

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

See title page for effective date.

CHAPTER 180

H.P. 1179 - L.D. 1644

An Act To Clarify Conflict of Interest Requirements for the Board of Environmental Protection

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

Sec. 1. 38 MRSA §341-C, sub-§2, as amended by PL 2011, c. 304, Pt. H, §3, is further amended to read:

2. Qualifications and requirements. Members of the board must be chosen to represent the broadest possible public interest and experience that can be brought to bear on the administration and implementation of this Title and all other laws the board is charged with administering. At least 3 members must have technical or scientific backgrounds in environmental issues and no more than 4 members may be residents of the same congressional district. The boundaries of the congressional districts are defined in Title 21-A, chapter 15. A county commissioner, county employee, municipal official or municipal employee is not considered to hold an incompatible office for purposes of simultaneous service on the board. If a county or municipality is a participant in an adjudicatory proceeding before the board, a commissioner, official or employee from that county or municipality may not participate in that proceeding.

Sec. 2. 38 MRSA §341-C, sub-§8, as amended by PL 2011, c. 357, §3, is repealed and the following enacted in its place:

8. Federal standards. In accordance with federal standards, board member participation is limited by this subsection. For the purposes of this subsection, "a significant portion of income" means 10% or more of gross personal income for a calendar year, except that it means 50% or more if the recipient is over 60 years of age and is receiving that portion under retirement, pension or similar arrangement.

A. A board member may not participate in the review of or act on an application for a National Pollutant Discharge Elimination System permit or the modification, renewal or appeal of a permit under Section 402 of the Federal Water Pollution Control Act, 33 United States Code, Section 1342 if the board member receives, or during the previous 2 years has received, a significant portion of income directly or indirectly from license or permit holders or applicants for a license or permit under the National Pollutant Discharge Elimination System. Board members whose participation

is restricted under this paragraph shall recuse themselves and may not participate in any National Pollutant Discharge Elimination System matter as long as the restriction applies. The recusal must be from all National Pollutant Discharge Elimination System permitting, enforcement, establishment of waste load allocations and total maximum daily loads and establishment and implementation of water quality standards but not other Federal Water Pollution Control Act matters such as water quality certification. The restriction imposed by this paragraph may not be interpreted to be more restrictive than federal law or the regulations of the United States Environmental Protection Agency.

B. A board member may not participate in the review of or act on any permitting decision or enforcement order under the federal Clean Air Act, 42 United States Code, Section 7401, et seq. if the board member receives or derives a significant portion of that board member's income from persons subject to permits or enforcement orders under the federal Clean Air Act. Board members whose participation is restricted under this paragraph shall recuse themselves from all permitting and enforcement matters under the federal Clean Air Act. The restriction imposed by this paragraph may not be interpreted to be more restrictive than federal law or the regulations of the United States Environmental Protection Agency.

See title page for effective date.

CHAPTER 181

H.P. 955 - L.D. 1320

An Act To Require the Department of Environmental Protection To Provide Natural Resources Protection Act Permits to Affected Municipalities

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

Sec. 1. 38 MRSA §480-E, sub-§13 is enacted to read:

13. Information sharing with affected municipality. When the department issues or denies a permit or approves or denies a permit by rule under this article, the department shall provide a copy of the permitting decision or other authorization or denial to each municipality in which the proposed activity is to occur. The department may provide the information required under this subsection electronically.

See title page for effective date.

CHAPTER 182
H.P. 387 - L.D. 530

**An Act To Protect Medical
Payments Coverage for
Consumers**

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

Sec. 1. 24-A MRSA §2910-A, sub-§4 is enacted to read:

4. Coordination of benefits and assignment of medical payments coverage. The following provisions apply to coordination of benefits and assignment of medical payments coverage in a casualty insurance policy.

A. A carrier, as defined in section 4301-A, subsection 3, may not coordinate benefits against medical payments coverage in a casualty insurance policy and may not require medical payments coverage to be primary coverage over any health insurance policy.

B. Medical payments coverage in a casualty insurance policy is assignable only by agreement between the insured and the casualty insurer. Benefits under medical payments coverage must be applied as directed by the insured.

C. The insured has the right to submit a claim for medical expenses under medical payments coverage in a casualty insurance policy. The insured may also submit a claim for medical expenses under a health insurance policy, except that an insured is not entitled to duplicate payment from medical payments coverage and a health insurance policy for the same medical expense.

See title page for effective date.

CHAPTER 183
H.P. 326 - L.D. 417

**An Act To Allow an Attorney
To Use a Photocopied Driver's
License To Consummate a
Financial Transaction**

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

Sec. 1. 29-A MRSA §2103, sub-§4, ¶B, as enacted by PL 2003, c. 568, §1, is amended to read:

B. A driver's license solely for proof of identification for the consummation of a financial trans-

action conducted by either the driver or the driver's attorney;

See title page for effective date.

CHAPTER 184
H.P. 241 - L.D. 317

**An Act To Amend the Laws
Governing Appointees to the
Maine Labor Relations Board**

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

Sec. 1. 26 MRSA §968, sub-§1, as amended by PL 1991, c. 798, §6, is further amended to read:

1. Maine Labor Relations Board. The Maine Labor Relations Board, established by Title 5, section 12004-B, subsection 2, consists of 3 members and 6 alternates appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and to confirmation by the Legislature. The Governor, in making appointments, shall name one member and 2 alternates to represent employees, one member and 2 alternates to represent employers and one member and 2 alternates to represent the public. The member and alternates representing employees may not have worked in a management capacity or represented employer interests in any proceedings at any time during the prior 6 years. The member and alternates representing the public may not have worked in a management capacity or represented employer interests in any proceedings or have worked for a labor organization or served in a leadership role in a labor organization at any time during the prior 6 years. The member representing the public serves as the board's chair and the alternate representing the public serves as an alternate chair. Members of the board are entitled to compensation according to the provisions of Title 5, chapter 379. The alternates are entitled to compensation at the same per diem rate as the member that the alternate replaces. The term of each member and each alternate is 4 years, except that of the members and alternates first appointed, one member and 2 alternates are appointed for a term of 4 years, one member and 2 alternates are appointed for a term of 3 years and one member and 2 alternates are appointed for a term of 2 years. The members of the board, its alternates and its employees are entitled to receive necessary expenses. Per diem and necessary expenses for members and alternates of the board, as well as state cost allocation program charges, must be shared equally by the parties to any proceeding at which the board presides and must be paid into a special fund administered by the board from which all costs must be paid. The executive director may estimate costs upon receipt of a request for