

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

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Sec. 1. 7 MRSA §3954, sub-§1, ¶A, as enacted by PL 2017, c. 404, §13, is repealed.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

sociation with employer members representing multiple trades, industries or professions; political subdivision of the State; religious organization; or professional association of employers or professionals that has a constitution or bylaws and that has been organized and maintained in good faith for a continuous period of one year for purposes other than that of obtaining or providing insurance;

D. May not be offered, advertised or available to employers or other members of the public generally, ~~except as allowed under subsection 1-A;~~

Sec. 3. 24-A MRSA §6603, sub-§1-A, as enacted by PL 2001, c. 570, §2, is repealed.

See title page for effective date.

CHAPTER 97

H.P. 249 - L.D. 324

An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses

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

Sec. 1. 15 MRSA §5821, sub-§7-A, ¶A, as enacted by PL 1999, c. 349, §2, is amended to read:

A. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner; ~~and~~

Sec. 2. 15 MRSA §5821, sub-§9, as enacted by PL 2007, c. 684, Pt. C, §2 and affected by Pt. H, §1, is amended to read:

9. Assets in human trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C;

Sec. 3. 15 MRSA §5821, sub-§§10 and 11 are enacted to read:

10. Assets in sex trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to an aggravated sex trafficking offense as defined in Title 17-A, section 852 or a sex trafficking offense as defined in Title 17-A, section 853; and

11. Assets in criminal forced labor offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a criminal forced labor offense as defined in Title 17-A, section 304 or an aggravated criminal forced labor offense as defined in Title 17-A, section 305.

Sec. 4. 15 MRSA §5826, sub-§1, as enacted by PL 1995, c. 421, §1, is amended to read:

1. Property subject to criminal forfeiture. Notwithstanding any other provision of law, a person convicted of a ~~violation of Title 17-A, chapter 45 crime that subjects the person to forfeiture of property under section 5821~~ forfeits to the State all rights, privileges, interests and claims to ~~that property that is subject to forfeiture pursuant to section 5821.~~ All rights, privileges, interest and title in property subject to forfeiture under this section vests in the State upon the commission of the act giving rise to forfeiture pursuant to section 5821.

Sec. 5. 15 MRSA §5826, sub-§2, as amended by PL 2015, c. 431, §33, is further amended to read:

2. Commencement of criminal forfeiture action. Property subject to forfeiture may be proceeded against by indictment of the grand jury or by complaint in the District Court in any related criminal proceeding in which a person with an interest in the property has been simultaneously charged with a ~~violation of Title 17-A, chapter 45 crime that subjects the person to forfeiture of property under section 5821.~~ At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that property is subject to criminal forfeiture. Discovery in the criminal action must be as provided for by the Maine Rules of Unified Criminal Procedure.

Sec. 6. 15 MRSA §5826, sub-§6, as amended by PL 2017, c. 460, Pt. F, §1, is further amended to read:

6. Final order of disposition of property; public education campaign. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record and following the court's disposition of all petitions for hearing timely filed by 3rd parties, the State has clear title to property that is the subject of the indictment, information or complaint. The final order must provide for the deposit of the property or the proceeds from the disposition of the property, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, in the General Fund, except that, to the extent that the court finds it reasonable, the court may order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture