

# 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.**

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**Augusta, Maine**  
**2019**

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

services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board, and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. At its discretion, the board may allocate all costs to a party that presents a frivolous complaint or defense or that commits a blatant violation of the applicable collective bargaining law. When the board meets on administrative or other matters that do not concern the interests of particular parties or when any board member presides at a prehearing conference, the members' per diem and necessary expenses must be paid from the board's regular appropriation for these purposes. The executive director and legal or professional personnel employed by the board are members of the unclassified service.

**Sec. 2. Application.** This Act applies to all appointments and reappointments to the Maine Labor Relations Board, pursuant to the Maine Revised Statutes, Title 26, section 968, of members and alternates commencing after the effective date of this Act.

See title page for effective date.

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## CHAPTER 185

### S.P. 89 - L.D. 277

#### An Act To Ban Telephone Solicitations Using an Artificial or Prerecorded Voice and Enhance Caller Identification

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

**Sec. 1. 10 MRSA §1498, sub-§1, ¶A-1** is enacted to read:

A-1. "Misleading or inaccurate caller identification information" includes, to the extent consistent with federal law, blocked caller identification information.

**Sec. 2. 10 MRSA §1498, sub-§2**, as enacted by PL 1989, c. 775, is amended to read:

**2. Prohibition.** A person may not use an automated telephone calling device or an artificial or prerecorded voice to make solicitation calls to:

A. Any emergency telephone numbers in this State including, but not limited to, the emergency telephone numbers of any hospital, physician, health care facility, ambulance service, or fire or law enforcement officer or facility;

B. Any paging or cellular phone within the State; ~~or~~

C. Any unlisted, unpublished, toll-free long distance or direct inward dial telephone number within the State; or

D. Any residential telephone number within the State.

**Sec. 3. 10 MRSA §1498, sub-§6**, as enacted by PL 1989, c. 775, is amended to read:

**6. Exceptions.** This section does not prohibit the use of an automated telephone calling device or an artificial or prerecorded voice to:

A. Inform purchasers of the receipt, availability or delivery of goods or services or any other pertinent information on the status of any purchased goods or services;

B. Respond to a telephone inquiry initiated by the person to whom the automated call or call using an artificial or prerecorded voice is directed; ~~or~~

C. Carry out the duties of any state or local governmental unit; or school administrative unit or private school;

D. Deliver an emergency message by a governmental entity;

E. Deliver information with the prior, written, express consent of the recipient of the call; or

F. Communicate with a business about reservations, purchases and other information for customers such as hours of operation, directions and merchandise availability.

**Sec. 4. 10 MRSA §1499-A, sub-§1, ¶D**, as enacted by PL 2003, c. 70, §1 and affected by §2, is amended to read:

D. "Telemarketing" means a plan, program or campaign that is conducted by use of one or more telephones or other telecommunications services, including interconnected voice over Internet protocol and text messaging, to induce the purchase of goods or services or a charitable contribution and that involves more than one intrastate telephone call. "Telemarketing" does not include the solicitation of sales through the mailing of a cata-