

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

4. Beneficial ownership. For purposes of this section, a person is the beneficial owner of shares or equity interests if the shares or equity interests are held in a voting trust or by a nominee on behalf of the beneficial owner.

SUBCHAPTER 4
TRANSPARENCY

§1831. Preparation of annual benefit report

1. Contents. A benefit corporation shall prepare an annual benefit report including:

A. A narrative description of:

(1) The ways in which the benefit corporation pursued general public benefit during the year and the extent to which general public benefit was created;

(2) The ways in which the benefit corporation pursued a specific public benefit that the articles of incorporation state it is the purpose of the benefit corporation to create and the extent to which that specific public benefit was created;

(3) Any circumstances that have hindered the creation by the benefit corporation of general public benefit or a specific public benefit; and

(4) The process and rationale for selecting or changing the 3rd-party standard used to prepare the benefit report;

B. An assessment of the overall social and environmental performance of the benefit corporation against a 3rd-party standard:

(1) Applied consistently with any application of that standard in prior benefit reports; or

(2) Accompanied by an explanation of the reasons for any inconsistent application or the change to that standard from the one used in the immediately prior report;

C. The name of the benefit director and the benefit officer, if any, and the address to which correspondence to each of them may be directed;

D. The compensation paid by the benefit corporation during the year to each director in the capacity of a director;

E. The statement of the benefit director described in section 1822, subsection 3; and

F. A statement of any connection between the organization that established the 3rd-party standard, or its directors, officers or any holder of 5% or more of the governance interests in the organization, and the benefit corporation, or its directors, officers or any holder of 5% or more of the outstanding shares of the benefit corporation, includ-

ing any financial or governance relationship that might materially affect the credibility of the use of the 3rd-party standard.

2. Change of benefit director. If, during the year covered by a benefit report, a benefit director resigned from or refused to stand for reelection to the position of benefit director, or was removed from the position of benefit director, and the benefit director furnished the benefit corporation with any written correspondence concerning the circumstances surrounding the resignation, refusal or removal, the benefit report must include that correspondence as an exhibit.

3. Audit not required. Neither the benefit report nor the assessment of the performance of the benefit corporation in the benefit report required by subsection 1, paragraph B needs to be audited or certified by a 3rd party.

§1832. Availability of annual benefit report

1. Timing of report. A benefit corporation shall send its annual benefit report to each shareholder on the earlier of:

A. One hundred and twenty days following the end of the fiscal year of the benefit corporation; and

B. At the same time the benefit corporation delivers any other annual report to its shareholders.

2. Website posting. A benefit corporation shall post all of its annual benefit reports on the public portion of its website. The compensation paid to directors and financial or proprietary information included in the benefit reports may be omitted from the annual benefit reports as posted.

3. Availability of copies. If a benefit corporation does not have a website, the benefit corporation shall provide a copy of its most recent annual benefit report, without charge, to any person that requests a copy, but the compensation paid to directors and financial or proprietary information included in the annual benefit report may be omitted from the copy of the annual benefit report provided.

See title page for effective date.

CHAPTER 329

H.P. 660 - L.D. 886

**An Act To Protect Search and
Rescue Volunteers Certified by
the Maine Association for
Search and Rescue from
Adverse Employment Actions**

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

Sec. 1. 26 MRSA c. 7, sub-c. 4-D is enacted to read:

SUBCHAPTER 4-D

**SEARCH AND RESCUE VOLUNTEERS;
ABSENCE FROM WORK**

§810. Absence for emergency response

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

A. "Employer" means any private or public employer, including the State and political subdivisions of the State.

B. "Recognized organization" means a nonprofit search and rescue organization recognized by the Department of Inland Fisheries and Wildlife, Bureau of Warden Service.

C. "Search and rescue" means a search, rescue or search and rescue.

D. "Search and rescue volunteer" means a person who is certified in search and rescue practices and procedures by a recognized organization.

2. Prohibition against discharge or disciplinary action. An employer may not discharge or take any other disciplinary action against or otherwise discriminate against an employee because of the employee's failure to report for work at the beginning of the employee's regular working hours or the employee's absence during the employee's regular working hours if the employee's failure to report or absence was because the employee was responding to a search and rescue operation requested by a law enforcement agency in the employee's capacity as a search and rescue volunteer and the employee reported for work as soon as reasonably possible after being released from the search and rescue operation. An employer may charge the lost time against the employee's regular pay or against the employee's available leave time. This subsection does not apply to the absence of an employee if the employee has been designated as essential by the employer pursuant to subsection 6.

3. Notification; verification. An employee responding as a search and rescue volunteer to a search and rescue operation, the employee's designee or the search and rescue operation supervisor shall make every effort to immediately notify the employer that the employee may be late arriving to work or absent from work as a result of responding to a search and rescue operation requested by a law enforcement agency prior to or during the employee's regular working hours. At the request of an employer, an employee losing work time as provided in subsection 2 shall provide the employer with a statement from the official in charge of the recognized organization, the official's designee or a law enforcement official responsi-

ble for the search and rescue operation verifying that the employee was responding to a search and rescue operation and specifying the date and time of release from the operation.

4. Enforcement; penalty for violation. If an employer has violated subsection 2, the employee may bring an action in Superior Court in the county in which the employee resides or in the county in which the employer's place of business is located. The action must be brought within one year of the date of the alleged violation. If the court finds that the employer violated subsection 2 and if the employee so requests, the court shall order the employer to reinstate the employee in the employee's former position without reduction of pay, seniority or other benefits. The court also shall order any other appropriate remedy necessary to return the employee to the position the employee would have been in had the employer not violated subsection 2, including payment of back pay and reinstatement of any other benefits lost during the period in which the discharge or disciplinary action was in effect.

5. Individual agreements. This section does not apply if the employer and the employee have entered into a written agreement, signed by the employer and the employee, that governs procedures to be followed when the employee is called to respond to a search and rescue operation as a search and rescue volunteer.

6. Designation as essential. Upon receiving notice of an employee's search and rescue volunteer status, an employer may designate the employee essential to the employer's operations if the absence of the employee would cause significant disruption of the employer's business. This designation must be made in writing and signed by both the employee and the employer.

7. Information to be filed by the employee with the employer. This section applies only if:

A. The recognized organization in charge of calling out search and rescue volunteers has a written policy that:

(1) Specifies the circumstances under which search and rescue volunteers will be ordered to remain at a search and rescue operation; and

(2) Affirms that search and rescue volunteers will be released as soon as practicable; and

B. The employee presents a copy of the policy described in paragraph A to the employer upon notifying the employer of the employee's status as a search and rescue volunteer, within 30 days of employment or within 180 days of the effective date of this subsection.

An employee shall notify the employer of any change to the employee's status as a search and rescue volun-

teer, including termination of that status within 30 days of the change.

See title page for effective date.

CHAPTER 330
H.P. 921 - L.D. 1260

**An Act Regarding Short-term,
Limited-duration Health Plans**

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

Sec. 1. 24-A MRSA §2736-C, sub-§1, ¶C, as amended by PL 2011, c. 238, Pt. D, §1, is further amended to read:

C. "Individual health plan" means any hospital and medical expense-incurred policy or health, hospital or medical service corporation plan contract. It includes both individual contracts and certificates issued under group contracts specified in section 2701, subsection 2, paragraph C. "Individual health plan" does not include the following types of insurance:

- (1) Accident;
- (2) Credit;
- (3) Disability;
- (4) Long-term care or nursing home care;
- (5) Medicare supplement;
- (6) Specified disease;
- (7) Dental or vision;
- (8) Coverage issued as a supplement to liability insurance;
- (9) Workers' compensation;
- (10) Automobile medical payment;
- (11) Insurance under which benefits are payable with or without regard to fault and that is required statutorily to be contained in any liability insurance policy or equivalent self-insurance; or
- (12) Short-term, limited-duration policies, as described in section 2849-B, subsection 1.

Sec. 2. 24-A MRSA §2849-B, sub-§1, as amended by PL 2011, c. 90, Pt. G, §1, is further amended to read:

1. Policies subject to this section. This section applies to all individual, group and blanket medical insurance policies except hospital indemnity, specified accident, specified disease, long-term care and short-term, limited-duration policies issued by insurers or

health maintenance organizations. For purposes of this section, a short-term, limited-duration policy is an individual, nonrenewable policy issued for a term that ~~is less than 12 months~~ does not extend beyond December 31st of the calendar year in which the policy is issued. This section does not apply to Medicare supplement policies as defined in section 5001, subsection 4.

Sec. 3. 24-A MRSA §2849-B, sub-§2, as amended by PL 2007, c. 199, Pt. D, §4, is further amended to read:

2. Persons provided continuity of coverage. Except as provided in subsection 3, this section provides continuity of coverage for a person who seeks coverage under an individual, group or blanket insurance policy or health maintenance organization policy if:

A. That person was covered under an individual, group or blanket contract or policy issued by a nonprofit hospital or medical service organization, insurer; or health maintenance organization or was covered under an uninsured employee benefit plan that provides payment for health services received by employees and their dependents or a governmental program, including, but not limited to, those listed in section 2848, subsection 1-B, paragraph A, subparagraphs (3) to (10). For purposes of this section, the individual, group or blanket policy under which the person is seeking coverage is the "succeeding policy." The group, blanket or individual contract or policy, uninsured employee benefit plan or governmental program that previously covered the person is the "prior contract or policy"; and

B. Coverage under the prior contract or policy terminated:

(1) Within 180 days before the date the person enrolls or is eligible to enroll in the succeeding contract if:

(a) Coverage was terminated due to unemployment, as defined in Title 26, section 1043;

(b) The person was eligible for and received unemployment compensation benefits for the period of unemployment, as provided under Title 26, chapter 13; and

(c) The person is employed at the time replacement coverage is sought under this provision; or

(2) Within 90 days before the date the person enrolls or is eligible to enroll in the succeeding contract.