

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

B. The fee for an initial license or a license renewal under section 18342 or a permit under section 18379 may not exceed \$1,000; and

C. The fee for an initial license or a license renewal under section 18345 may not exceed \$200;

See title page for effective date.

CHAPTER 93

S.P. 190 - L.D. 603

An Act To Amend the Laws Governing Funding for Landfill Closure Costs

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

Sec. 1. 38 MRSA §1310-F, sub-§1-B, ¶E, as amended by PL 2015, c. 302, §1, is further amended to read:

E. Notwithstanding paragraphs B, C and D, the state cost share is 75% of closure costs, including landfill cover costs, incurred on or after July 1, 1994 and before December 31, 2025, if:

(1) The commissioner originally issued a license on or before September 1, 1989 or accepted a license application for processing on or before September 1, 1989 that was approved by the commissioner within one year of acceptance for processing for operation of the landfill and found that the landfill met the design requirements and environmental protection standards at the time of licensing; and

(2) The commissioner has since determined that the landfill or portion of the landfill must be closed based on the finding that the landfill is contaminating groundwater and that corrective actions have not been successful.

See title page for effective date.

CHAPTER 94

H.P. 305 - L.D. 396

An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored

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

Sec. 1. 24 MRSA §2986, sub-§3, as amended by PL 2011, c. 59, §1, is further amended to read:

3. Completed kit. If the alleged victim has not reported the alleged offense to a law enforcement agency when the examination is complete, the hospital or health care practitioner shall then notify the nearest law enforcement agency, which shall transport and store the completed forensic examination kit for ~~at least 90 days~~ 8 years. The completed kit may be identified only by the tracking number. If during that ~~90-day storage~~ period an alleged victim decides to report the alleged offense to a law enforcement agency, the alleged victim may contact the hospital or health care practitioner to determine the tracking number. The hospital or health care practitioner shall provide the alleged victim with the tracking number on the forensic examination kit and shall inform the alleged victim which law enforcement agency is storing the kit.

If the alleged victim reports the alleged offense to a law enforcement agency by the time the examination is complete, the investigating agency shall retain custody of the forensic examination kit.

If an examination is performed under subsection 5 and the alleged victim does not, within 60 days, regain a state of consciousness adequate to decide whether or not to report the alleged offense, the State may file a motion in the District Court relating to storing or processing the forensic examination kit. Upon finding good cause and after considering factors, including, but not limited to, the possible benefits to public safety in processing the kit and the likelihood of the alleged victim's regaining a state of consciousness adequate to decide whether or not to report the alleged offense in a reasonable time, the District Court may order either that the kit be stored for additional time or that the kit be transported to the Maine State Police Crime Laboratory for processing, or such other disposition that the court determines just. In the interests of justice or upon motion by the State, the District Court may conduct hearings required under this paragraph confidentially and in camera and may impound pleadings and other records related to them.

Sec. 2. 25 MRSA §3821, 2nd ¶, as amended by PL 2017, c. 156, §4, is further amended to read:

If an alleged victim of sexual assault has a forensic examination and has not reported the alleged offense to a law enforcement agency when the examination is complete, the licensed hospital or licensed health care practitioner that completed the forensic examination shall notify the nearest law enforcement agency. That law enforcement agency shall transport the completed forensic examination kit, identified only by a tracking number assigned by the kit manufacturer, to its evidence storage facility. The law enforcement agency shall store the forensic examination kit for ~~at least 90 days from the time of receipt~~ 8 years. If during that ~~90-day storage~~ period the alleged victim reports the offense to a law enforcement agency, the

investigating agency shall take possession of the forensic examination kit.

See title page for effective date.

CHAPTER 95

H.P. 258 - L.D. 333

**An Act To Amend the Laws
Governing Dangerous Dogs
and Nuisance Dogs To Allow
for Flexibility in Protection
Dog Training**

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

Sec. 1. 7 MRSA §3954, sub-§1, ¶A, as enacted by PL 2017, c. 404, §13, is repealed.

See title page for effective date.

CHAPTER 96

S.P. 109 - L.D. 368

**An Act To Redefine
Geographic Association for
Multiple-employer Welfare
Arrangements**

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

Sec. 1. 24-A MRSA §2808-B, sub-§2, ¶E, as corrected by RR 2011, c. 1, §40, is amended to read:

E. The superintendent may authorize a carrier to establish a separate community rate for an association group organized pursuant to section 2805-A or a trustee group organized pursuant to section 2806, as long as association group membership or eligibility for participation in the trustee group is not conditional on health status, claims experience or other risk selection criteria and all small group health plans offered by the carrier through that association or trustee group:

- (1) Are otherwise in compliance with the premium rate requirements of this subsection; and
- (2) Are offered on a guaranteed issue basis to all eligible employers that are members of the association or are eligible to participate in the trustee group except that a professional association may require that a minimum percentage of the eligible professionals employed by a subgroup be members of the association in order for the subgroup to be eligible for issu-

ance or renewal of coverage through the association. The minimum percentage must not exceed 90%. For purposes of this subparagraph, "professional association" means an association that:

- (a) Serves a single profession that requires a significant amount of education, training or experience or a license or certificate from a state authority to practice that profession;
- (b) Has been actively in existence for 5 years;
- (c) Has a constitution and bylaws or other analogous governing documents;
- (d) Has been formed and maintained in good faith for purposes other than obtaining insurance;
- (e) Is not owned or controlled by a carrier or affiliated with a carrier;
- (g) Has at least 1,000 members if it is a national association; 200 members if it is a state or local association;
- (h) All members and dependents of members are eligible for coverage regardless of health status or claims experience; and
- (i) Is governed by a board of directors and sponsors annual meetings of its members.

Producers may only market association memberships, accept applications for membership or sign up members in the professional association where the individuals are actively engaged in or directly related to the profession represented by the professional association.

Except for employers with plans that have grandfathered status under the federal Affordable Care Act, this paragraph does not apply to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2014 until December 31, 2019. To the extent permitted under the federal Affordable Care Act, this paragraph applies to policies, contracts or certificates that are executed, delivered, issued for delivery, continued or renewed in this State on or after January 1, 2020.

Sec. 2. 24-A MRSA §6603, sub-§1, ¶¶B and D, as amended by PL 2001, c. 570, §1, are further amended to read:

B. ~~Except for those associations meeting the criteria of subsection 1-A, must~~ Must be established by a trade association; industry association; as-