

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

CHAPTER 198
H.P. 615 - L.D. 841

**An Act To Amend the Laws
Governing Damages Awarded
for Wrongful Death**

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

Sec. 1. 18-C MRSA §2-807, sub-§2, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by Pt. F, §1, is amended to read:

2. Wrongful death action; damages; limitation. Every wrongful death action must be brought by and in the name of the personal representative or special administrator of the deceased person, and is distributable, after payment for funeral expenses and the costs of recovery including attorney's fees, directly to the decedent's heirs without becoming part of the probate estate, except as may be specifically provided in this subsection. The amount recovered in every wrongful death action, except as specifically provided in this subsection, is for the exclusive benefit of the deceased's heirs to be distributed to the individuals and in the proportions as provided in sections 2-102 and 2-103. The jury may give damages as it determines a fair and just compensation with reference to the pecuniary injuries resulting from the death. Damages are payable to the estate of the deceased person only if the jury specifically makes an award payable to the estate for reasonable expenses of medical, surgical and hospital care and treatment and for reasonable funeral expenses or, in the case of a settlement, the settlement documents specifically provide for such an allocation to the estate for the same. In addition, the jury may give damages not exceeding ~~\$500,000~~ \$750,000 for the loss of comfort, society and companionship of the deceased, including any damages for emotional distress arising from the same facts as those constituting the underlying claim, to the persons for whose benefit the action is brought. The jury may also give punitive damages not exceeding \$250,000. An action under this section must be commenced within 2 years after the decedent's death, except that if the decedent's death is caused by a homicide, the action may be commenced within 6 years of the date the personal representative or special administrator of the decedent discovers that there is a just cause of action against the person who caused the homicide. If a claim under this section is settled without an action having been commenced, the amount paid in settlement must be distributed as provided in this subsection. A settlement on behalf of minor children is not valid unless approved by the court, as provided in Title 14, section 1605.

See title page for effective date.

CHAPTER 199
H.P. 639 - L.D. 865

**An Act To Provide Funding for
Hunting Opportunities for
Disabled Veterans**

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

Sec. 1. 12 MRSA §10201, sub-§7 is enacted to read:

7. Donations for disabled veterans. The commissioner may accept money donated to support hunting opportunities in the State for disabled veterans. Any money donated to the department for this purpose must be transferred to the Department of Defense, Veterans and Emergency Management, Bureau of Maine Veterans' Services to be deposited into the Hunting Opportunities for Disabled Veterans Fund established in Title 37-B, section 516.

Sec. 2. 37-B MRSA §516 is enacted to read:

**§516. Hunting Opportunities for Disabled
Veterans Fund**

The Hunting Opportunities for Disabled Veterans Fund, referred to in this section as "the fund," is established as a nonlapsing fund administered by the director for the purpose of supporting hunting opportunities in the State for disabled veterans. The fund receives transfers to the fund in accordance with Title 12, section 10201, subsection 7. The director may also accept and deposit into the fund any monetary gifts, donations or other contributions from public or private sources for the purposes of the fund. To the extent funds are available in the fund, the director, with assistance from the Department of Inland Fisheries and Wildlife, shall request proposals for use of those funds from organizations that provide disabled veterans with hunting opportunities in the State and shall fund those proposals that, as determined by the director, will most effectively support the purposes of the fund. The Commissioner of Defense, Veterans and Emergency Management may adopt rules governing the process for accepting proposals and disbursing funds from the fund. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT, DEPARTMENT OF
Veterans Services 0110**

Initiative: Provides an ongoing allocation to establish the Hunting Opportunities for Disabled Veterans Fund to support hunting opportunities for disabled veterans.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

See title page for effective date.

**CHAPTER 200
S.P. 260 - L.D. 894**

An Act To Expressly Allow Nonprofit Corporations To Conduct Electronic Voting

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

Sec. 1. 13-B MRSA §604, sub-§2, as enacted by PL 1977, c. 525, §13, is amended to read:

2. Members to vote in person or by proxy; validity. A member entitled to vote may vote in person or, unless the articles of incorporation or the bylaws otherwise provide, may vote by proxy executed in writing by the member or by ~~his~~ the member's duly authorized attorney-in-fact. ~~No A proxy shall be is not~~ valid after 11 months from the date of its execution, unless otherwise provided in the proxy. Where directors or officers are to be elected by members, the bylaws may provide that such elections may be conducted by mail or by electronic transmission.

Sec. 2. 13-B MRSA §604, sub-§5 is enacted to read:

5. Voting by electronic transmission. The bylaws may provide, or the board of directors or members may determine, that some or all votes by members, as well as actions taken in accordance with section 606, may be conducted by electronic transmission under procedures established by the corporation. A vote conducted by electronic transmission must be filed with the minutes of members' meetings and has the same effect as an in-person vote or a vote by proxy.

See title page for effective date.

**CHAPTER 201
H.P. 731 - L.D. 976**

An Act To Require Additional Lead Screening for Children

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

Sec. 1. 22 MRSA §1315, sub-§5-C, as amended by PL 2015, c. 267, Pt. LLLL, §1, is further amended to read:

5-C. Lead poisoning. "Lead poisoning" means a confirmed elevated level of blood lead ~~that is injurious, as defined in rules adopted by the department using reference levels no higher than the 97.5th percentile of blood lead levels in children established by a national health and nutrition examination survey adopted by the federal Department of Health and Human Services, Centers for Disease Control and Prevention that is equal to or exceeds 5 micrograms per deciliter.~~

Sec. 2. 22 MRSA §1330 is enacted to read:

§1330. Report

The department shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters whenever the federal Department of Health and Human Services, Centers for Disease Control and Prevention adopts a new blood lead reference level based on the 97.5th percentile of blood lead levels in children established by a national health and nutrition examination survey.

See title page for effective date.

**CHAPTER 202
H.P. 740 - L.D. 985**

An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards and Adding the Equivalent in Standards Achievement

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

Sec. 1. 20-A MRSA §4722, as amended by PL 2017, c. 466, §§8 and 9, is further amended to read:

§4722. High school diploma standards

~~A secondary school shall provide a comprehensive program of instruction leading to a high school diploma as set out in section 4721. The commissioner shall develop rules for the transition between the requirements of this section and the parameters for es~~