

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

~~commission's findings of fact may be introduced in subsequent administrative or judicial proceedings involving the determination of the rate of contributions of an employer for the 12-month period commencing January 1st of any year and has the same finality as provided in this section with respect to the findings of fact made by the commission in proceedings to re-determine the contribution rates of an employer. Any request for reconsideration must be made in accordance with section 1226.~~

Sec. 4. 26 MRSA §1221, sub-§11, ¶D, as amended by PL 1979, c. 651, §28, is further amended to read:

D. The amount due specified in any assessment from the commissioner ~~shall be~~ is conclusive on the employer or governmental entity, unless not later than 15 days after the assessment was mailed to the last known address; the employer or governmental entity files an application for redetermination by the ~~commission~~ Division of Administrative Hearings setting forth the grounds for such application.

Sec. 5. 26 MRSA §1225, sub-§2, as amended by PL 1993, c. 312, §3, is further amended to read:

2. Jeopardy assessment. If the Director of Unemployment Compensation determines that the collection of any contribution, interest or penalty under this subchapter, as amended, will be jeopardized by delay, the director may immediately assess the contributions, interest or penalties, whether or not the time prescribed by law or any rules issued pursuant to section 1082, subsection 2; for making reports and paying the contributions has expired, and shall give written notice of the assessment to the employer. In these cases, the right to appeal to the ~~commission~~ Division of Administrative Hearings, as provided in section 1226, is conditioned upon payment of the contributions, interest or penalties so assessed, or upon giving appropriate security to the commissioner for the payment thereof.

Sec. 6. 26 MRSA §1232, sub-§2, as enacted by PL 1993, c. 312, §5, is amended to read:

2. Failure to file or pay taxes; determination to prevent renewal, reissuance or other extension of license or certificate. If the commissioner determines that an employer who holds a state-issued license or certificate of authority to conduct a profession, trade or business has failed to file a return at the time required under this chapter or has failed to pay a tax liability due under this chapter that has been demanded; and the employer continues to fail to file or pay after at least 2 specific written requests to do so, the commissioner shall notify the employer in writing by certified mail, return receipt requested, that refusal to file the required tax return or to pay the overdue tax liability may result in loss of license or certificate of authority.

This written notice must include information about the opportunity to request a fact-finding interview for the purpose of determining essential facts, negotiating a payment agreement and determining the appropriateness of further enforcement under this section.

If the employer requests a fact-finding interview within 30 days, the commissioner shall schedule the interview at which the commissioner shall attempt to negotiate a reasonable payment agreement. The employer must be notified in writing if the commissioner's determination is to prevent renewal, reissuance or extension of the license or certificate of authority by the issuing agency. If the employer enters into a payment agreement, a determination may not be made under this section until the employer fails to comply with the agreement.

If the employer continues, for a period in excess of 30 days from notice of possible denial of renewal or reissuance of a license or certificate of authority, to fail to file or show reason why the person is not required to file or if the employer continues not to pay, the commissioner shall notify the employer in writing of the determination to prevent renewal, reissuance or extension of the license or certificate of authority by the issuing agency.

A review of the determination is available by filing an appeal under section 1226 to the ~~Maine Unemployment Insurance Commission~~ Division of Administrative Hearings. Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination of the commissioner's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal.

In any event, the license or certificate of authority in question remains in effect until all appeals are taken to their final conclusion. This subsection may not be invoked for any tax liability under appeal.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 12, 2020.

CHAPTER 586

H.P. 1442 - L.D. 2032

An Act To Reduce Financial Burdens on Small Water Utilities

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

Whereas, current law requires a small water utility with gross annual revenues of no more than \$50,000 to have an audit performed by an independent certified

public accountant for any year the utility seeks a rate adjustment; and

Whereas, this requirement imposes a disproportionate financial burden on these small water utilities that prevents them from seeking an adjustment in rates, which could lead to inadequate revenue for the utility and adversely affect its ability to provide services to its customers; and

Whereas, in order to avoid these adverse consequences, some ability to relieve small water utilities of this burden quickly when appropriate is necessary; 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. 35-A MRSA §505, sub-§1, ¶A, as enacted by PL 2011, c. 77, §1, is amended to read:

A. A qualified small water utility with gross annual revenues of \$50,000 or less shall for any year used as a test year for rate-making purposes cause to be conducted, in accordance with generally accepted auditing standards, an audit of its accounts by an independent certified public accountant licensed to practice in the State. The commission, for good cause shown by the qualified small water utility, may waive the requirements of this paragraph.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 12, 2020.

CHAPTER 587

S.P. 639 - L.D. 1867

An Act To Clarify Lobbyist Reporting Requirements and Simplify Registration Requirements for State Employees Who Lobby on Behalf of a State Department or Agency

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

Sec. 1. 1 MRSA §1015-A, sub-§1, ¶D, as enacted by PL 2019, c. 534, §4, is repealed and the following enacted in its place:

D. "Lobbying firm" has the same meaning as in Title 3, section 312-A, subsection 9-A.

Sec. 2. 3 MRSA §170-B, as amended by PL 2019, c. 41, §1, is further amended to read:

§170-B. Required training regarding harassment

All Legislators, legislative staff ~~and~~, lobbyists ~~and lobbyist associates~~ shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" ~~has~~ and "lobbyist associate" ~~have~~ the same meaning meanings as in section 312-A, ~~subsection~~ subsections 10 and 10-A, respectively.

Sec. 3. 3 MRSA §312-A, sub-§8-A, as enacted by PL 2007, c. 630, §5, is amended to read:

8-A. Legislative designee. "Legislative designee" means any employee of a state department or agency who is ~~directed~~ designated by the head of the department or agency as the primary employee to lobby or monitor legislation on behalf of the department or agency or who is reasonably expected to lobby on behalf of the department or agency for more than 10 hours during a legislative session. "Legislative designee" ~~includes an employee who is reasonably expected to lobby or monitor legislation on behalf of the department or agency for more than 20 hours during the session.~~ For the purposes of this subsection, "monitoring legislation" means attending legislative hearings and sessions regarding a legislative action.

Sec. 4. 3 MRSA §312-A, sub-§9-A is enacted to read:

9-A. Lobbying firm. "Lobbying firm" means a partnership, corporation, limited liability company or unincorporated association that employs or contracts with more than one lobbyist or lobbyist associate and that receives or is entitled to receive compensation for engaging in lobbying either directly or through its employees.

Sec. 5. 3 MRSA §312-A, sub-§11-A, as amended by PL 2009, c. 282, §2, is further amended to read:

11-A. Original source. "Original source" means any person who ~~contributes or~~ pays \$1,000 or more in any lobbying year directly or indirectly to any employer of a lobbyist for purposes of lobbying or indirect lobbying, except that ~~contributions~~ payments of membership dues to nonprofit corporations formed under Title 13-B, under any equivalent state law or by legislative enactment are not considered ~~contributions~~ payments by an original source.

Sec. 6. 3 MRSA §312-B, as enacted by PL 2017, c. 443, §2, is amended to read:

§312-B. Required training regarding harassment