

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

Sec. 1. 22 MRSA §1580-L, sub-§10, as enacted by PL 2003, c. 439, §1, is repealed and the following enacted in its place:

10. Disclosure of information. Notwithstanding any provision of law to the contrary, the Department of Administrative and Financial Services, Bureau of Revenue Services is authorized to disclose to the Attorney General any tax information received by the Bureau of Revenue Services and requested by the Attorney General for purposes of determining compliance with and enforcing the provisions of this section. The Attorney General may share any information received under this section, other than information received from the Bureau of Revenue Services, with:

A. Federal, state or local agencies but only for purposes of enforcement of this section, subchapter 3 or corresponding laws of other states; and

B. Courts, arbitrators, data clearinghouses or similar entities for the purpose of assessing compliance with, resolving disputes arising under or making calculations required by the Master Settlement Agreement or agreements resolving disputes arising under the Master Settlement Agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential.

The Attorney General shall provide notice to the Department of Administrative and Financial Services, Bureau of Revenue Services of those persons certified under this section.

See title page for effective date.

CHAPTER 382

S.P. 619 - L.D. 1829

An Act Regarding Insurance Licensees

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

Sec. 1. 24-A MRSA §601, sub-§32 is enacted to read:

32. Surplus lines. Surplus lines authority fees may not exceed:

A. Issuance fee for surplus lines authority, \$150.

Sec. 2. 24-A MRSA §1417, as amended by PL 2001, c. 259, §§19 to 21, is further amended to read:

§1417. Suspension; revocation; cancellation; refusal of license

1. Suspension, revocation, probation, denial. Notwithstanding Title 5, chapter 375, subchapter VI, the superintendent may, after notice and opportunity

for hearing, deny, revoke, suspend, place on probation or limit the permissible activities under any license issued under this chapter, including business entity licenses, or any surplus lines broker license if the superintendent finds that, as to the applicant or licensee, any of the causes exist that are listed in section 1420-K, and that for purposes of this section apply to adjusters and consultants as well as producers.

1-A. Nonresident licensing, loss of home state authority. The superintendent may verify the home state license status of any nonresident licensee through the producer database maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries or any successor, or by contacting the licensee's home state regulator. If a nonresident licensee's license or authority in the licensee's home state is no longer active, whether as a result of suspension, revocation, termination, lapse, voluntary surrender or other action by the home state regulator, the superintendent may cancel the nonresident licensee's license or authority granted pursuant to section 1420-G, section 1427-A, subsection 1 or section 1477 30 days after the final action taken with respect to the home state license.

3. Voluntary surrender. The superintendent may, after notice and opportunity for a hearing under this section, deem the license suspended or revoked of a previously licensed person who voluntarily surrendered an insurance license.

Sec. 3. 24-A MRSA §1476, sub-§1, as enacted by PL 1997, c. 592, §43, is amended to read:

1. Solicitation. An adjuster seeking to provide adjusting services to an insured for a fee to be paid by the insured may not solicit or offer an adjustment services contract to any person for at least 36 hours after an accident or occurrence as a result of which the person might have a potential claim.

Sec. 4. Activities of insurance adjusters; authority to report out a bill. The Joint Standing Committee on Health Coverage, Insurance and Financial Services may report out a bill to the Second Regular Session of the 129th Legislature relating to the activities of insurance adjusters in the Maine Revised Statutes, Title 24-A, section 1476.

See title page for effective date.

CHAPTER 383

H.P. 1301 - L.D. 1830

An Act Establishing the Office of Policy Innovation and the Future

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

Sec. 1. 5 MRSA §3101, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is amended to read:

§3101. Definitions

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

1. Director. "Director" means the Director of the Governor's Office of Policy Innovation and Management the Future established by section 3102.

2. Office. "Office" means the Governor's Office of Policy Innovation and Management the Future established by section 3102.

Sec. 2. 5 MRSA §3102, as amended by PL 2017, c. 284, Pt. GG, §4, is repealed and the following enacted in its place:

§3102. Office established; purpose

The Office of Policy Innovation and the Future is established in the Executive Department to: support the creation of a coherent system of policy planning and coordinated implementation as one function and responsibility of the executive branch; serve the Governor as a research, advisory, consultative, coordinating and administrative agency; and advance policies that support a sustainable future for the State's people, communities, natural resources, physical infrastructure, industries, businesses and institutions by:

1. Assistance; data; policy. Providing technical assistance and data to the Governor by undertaking special studies and plans as directed and preparing policy;

2. Coordination. Facilitating general intergovernmental coordination;

3. Innovation. Supporting state efforts to encourage innovation and policy that facilitate innovation in the public and private sectors;

4. Technology. Supporting improved technology use for government programs and advancing responsible state data policies;

5. Resources. Supporting the development of the State's economy and energy resources with the conservation of its natural resources; and

6. Analysis. Conducting ongoing demographic, economic, workforce and other needed analyses to support state policy makers.

Sec. 3. 5 MRSA §3103, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is amended to read:

§3103. Director

The Director of the Governor's Office of Policy Innovation and Management the Future is appointed

by the Governor and serves at the pleasure of the Governor.

Sec. 4. 5 MRSA §3104, as amended by PL 2017, c. 284, Pt. GG, §5, is repealed.

Sec. 5. 5 MRSA §3104-A is enacted to read:

§3104-A. Powers and duties

The director shall exercise the powers of the office and is responsible for the execution of the duties of the office.

1. Duties of the director. The director shall:

A. Appoint and remove the staff of the office and prescribe the duties of the staff as necessary to implement the duties of the office, including:

(1) Hiring professional personnel competent by education, training and experience in the fields of economics and economic development, local and regional planning, statistics, human resources, natural resources, climate science, energy, transportation, finance, taxation, health, education and general science and policy making; and

(2) Employing office assistance as necessary to support the work of the office;

B. Supervise and administer the affairs of the office and advise the Governor and other officials of State Government on matters of statewide policy planning and consult with them about policy planning and development matters and projects that affect the future of the State and its people;

C. At the request of the Governor, act for the State in the initiation of or participation in any multi-governmental agency program related to the purposes of the office;

D. At the request of the Governor, prepare and submit a budget for the office; and

E. At the request of the Governor, report on the activities of the office and, after consultation with and approval by the Governor, submit such recommendations for legislative action as are determined necessary to further the purposes of this chapter.

2. Duties of the office. Under the supervision of the director, the office shall:

A. Provide technical assistance to the Governor in identifying intermediate and long-range goals and policies for the State and appropriate measures to achieve these goals;

B. Conduct continuing analysis of the economy, human resources, natural resources and energy resources of the State, as well as other issues as directed by the Governor; collect and collate all data and statistics relating to these matters; and assist

the Governor and state departments in formulating policies and programs to achieve identified goals;

C. Participate with other states or their subdivisions in interstate policy planning and provide guidance to other state or local governments to assist their policy planning;

D. Assist the State in applying for, using and leveraging federal and private grant-making sources on issues of importance to the State; and

E. Act as a coordinating agency among departments and agencies of State Government on issues requiring multiple departments or agencies to work together to develop strategies to respond to state challenges.

Sec. 6. 5 MRSA §3106, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed and the following enacted in its place:

§3106. Contracts; agreements

With the consent of the Governor the office may employ expert and professional consultants, contract for services as the director determines necessary, within the limits of the funds provided and consistent with the powers and duties of the office, and enter into agreements with the Federal Government and other agencies and organizations as will promote the objectives of this chapter.

Sec. 7. 5 MRSA §3107, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed and the following enacted in its place:

§3107. Governmental cooperation; temporary reassignment of governmental employees

Any department, agency, authority, board, commission or other instrumentality of the State or other governmental unit may assist in the gathering of information, reports and data that relate to state policy planning and development. Upon request by the director, the Governor may assign to the office on a temporary basis personnel from any other state department or agency needed for a project assigned to the office.

Sec. 8. 5 MRSA §3108, as enacted by PL 2011, c. 655, Pt. DD, §5 and affected by §24, is repealed.

Sec. 9. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 5, chapter 310, in the chapter headnote, the words "Governor's Office of Policy and Management" are amended to read "Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 10. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Governor's Office of Policy and

Management" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Office of Policy Innovation and the Future" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 384

H.P. 1193 - L.D. 1667

**An Act To Amend the Laws
Governing the State
Compensation Commission**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Governor's current annual salary was established in 1987 and is the lowest in the nation; and

Whereas, the current annual salary of members of the Legislature was established in 1999 with an annual cost-of-living increase not to exceed 3% per year; and

Whereas, the State Compensation Commission, established in the Maine Revised Statutes, Title 3, chapter 1, is charged to review and make recommendations on compensation for all constitutional officers on an ongoing basis; and

Whereas, the State Compensation Commission must complete its work, including producing a report and holding a public hearing, by January 15, 2020; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 3 MRSA §2-B, sub-§2, as amended by PL 2017, c. 242, §2, is further amended to read:

2. Duties of commission. No later than ~~May 1st of every odd numbered year~~ and January 15th of every even-numbered year the commission shall submit to the Legislature ~~an interim report of the commission, and no later than November 15th of every even-numbered year the commission shall submit to the Legislature~~ and the joint standing committee of the Legislature having jurisdiction over state and local government matters a final report of the commission.