

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

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

the Legislature having jurisdiction over labor matters or confirmation by the Legislature.

Appointments must be consistent with the representation requirements of the Workforce Innovation and Opportunity Act. The Governor shall ensure that the board has sufficient expertise to effectively carry out the duties and functions of the board. Members must represent diverse geographic areas of the State, including urban, rural and suburban areas.

Sec. 5. 26 MRSA §2006, sub-§3, as enacted by PL 1997, c. 410, §12 and affected by §13, is amended to read:

3. Terms of members. One third of the initial appointees shall serve for a one-year term, 1/3 of the initial appointees shall serve for a 2-year term and 1/3 shall serve for a 3-year term. All subsequent appointees shall serve 3-year terms. An appointee continues to serve until that appointee has been reappointed or a successor has been appointed.

Sec. 6. 26 MRSA §2007, as amended by PL 2017, c. 110, §20, is further amended to read:

§2007. Funding

Funds received from the United States pursuant to the Workforce Innovation and Opportunity Act must be deposited in the Employment Services Activity program account within the Department of Labor. Funds must be deposited, administered and disbursed in the same manner and under the same conditions and requirements as provided by law for other federal funds in the State Treasury in accordance with Title 2, section 4. The Governor shall make federal funds available to the local boards to be used to implement the Workforce Innovation and Opportunity Act within 30 days after the date the funds are made available to the Governor, in accordance with state procurement rules and the federal Cash Management Improvement Act of 1990. The commissioner shall ensure that management and use of the federal funds comply with the requirements of the Workforce Innovation and Opportunity Act. Federal funds in the account do not lapse but must be carried forward to be used to implement the Workforce Innovation and Opportunity Act.

Sec. 7. Transition. Notwithstanding the Maine Revised Statutes, Title 26, section 2006, subsection 2-A, members of the State Workforce Board serving on the effective date of this Act continue to serve until the end of the members' terms.

Sec. 8. Application. That section of this Act that enacts the Maine Revised Statutes, Title 26, section 2006, subsection 2-A applies to all appointments and reappointments of members to the State Workforce Board, pursuant to Title 26, section 2006, commencing after the effective date of this Act.

See title page for effective date.

CHAPTER 247 H.P. 1027 - L.D. 1414

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Penalties for Violations of the Freedom of Access Act

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

Sec. 1. 1 MRSA §410, as repealed and replaced by PL 1987, c. 477, §6, is repealed and the following enacted in its place:

§410. Violations

1. Civil violation. An officer or employee of a state government agency or local government entity who willfully violates this subchapter commits a civil violation.

2. Penalties. A state government agency or local government entity whose officer or employee commits a civil violation described in subsection 1 is subject to:

A. A fine of not more than \$500 for a civil violation described in subsection 1;

B. A fine of not more than \$1,000 for a civil violation described in subsection 1 that was committed not more than 4 years after a previous adjudication of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity; or

C. A fine of not more than \$2,000 for a civil violation described in subsection 1 that was committed not more than 4 years after 2 or more previous adjudications of a civil violation described in subsection 1 by an officer or employee of the same state government agency or local government entity.

See title page for effective date.

CHAPTER 248 S.P. 444 - L.D. 1459

An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products

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

Sec. 1. 13 MRSA §1774, sub-§6-A, as enacted by PL 1971, c. 502, is amended to read: