2019.

GENERAL FUND	2018-19	2019-20	2020-21
All Other	\$400,000	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>

**SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$400,000	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$400,000</b>	<b>\$0</b>	<b>\$0</b>

**SECTION TOTALS**

	2018-19	2019-20	2020-21
GENERAL FUND	\$7,515,045	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$371,206	\$0	\$0

SECTION TOTAL -	\$7,886,251	\$0	\$0
ALL FUNDS			

**PART B**

**Sec. B-1. 22 MRSA §3174-SS**, as enacted by PL 2011, c. 477, Pt. I, §1, is repealed.

**PART C**

**Sec. C-1. 22 MRSA §3174-VV**, as amended by PL 2017, c. 407, Pt. A, §78, is repealed.

**PART D**

**Sec. D-1. PL 2015, c. 483, §1, sub-§5** is amended to read:

**5. Cost recovery fund.** There is established within the commission a nonlapsing cost recovery fund, referred to in this section as "the fund." The fund receives funds allocated or transferred by the Legislature from the unappropriated surplus of the General Fund in accordance with subsection 8. The commission shall use the fund to pay all above-market costs of any contract entered into under this section. No more than 50% of the fund may be awarded to facilities serving the NMISA region. ~~At the close of fiscal year 2016-17, amounts remaining in the cost recovery fund that the commission has determined are not needed to pay above market costs in accordance with subsection 6 must be transferred to the Maine Budget Stabilization Fund established under the Maine Revised Statutes, Title 5, section 1532. The commission by rule or order shall establish how above-market costs are determined and how payments from the fund are made. Amounts remaining in the cost recovery fund that are not needed to pay above-market costs in accordance with subsection 6 may not be transferred without legislative approval.~~

**PART E**

**Sec. E-1. Transfer balances.** Notwithstanding any other provision of law, at the close of fiscal year 2018-19, the State Controller shall transfer, after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, any remaining balance specifically related to federal supplemental nutrition assistance program overpayments in the Department of Health and Human Services, Food Supplement Administration program, Federal Expenditures Fund to the Department of Health and Human Services, Food Supplement Administration program, Other Special Revenue Funds.

**PART F**

**Sec. F-1. Office of the Public Advocate; special assessment on electric utility entities.** Notwithstanding any other provision of law, in fiscal

year 2018-19, every electric utility entity subject to an assessment under the Maine Revised Statutes, Title 35-A, section 116, subsection 8 is subject to an additional assessment on its intrastate gross operating revenues sufficient to produce \$353,000 total. The revenues produced from this assessment must be transferred to the Public Advocate Regulatory Fund. All Other funds in the amount of \$353,000 may be used only for the costs associated with representing electric utility ratepayers in the State and the State's public interests for the anticipated Emera Maine rate case and bifurcated Central Maine Power Company billing and metering and rate cases and for retention of expert witnesses and related costs.

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

Effective March 14, 2019.

**CHAPTER 5**

**S.P. 10 - L.D. 1**

**An Act To Protect Health Care Coverage for Maine Families**

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

**Whereas,** Maine residents need access to comprehensive, quality health insurance coverage; and

**Whereas,** recent court decisions may endanger important consumer protections related to health insurance coverage in the federal Patient Protection and Affordable Care Act, including preexisting condition exclusions, essential health benefits and annual and lifetime limits on the dollar value of benefits; and

**Whereas,** the purpose of this legislation is to ensure that those consumer protections are codified in state law; 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:**

**PART A**

**Sec. A-1. 24-A MRSA §2736-C, sub-§2, ¶B**, as amended by PL 2007, c. 629, Pt. A, §3, is further amended to read: