

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

the fund. Funds not spent in any fiscal year remain in the fund to be used by the program. The assessments charged to transmission and distribution utilities under this subsection are just and reasonable costs for rate-making purposes. The commission may issue any appropriate orders to transmission and distribution utilities necessary to achieve the goals of this subsection.

4. Report. No later than January 15, 2022 and January 15, 2024, the trust shall submit a report on the program to the joint standing committee of the Legislature having jurisdiction over energy and utility matters. The report must include information on program implementation, total deposits into and expenditures from the fund, program activity and reductions in peak electricity demand, energy consumption and electricity costs achieved. After receiving the report due by January 15, 2024, the committee may report out a bill relating to the program to the Second Regular Session of the 131st Legislature.

5. Repeal; remaining funds. This section is repealed June 30, 2024. In the event funds in the fund are not expended or contracted for expenditure as of June 30, 2024, the commission shall ensure that the value of those funds is returned to electricity consumers.

Sec. 2. Rate design; proceeding; report. The Public Utilities Commission shall open a proceeding to examine rate design and related issues for electricity customers that have seasonal, limited-duration, concentrated load profiles, including but not limited to agricultural fairs, seasonal festivals and other similar entities. In this proceeding, the commission shall examine options for alternative rate design, with particular attention to electricity demand charges, and identify other types of electricity customers, in addition to agricultural fairs, that may benefit from a program similar to that established under the Maine Revised Statutes, Title 35-A, section 10124. No later than December 1, 2019, the commission shall submit a report on its findings and recommendations under this section to the Joint Standing Committee on Energy, Utilities and Technology. The committee may report out a bill to the Second Regular Session of the 129th Legislature based on the report.

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

Effective May 30, 2019.

**CHAPTER 170
H.P. 161 - L.D. 198**

**An Act To Require That
Nonmotorized Carriages Be
Equipped with Reflective Tape
and Lights**

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

Sec. 1. 29-A MRSA §1907, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Exceptions. This section does not apply to animal-drawn vehicles or unregistered farm tractors.

Sec. 2. 29-A MRSA §1909-C is enacted to read:

§1909-C. Animal-drawn vehicles

An animal-drawn vehicle operated on a public way during nighttime must be equipped with the following:

1. Light. An oil lantern or electric lights attached to the left side of the vehicle that displays a red light toward the rear of the vehicle and a white light toward the front of the vehicle; and

2. Reflective tape. Grade DOT-C2 white reflective tape as described in 49 Code of Federal Regulations, Section 571.108, in effect on March 26, 2019, applied to the vehicle as follows:

A. Seventy-two inches of reflective tape applied in segments that outline the rear frame of the vehicle;

B. Thirty-six inches of reflective tape on each side of the vehicle, applied in segments that outline the frame on each side with at least 2 segments applied to the upper borders; and

C. Forty-two inches of reflective tape applied in segments that outline the front frame of the vehicle.

See title page for effective date.

**CHAPTER 171
S.P. 61 - L.D. 249**

**An Act To Ensure Protection
of Patients in Medical Reviews
by Health Insurance Carriers**

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

Sec. 1. 24-A MRSA §4301-A, sub-§4, as enacted by PL 1999, c. 742, §3, is amended to read:

4. Clinical peer. "Clinical peer" means a physician or other licensed health care practitioner who holds a nonrestricted license in a state of the United States, is board certified in the same or similar specialty as typically manages the medical condition, procedure or treatment under review, or other physician or health care practitioner with demonstrable expertise necessary to review a case and whose compensation does not depend, directly or indirectly, upon the quantity, type or cost of the medical condition, procedure or treatment that the physician or other licensed health care practitioner approves or denies on behalf of a carrier.

Sec. 2. 24-A MRSA §4304, sub-§7 is enacted to read:

7. Requirements for an appeal of adverse health care treatment decision. An appeal of a carrier's adverse health care treatment decision must be conducted by a clinical peer. The clinical peer may not have been involved in making the initial adverse health care treatment decision unless additional information not previously considered during the initial review is provided on appeal. For the purposes of this subsection, "adverse health care treatment decision" does not include a carrier's rescission determination or a carrier's determination of initial coverage eligibility for coverage.

Sec. 3. Rules. Notwithstanding the Maine Revised Statutes, Title 24-A, section 4309, any rules adopted by the Bureau of Insurance to conform as necessary to this Act are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

**CHAPTER 172
H.P. 802 - L.D. 1079**

An Act To Authorize Public Schools To Periodically Test for Radon

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

Sec. 1. 20-A MRSA §4013 is enacted to read:

§4013. Radon

1. Testing. A school administrative unit may hire a person registered with the division of environmental health within the Department of Health and Human Services under the Radon Registration Act to test an occupied elementary school, secondary school or other building of the school administrative unit every 5 years for radon. The method of testing must be

consistent with testing standards established in rules adopted by the Department of Health and Human Services. The school administrative unit shall maintain, make available for review and notify parents, faculty and staff of test results under this subsection. The school administrative unit shall report radon test results to the Department of Education and the Department of Health and Human Services. No later than October 1, 2025, and every 5 years thereafter, the Department of Health and Human Services shall submit a report of the test results from all school administrative units to the Legislature and the Governor.

2. Funding. When funds are available, the department shall disburse money to school administrative units to use for radon testing. The department shall adopt rules to implement this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. New schools. A school administrative unit, when building a new elementary school, secondary school or other building, shall use radon-resistant new construction techniques consistent with rules adopted by the Department of Health and Human Services.

See title page for effective date.

**CHAPTER 173
H.P. 1106 - L.D. 1513**

An Act To Amend the Date by Which an Applicant for Funds under the Local Road Assistance Program Must Provide Certification to the Department of Transportation

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

Sec. 1. 23 MRSA §1804, as amended by PL 2011, c. 652, §8 and affected by §14, is further amended to read:

§1804. Municipal, county or Indian reservation requirements

To be eligible to receive funds from the Local Road Assistance Program, each municipality, county or Indian reservation shall, prior to ~~August 1st~~ November 1st each year, certify in a manner acceptable to the department that the funds are used in a manner consistent with this chapter.

See title page for effective date.