

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

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2019

examinations may not be taken until the applicant has completed a period of engineering experience as set forth in section 1352-A.

The passing grade on any examination is established by the ~~board~~ national council. ~~If an applicant receives a failing grade on the principles and practices of engineering examination, that applicant may be readmitted to 2 subsequent examinations. An applicant who fails to complete the application process within 5 years, or who fails the principles and practices of engineering examination a 3rd time must reapply to the board, meet qualification requirements that are in effect at the time of the new application and present 3 new references and new updated documentation for each subsequent request for reexamination satisfactory to the board that the applicant has acquired additional education and experience and is prepared to retake the examination. Upon approval by the board, that applicant may be permitted to retake the examination of engineering work experience.~~

Sec. 17. 32 MRSA §1356, last ¶, as amended by PL 2005, c. 315, §23, is further amended to read:

The board, for reasons it may determine sufficient, may reissue a license to a professional engineer or a certificate to an engineer-intern to any person whose license or certificate has been revoked, ~~provided that as long as~~ 4 or more members of the board vote in favor of that reissuance. A new license as a professional engineer or certificate as an engineer-intern, to replace any license or certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board and a ~~charge~~ fee established by the board.

Sec. 18. 32 MRSA §1361, 2nd ¶, as amended by PL 2013, c. 296, §7, is further amended to read:

A retired licensee may retain but not use the seal and may not practice engineering. A retired licensee may apply for reinstatement to active status in accordance with section 1357 and after completing ~~continuing education~~ professional development requirements according to board rules.

Sec. 19. 32 MRSA §1362, as amended by PL 2005, c. 315, §27, is further amended to read:

§1362. Professional development

1. Requirement for renewal. Beginning with registrations or licenses that expire in December 2005, every person seeking renewal under section 1357 must provide evidence satisfactory to the board that the person has completed 30 ~~continuing~~ professional education development hours within the period for which the registration or license was issued.

2. Failure to meet requirement. The board may not renew a license of an applicant who fails to meet the ~~continuing~~ professional education development requirements under subsection 1. If an applicant sub-

sequently fulfills the requirement after the license has expired, the board may renew the license for the remainder of the 2-year period for which a renewal would have been valid but for the applicant's failure to meet the ~~continuing~~ professional education development requirement.

3. Review; monitoring. The board shall review and monitor compliance with the ~~continuing~~ professional education development requirement under subsection 1.

4. Exemptions. Notwithstanding any other provisions of this chapter, the board or a 3-person committee of the board may allow an exemption or a partial exemption of the requirements of this section to a person seeking renewal under section 1357 upon the showing of an extenuating situation, hardship or disability.

See title page for effective date.

CHAPTER 376

S.P. 606 - L.D. 1793

An Act To Update the Laws Governing Personal Vehicle Rental Coverage

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

Sec. 1. 24-A MRSA §2927, sub-§1, ¶D, as enacted by PL 1991, c. 335, is amended to read:

D. "Private passenger motor vehicle" ~~means a motor vehicle of the~~ includes a private passenger, sedan, station wagon or private passenger minivan type automobile, a sport utility vehicle, a pickup truck and a van, as defined in rule.

Sec. 2. 24-A MRSA §2927, sub-§5 is enacted to read:

5. Rulemaking. The superintendent shall adopt rules as necessary to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 377

H.P. 1286 - L.D. 1806

An Act To Amend the Laws Governing Veterans' Services

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

Sec. 1. 37-B MRSA §501, first ¶, as amended by PL 2015, c. 465, Pt. A, §2, is further amended to read:

The Maine Bureau of ~~Maine~~ Veterans' Services, referred to in this chapter as the "bureau," is established and shall provide informational services, program assistance, memorial facilities and financial aid to veterans in the State and their dependents in order to ensure that they receive all entitlements due under the law, are relieved to the extent possible of financial hardship, receive every opportunity for self-improvement through higher education and are afforded proper recognition for their service and sacrifice to the Nation. The bureau shall serve as the primary source of information for veterans in the State regarding all services, benefits and honors administered by the State and, to the maximum extent possible, services and benefits provided by the United States Department of Veterans Affairs, veterans' service organizations and other organizations dedicated to serving veterans.

Sec. 2. 37-B MRSA §504, sub-§3, ¶B, as amended by PL 1997, c. 455, §22, is further amended to read:

B. The immediate area surrounding the monument must be prepared and reserved as a suitable place for commemorating Memorial Day and other appropriate observances. The remaining grounds must be laid out in a ~~wheel-like pattern around the monument~~ manner suitable to the topography of the land, expanding from the center ~~as required when possible~~. Suitable buildings may be erected for purposes the director determines necessary.

Sec. 3. 37-B MRSA §504, sub-§3, ¶C, as repealed and replaced by PL 2007, c. 167, §2, is amended to read:

C. All nongreen burial section grave markers must be flat-type granite or 42-inch upright white marble grave markers as furnished by the United States Department of Veterans Affairs, National Cemetery Administration. Grave markers for a green burial section must be granite as furnished by the National Cemetery Administration. All boxes caskets used for burial in nongreen burial sections must be protected with permanent vaults. Permanent vaults must be reinforced and properly cured and match pounds per square inch specifications imposed by the National Cemetery Administration. Vaults may be either water-resistant or waterproof or have drain holes in their liner boxes as long as they meet the stated specifications. Headstones and vaults are not provided at state expense. The process of a burial in a green burial section may not include the use of embalming fluids and must use a shroud made of natural biodegradable fabric, and the decedent must be strapped

onto a wooden board of appropriate size or placed in a wicker casket or a wooden casket that has been assembled with wooden dowels and contains no metal.

Sec. 4. 37-B MRSA §505, sub-§2, ¶A, as amended by PL 2017, c. 108, §6, is further amended to read:

A. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Child" means a natural child whose mother or father is or was a veteran or a child who was adopted prior to turning 18 years of age and whose adoptive mother or father is or was a veteran and who:

- (a) Is at least 16 years of age;
- (b) Has graduated from high school; and
- (c) Enrolled in a degree program and was awarded benefits under this subsection prior to the child's 22nd birthday. If the child is unable to enroll in a degree program prior to turning 22 years of age due to service in the United States Armed Forces, then the child may apply to begin this benefit until reaching 26 years of age. Other requirements must be met as described in paragraph F.

"Child" includes a stepchild whose parent is married to an eligible veteran for at least 5 years and remains married to the veteran during the period for which benefits are received.

The director may waive the requirements of this subparagraph when the director determines that there are special and extenuating circumstances that may have a negative effect on a dependent.

(2) "Spouse" means the person currently legally married to a living veteran or the unmarried widow or widower of a deceased veteran, not previously divorced from that veteran.

Awards under the educational benefits program are authorized to provide benefits to only one spouse per veteran.

(3) "Veteran" means any person who served in the military or naval forces of the United States and entered the service from this State or has been a resident of this State for 5 years immediately preceding application for aid and, if living, continues to reside in this State throughout the duration of benefits administered under the educational benefits program and who:

- (a) Has a total permanent disability resulting from a service-connected disability as a result of service;
- (b) Was killed in action;
- (c) Died from a service-connected disability as a result of service;
- (d) At the time of death was totally and permanently disabled due to service-connected disability, but whose death was not related to the service-connected disability; or
- (e) Is a member of the Armed Forces on active duty who has been listed for more than 90 days as missing in action, captured or forcibly detained or interned in the line of duty by a foreign government or power.

The continuous residency requirement of this subparagraph does not apply to a person who is receiving educational benefits under this chapter on or before January 1, 2006.

Sec. 5. 37-B MRSA §505, sub-§2, ¶F, as amended by PL 2013, c. 569, §3, is further amended to read:

F. A child of a veteran who is attending state-supported postsecondary vocational schools or institutions of collegiate grade must be admitted free of tuition including mandatory fees and lab fees for ~~associate certificate programs, associate degree programs~~ and bachelor's ~~degree~~ programs. The tuition waiver provided under this paragraph may not exceed the cost of 120 undergraduate credit hours at the in-state tuition rate at the University of Maine campus located at Orono and may be reduced by an amount necessary to ensure that the value of this waiver, combined with all other grants and benefits received by the student, does not exceed the total cost of education. Room and board may not be waived. A child of a veteran has 6 10 academic years from the date of first entrance to complete 120 credit hours. For degree programs that require more than 120 credit hours, the state-supported postsecondary vocational school or institution of collegiate grade may grant a tuition waiver beyond 120 credit hours. If such a waiver is granted, the state-supported postsecondary vocational school or institution of collegiate grade shall notify the director. The director may waive the limit of 6 10 consecutive academic years when the recipient's education has been interrupted by severe medical disability, learning disability, illness or other hardship, making continued attendance impossible, however, the extension may not exceed 2 academic years. Students

must maintain at least a 2.0 or "C" grade point average to continue receiving educational benefits. If a student's grade point average falls below 2.0 or a "C," then the student has one semester to bring the grade point average up to at least 2.0 or a "C." If after that semester the student's grade point average is below 2.0 or a "C," the student loses educational benefits under this paragraph until the student achieves a grade point average of at least 2.0 or a "C."

Sec. 6. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "bureau of Maine veterans' services" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Maine bureau of veterans' services" or "bureau" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 378

S.P. 611 - L.D. 1810

An Act To Amend the Jurisdiction of Certain Reviews Conducted Pursuant to the State Government Evaluation Act

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

Sec. 1. 3 MRSA §959, sub-§1, ¶C, as amended by PL 2013, c. 588, Pt. E, §1 and affected by §2 and amended by PL 2015, c. 429, §23, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2021;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters, in 2015;
- (19) Department of Economic and Community Development in 2021;
- (23) Maine State Housing Authority in 2015;
- (32) Finance Authority of Maine in 2017; and
- ~~(36) Board of Dental Practice in 2019;~~