

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

UNIVERSITY OF MAINE SYSTEM, BOARD OF TRUSTEES OF THE

University of Maine Cooperative Extension Z172

Initiative: Allocates ongoing funds for the University of Maine Cooperative Extension to develop and revise training manuals for applicator licensing and recertification and to perform other aspects of pesticide education programs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$65,000	\$65,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$65,000	\$65,000

See title page for effective date.

CHAPTER 244

S.P. 421 - L.D. 1353

An Act To Establish Transparency in Primary Health Care Spending

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

Sec. 1. 24-A MRSA §6903, sub-§13-B is enacted to read:

13-B. Primary care. "Primary care" means regular check-ups, wellness and general health care provided by a provider with whom a patient has initial contact for a health issue, not including an urgent care or emergency health issue, and by whom the patient may be referred to a specialist.

Sec. 2. 24-A MRSA §6951, sub-§12 is enacted to read:

12. Primary care reporting. Beginning January 15, 2020 and annually thereafter, the forum shall submit to the Department of Health and Human Services and the joint standing committee of the Legislature having jurisdiction over health coverage and health insurance matters a report on primary care spending using claims data from the Maine Health Data Organization and information on the methods used to reimburse primary care providers requested annually from payors, as defined in Title 22, section 8702, subsection 8. The report must include:

A. Of their respective total medical expenditures, the percentage paid for primary care by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education As-

sociation benefits trust and the average percentage of total medical expenditures paid for primary care across all payors; and

B. The methods used by commercial insurers, the MaineCare program, Medicare, the organization that administers health insurance for state employees and the Maine Education Association benefits trust to pay for primary care.

Sec. 3. Maine Quality Forum to conduct health spending reporting study. The Maine Quality Forum, established in the Maine Revised Statutes, Title 24-A, section 6951, shall consult with other state and national agencies and organizations to determine the best practices for reporting spending on primary care services by insurers. For purposes of this section, "primary care" means regular check-ups, wellness and general health care provided by a health care provider with whom a patient has initial contact for a health issue, not including an urgent care or emergency health issue, and by whom the patient may be referred to a specialist.

See title page for effective date.

CHAPTER 245

S.P. 426 - L.D. 1371

An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators

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

Sec. 1. 30-A MRSA §3008, sub-§5, ¶¶B and C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

B. A line extension policy, which must specify a minimum density requirement of no more than 15 residences per linear strand mile of aerial cable for areas in which the cable system operator will make cable television service available to every residence;

C. A provision for renewal, the term of which may not exceed 15 years. A provision for automatic renewal or other provision for extending the initial term is prohibited. Franchise renewal is governed by section 3010, subsection 5-C;

Sec. 2. 30-A MRSA §3008, sub-§5, ¶D, as amended by PL 2007, c. 548, §1, is further amended to read:

D. Procedures for the investigation and resolution of complaints by the cable system operator; and

Sec. 3. 30-A MRSA §3008, sub-§5, ¶D-1 is enacted to read:

D-1. A provision for the use and support of public, educational and governmental access channels, which must be carried in the same manner and numerical location sequence as are the local broadcast channels originating from the State and carried on the cable television system pursuant to section 3010, subsection 5-A; and

Sec. 4. 30-A MRSA §3008, sub-§7, as enacted by PL 2007, c. 548, §1, is amended to read:

7. Model franchise agreement. The Department of Administrative and Financial Services, Office of Information Technology, or a successor state agency, referred to in this subsection as "the office," shall develop and may update and amend a model franchise agreement for use by any municipality and any cable system operator that mutually choose to adopt the model franchise agreement or any of its provisions. A cable system operator may not modify or amend the model franchise agreement without the consent of the municipality. The office shall make the model franchise agreement available on its publicly accessible website. In the development of the model franchise agreement, the office shall, at a minimum, consider the following issues:

- A. Franchise fees;
- B. Build-out requirements;
- C. Public, educational and governmental access channels and reasonable facility support for such channels;
- D. Customer service standards;
- E. The disparate needs of the diverse municipalities in this State; and
- F. The policy goal of promoting competition in the delivery of cable television service.

This subsection does not allow the office to establish prices for any cable television service or to regulate the content of cable television service.

Sec. 5. 30-A MRSA §3010, first ¶, as amended by PL 2007, c. 548, §2, is further amended to read:

This section applies to every franchisee. For purposes of this section, "franchisee" means a cable system operator that is granted a franchise by a municipality in accordance with section 3008. For purposes of this section, "cable system operator" and "cable television service" have the same meanings as in section 3008, except that "cable system operator" includes a multichannel video programming distributor as defined in 47 United States Code, Section 522(13). For

purposes of this section, "originator" means a local unit of government or the entity to which a local unit of government has assigned responsibility for managing public, educational and governmental access channels.

Sec. 6. 30-A MRSA §3010, sub-§§5-A, 5-B and 5-C are enacted to read:

5-A. Public, educational and governmental access channels. A cable system operator shall carry public, educational and governmental access channels on the cable system operator's basic cable or video service offerings or tiers. A cable system operator may not separate public, educational and governmental access channels numerically from other local broadcast channels carried on the cable system operator's basic cable or video service offerings or tiers and, in the event of a franchise license transfer, shall use the same channel numbers for the public, educational and governmental access channels as used for those channels by the incumbent cable system operator, unless prohibited by federal law. After the initial designation of public, educational and governmental access channel numbers, a cable system operator may not change the channel numbers without the agreement of the originator, unless the change is required by federal law.

A cable system operator shall restore a public, educational or governmental access channel that has been moved without the consent of the originator within the 24 months preceding the effective date of this subsection to its original location and channel number within 60 days after the effective date of this subsection.

5-B. Transmission. A cable system operator shall retransmit public, educational and governmental access channel signals in the format in which they are received from the originator and at the same signal quality as that provided to all subscribers of the cable television service for local broadcast channels. A cable system operator may not diminish, down convert or otherwise tamper with the signal quality or format provided by the originator. A cable system operator shall deliver a public, educational or governmental access channel signal to the subscriber in a quality and format equivalent to the quality and format of local broadcast channel signals carried on the cable television service if provided as such by the originator. A cable system operator shall carry each public, educational or governmental access channel in both a high definition format and a standard digital format in the same manner as that in which local broadcast channels are provided, unless prohibited by federal law.

A cable system operator, when requested, shall assist in providing the originator with access to the entity that controls the cable television service's electronic program guide so that subscribers may view, select and record public, educational and governmental access channels in the same manner as that in which they

view, select and record local broadcast channels. In addition, a cable system operator shall identify public, educational and governmental access channels on the electronic program guide in the same manner as that in which local broadcast channels are identified. This subsection does not obligate a cable system operator to list public, educational and governmental access channel content on channel cards and channel listings. If channels are selected by a viewer through a menu system, the cable system operator shall display the public, educational and governmental access channels' designations in a similar manner as that in which local broadcast channel designations are displayed.

A cable system operator shall make available to the originator a toll-free telephone number with a direct line to a service technician who is familiar with the signal path and equipment associated with public, educational and governmental access channels on the cable television system for resolution of a signal quality problem.

5-C. Franchise renewals. The franchise renewal process must be conducted in compliance with 47 United States Code, Section 546 and this subsection.

A. A cable system operator shall maintain adequate personnel and resources to respond to municipal requests for renewal information in a timely manner. Failure to respond in a timely manner is a violation of the Maine Unfair Trade Practices Act.

B. If an automatic renewal provision exists in a franchise agreement on the effective date of this subsection, the automatic renewal provision remains in effect until that franchise agreement expires. The cable system operator shall notify the franchising authority of the automatic renewal no later than 36 months in advance of the expiration of the franchise.

C. A municipality may require maps, diagrams, annual reports and franchise fee statements at renewal, which the cable system operator shall make available upon reasonable notice. If information is proprietary, the municipality may execute a nondisclosure agreement with the cable system operator.

Sec. 7. Automatic renewal. Notwithstanding the Maine Revised Statutes, Title 30-A, section 3010, subsection 5-C, paragraph B, an automatic renewal provision in a franchise agreement in effect between a municipality and a cable system operator on the effective date of this Act remains in effect if the renewal date is less than 36 months after the effective date of this Act.

See title page for effective date.

CHAPTER 246 H.P. 1024 - L.D. 1411

An Act Regarding the Federal Workforce Innovation and Opportunity Act

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

Sec. 1. 26 MRSA §2001, sub-§4-A is enacted to read:

4-A. State workforce development plan. "State workforce development plan" means a state plan under the Workforce Innovation and Opportunity Act.

Sec. 2. 26 MRSA §2004-A, as amended by PL 2017, c. 110, §13, is further amended by adding at the end a new paragraph to read:

The State Workforce Board shall submit the state workforce development plan to the joint standing committee of the Legislature having jurisdiction over labor matters for the committee's review at the same time the plan is posted for public comment pursuant to the Workforce Innovation and Opportunity Act.

Sec. 3. 26 MRSA §2006, sub-§2, as amended by PL 2017, c. 110, §15, is repealed.

Sec. 4. 26 MRSA §2006, sub-§2-A is enacted to read:

2-A. Membership. The board consists of the Governor and, at a minimum, the following members:

A. Representatives from business and industry, representatives from organized labor and representatives of other interests as determined by the Governor. These appointments are subject to review by the joint standing committee of the Legislature having jurisdiction over labor matters and confirmation by the Legislature; and

B. The following ex officio members:

(1) County commissioners designated by local boards appointed by the Governor;

(2) The Commissioner of Labor or the commissioner's designee;

(3) The Commissioner of Education or the commissioner's designee;

(4) The Commissioner of Economic and Community Development or the commissioner's designee; and

(5) Other state, county or municipal officials as the Governor considers necessary appointed by the Governor.

The appointments of these members are not subject to review by the joint standing committee of