

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

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$40,000	\$40,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$40,000	\$40,000

See title page for effective date.

CHAPTER 16

H.P. 77 - L.D. 91

An Act To Eliminate Gross Metering

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

Sec. 1. 35-A MRSA §3209-A, as corrected by RR 2017, c. 1, §32, is amended to read:

§3209-A. Net energy billing

The commission may adopt or amend rules governing net energy billing. Rules adopted or amended under this section are ~~routine technical~~ major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of ~~net energy over the billing period taking into account accumulated unused kilowatt-hour credits from the previous~~ the difference between the kilowatt-hours delivered by a transmission and distribution utility to the customer over a billing period and the kilowatt-hours delivered by the customer to the transmission and distribution utility over the billing period, taking into account accumulated unused kilowatt-hour credits from the previous billing period.

Sec. 2. Rules. Within 60 days of the effective date of this Act, the Public Utilities Commission shall amend its net energy billing rules adopted pursuant to the Maine Revised Statutes, Title 35-A, section 3209-A to be substantively equivalent to the rules in effect on January 1, 2017. Notwithstanding Title 35-A, section 3209-A, rules adopted for this purpose are routine technical rules, as defined in Title 5, chapter 375, subchapter 2-A. The commission may not make any other changes to rules adopted pursuant to Title 35-A, section 3209-A until July 1, 2020. The net energy billing rules adopted pursuant to this section must apply retroactively to all net energy billing customers that entered into a net energy billing arrangement between March 29, 2017 and the effective date of the rules adopted pursuant to this section.

See title page for effective date.

CHAPTER 17
H.P. 410 - L.D. 566

An Act To Protect Vulnerable Adults from Financial Exploitation

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

Sec. 1. 32 MRSA c. 135, sub-c. 8 is enacted to read:

SUBCHAPTER 8

PROTECTION OF VULNERABLE ADULTS FROM FINANCIAL EXPLOITATION

§16801. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Eligible adult. "Eligible adult" means:

A. An individual 65 years of age or older; or

B. An individual protected under the Adult Protective Services Act.

2. Financial exploitation. "Financial exploitation" means:

A. The wrongful or unauthorized taking, withholding, appropriation or use of money, assets or property of an eligible adult; or

B. Any act or omission made by a person, including through the use of a power of attorney, guardianship or conservatorship of an eligible adult, to:

(1) Obtain control, through deception, intimidation or undue influence, over the eligible adult's money, assets or property to deprive the eligible adult of the ownership, use, benefit or possession of the eligible adult's money, assets or property; or

(2) Convert money, assets or property of the eligible adult to deprive the eligible adult of the ownership, use, benefit or possession of the eligible adult's money, assets or property.

3. Qualified individual. "Qualified individual" means an agent, investment adviser representative or individual who serves in a supervisory, compliance or legal capacity for a broker-dealer or investment adviser.

§16802. Governmental disclosures

If a qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the qualified individual shall promptly notify

the Department of Health and Human Services and the administrator.

§16803. Immunity for governmental disclosures

A qualified individual who in good faith and exercising reasonable care makes a disclosure of information pursuant to section 16802 is immune from any administrative or civil liability that might otherwise arise from the disclosure or for a failure to notify the eligible adult of the disclosure.

§16804. Third-party disclosures

If a qualified individual reasonably believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the qualified individual may notify any 3rd party previously designated by the eligible adult. Disclosure may not be made to any designated 3rd party that is suspected of financial exploitation or other abuse of the eligible adult.

§16805. Immunity for 3rd-party disclosures

A qualified individual who in good faith and exercising reasonable care complies with section 16804 is immune from any administrative or civil liability that might otherwise arise from a disclosure under section 16804.

§16806. Delaying disbursements

A broker-dealer or investment adviser may delay disbursements in accordance with this section.

1. Disbursement delay authorized. A broker-dealer or investment adviser may delay a disbursement from an account of an eligible adult or an account on which an eligible adult is a beneficiary if the broker-dealer or investment adviser or a qualified individual reasonably believes, after initiating an internal review of the requested disbursement and the suspected financial exploitation, that the requested disbursement may result in financial exploitation of the eligible adult. If a broker-dealer or investment adviser delays a disbursement under this subsection, the broker-dealer or investment adviser shall:

A. Within 2 business days after the requested disbursement, provide written notification of the delay and the reason for the delay to all parties authorized to transact business on the account, except that notification may not be provided to a 3rd party reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult;

B. Within 2 business days after the requested disbursement, notify the Department of Health and Human Services and the administrator; and

C. Continue the broker-dealer's or investment adviser's internal review of the suspected or attempted financial exploitation of the eligible adult, as

necessary, and report the results of the internal review to the Department of Health and Human Services and the administrator within 7 business days after the requested disbursement.

2. Expiration. A delay of a disbursement as authorized by this section expires upon the sooner of:

A. A determination by the broker-dealer or investment adviser that the disbursement will not result in financial exploitation of the eligible adult; or

B. Fifteen business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds unless the Department of Health and Human Services or the administrator requests that the broker-dealer or investment adviser extend the delay, in which case the delay expires no more than 25 business days after the date on which the broker-dealer or investment adviser first delayed disbursement of the funds unless terminated earlier by the Department of Health and Human Services or the administrator or by an order of a court of competent jurisdiction.

3. Judicial order. A court of competent jurisdiction may enter an order extending the delay of the disbursement of funds or may order other protective relief based on a petition from the Department of Health and Human Services or the administrator or from the broker-dealer or the investment adviser that initiated the delay under this section or from another interested party.

§16807. Immunity for delaying disbursements

A broker-dealer or investment adviser that in good faith and exercising reasonable care complies with section 16806 is immune from any administrative or civil liability that might otherwise arise from a delay in a disbursement in accordance with section 16806.

§16808. Records

A broker-dealer or investment adviser shall provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to the Department of Health and Human Services and to a law enforcement agency as part of a referral to the department or to a law enforcement agency or upon request of the department or a law enforcement agency pursuant to an investigation. The records may include historical records and records relating to recent transactions that may constitute financial exploitation of an eligible adult. All records made available to agencies under this section are not public records for purposes of Title 1, chapter 13, subchapter 1. Nothing in this section limits or otherwise impedes the authority of the administrator to access or

examine the books and records of broker-dealers and investment advisers as otherwise provided by law.

See title page for effective date.

**CHAPTER 18
H.P. 56 - L.D. 59**

**An Act To Permit Plantations
To Fill Vacancies of Town
Officials**

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

Whereas, plantations conduct official business that must be attended to on a daily basis, mostly by a small group of officials; and

Whereas, the inability to fill a vacancy when an official is unable or unwilling to fulfill the duties required of the office directly affects the ability of the plantation to conduct its official business, which has a negative effect on the public interest and is of a direct concern to the State; 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. 30-A MRSA §7006, sub-§1, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Laws relating to the election, appointment, hiring, qualification, filling of vacancies, duties, powers, compensation, liabilities and penalties for official neglect and misconduct of town officials and employees.

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

Effective April 5, 2019.

**CHAPTER 19
S.P. 155 - L.D. 490**

**An Act To Give the
Commissioner of Inland
Fisheries and Wildlife the
Authority To Extend Any
Trapping Season Based on
Weather Conditions or Other
Factors**

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

Sec. 1. 12 MRSA §10105, sub-§18 is enacted to read:

18. Extend a trapping season. The commissioner, based on sound scientific wildlife management principles, may extend any open trapping season on any game species for up to 21 days if the commissioner has concerns about weather conditions or other unforeseen factors that may prevent publicly derived management goals from being met.

See title page for effective date.

**CHAPTER 20
S.P. 72 - L.D. 260**

**An Act To Permit Disability
Insurance To Be Offered
through the Surplus Lines
Market**

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 who work in certain professions and occupations are unable to obtain adequate disability insurance coverage; and

Whereas, this bill would allow disability insurance to be offered through the surplus lines market if other admitted insurance is not available; 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. 24-A MRSA §2002-A, sub-§1, ¶B, as enacted by PL 1993, c. 153, §16, is amended to read: