

# 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**

Homestead Reimbursement	100,000
Miscellaneous Revenues	10,000
Transfer from Fund Balance	350,000
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TOTAL GENERAL REVENUE DEDUCTIONS	\$560,000
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Educational Revenue	
Land Reserved Trust	\$70,000
Tuition/School Transportation	80,000
United States Forestry Payment in Lieu of Taxes	5,000
Special - Teacher Retirement	230,000
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TOTAL EDUCATION REVENUE DEDUCTIONS	\$385,000
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TOTAL REVENUE DEDUCTIONS	\$945,000
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TAX ASSESSMENT BEFORE COUNTY TAXES and OVERLAY (Title 36 §1602)	\$27,424,486

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

Effective June 6, 2019.

**CHAPTER 213  
H.P. 321 - L.D. 412**

**An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18**

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

**Sec. 1. 20-A MRSA §15680-A, sub-§§1 and 2,** as enacted by PL 2017, c. 284, Pt. C, §35, are repealed.

**Sec. 2. 20-A MRSA §15680-A, sub-§4,** as enacted by PL 2017, c. 284, Pt. C, §35, is repealed and the following enacted in its place:

**4. Beginning in fiscal year 2020-21. Beginning in fiscal year 2020-21, the system administration allocation is \$135 per pupil.**

See title page for effective date.

**CHAPTER 214  
S.P. 157 - L.D. 492**

**An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act**

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

**Sec. 1. 14 MRSA §8107, sub-§1,** as amended by PL 1989, c. 327, is further amended to read:

**1. Notice requirements for filing.** Within ~~180~~ 365 days after any claim or cause of action permitted by this chapter accrues, or at a later time within the limits of section 8110, when a claimant shows good cause why notice could not have reasonably been filed within the ~~180-day~~ 365-day limit, a claimant or a claimant's personal representative or attorney shall file a written notice containing:

- A. The name and address of the claimant, and the name and address of the claimant's attorney or other representative, if any;
- B. A concise statement of the basis of the claim, including the date, time, place and circumstances of the act, omission or occurrence complained of;
- C. The name and address of any governmental employee involved, if known;
- D. A concise statement of the nature and extent of the injury claimed to have been suffered; and
- E. A statement of the amount of monetary damages claimed.

**Sec. 2. 14 MRSA §8107, sub-§2,** as amended by PL 2001, c. 249, §1, is further amended to read:

**2. Incapacity.** If the claimant is incapacitated and thereby prevented from presenting and filing the claim within the time prescribed or if the claimant is a minor, the claim may be presented and filed on behalf of the claimant by any relative, attorney or agent representing the claimant. If the claimant is a minor when the cause of action accrues, the notice may be present-

ed within 180 365 days of the minor's attaining 18 years of age.

**Sec. 3. Application.** This Act applies only to causes of action that accrue on or after January 1, 2020.

See title page for effective date.

**CHAPTER 215  
H.P. 642 - L.D. 868**

**An Act To Require That the  
Terms of a Settlement to  
Which a Governmental Entity  
is a Party Be Made Available to  
the Public**

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

**Sec. 1. 14 MRSA §8109, sub-§5** is enacted to read:

**5. Settlement agreement public record.** Except for information that is designated confidential by statute or that is not a public record under Title 1, section 402, subsection 3, a settlement agreement entered into by a governmental entity under this section, including a payment by an insurer of the governmental entity, is a public record.

See title page for effective date.

**CHAPTER 216  
S.P. 275 - L.D. 946**

**An Act To Protect the Privacy  
of Online Customer  
Information**

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

**Sec. 1. 35-A MRSA c. 94** is enacted to read:

**CHAPTER 94**

**BROADBAND INTERNET ACCESS SERVICE  
CUSTOMER PRIVACY**

**§9301. Privacy of broadband Internet access  
service customer personal information**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Broadband Internet access service" means a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet

endpoints, including any capabilities that are incidental to and enable the operation of the service, excluding dial-up Internet access service.

B. "Customer" means an applicant for or a current or former subscriber of broadband Internet access service.

C. "Customer personal information" means:

(1) Personally identifying information about a customer, including but not limited to the customer's name, billing information, social security number, billing address and demographic data; and

(2) Information from a customer's use of broadband Internet access service, including but not limited to:

(a) The customer's web browsing history;

(b) The customer's application usage history;

(c) The customer's precise geolocation information;

(d) The customer's financial information;

(e) The customer's health information;

(f) Information pertaining to the customer's children;

(g) The customer's device identifier, such as a media access control address, international mobile equipment identity or Internet protocol address;

(h) The content of the customer's communications; and

(i) The origin and destination Internet protocol addresses.

D. "Provider" means a person who provides broadband Internet access service.

**2. Privacy of customer personal information.** A provider may not use, disclose, sell or permit access to customer personal information, except as provided in subsections 3 and 4, Title 16, chapter 3, subchapters 10 and 11 and 18 United States Code, Section 2703.

**3. Customer consent exception.** Consent of a customer is governed by this subsection.

A. A provider may use, disclose, sell or permit access to a customer's customer personal information if the customer gives the provider express, affirmative consent to such use, disclosure, sale or access. A customer may revoke the customer's consent under this paragraph at any time.

B. A provider may not: