

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**

Sec. 3. 22-A MRSA §214, sub-§4, ¶A, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

A. The commissioner ~~shall~~ may hold at least one informational meeting at least ~~30~~ 14 days before the due date for submission of the notice of intent to bid. ~~Any informational meeting must be advertised in newspapers of general circulation stating the location, date, time and purpose of the meeting. At the meeting the~~ The commissioner shall provide detailed information to any interested party about the contract to be bid or rebid, provide notice of anticipated major changes from any previous contract and respond to questions.

Sec. 4. 22-A MRSA §214, sub-§4, ¶B, as enacted by PL 2007, c. 539, Pt. N, §53, is amended to read:

B. The commissioner ~~shall~~ may require any interested party to submit a notice of intent to bid at least ~~30~~ 7 days before the date bids will be accepted as a precondition to submitting a formal bid. The notice of intent must contain minimal requirements that demonstrate a prospective bidder's competence and ability to comply with the requirements of the contract.

Sec. 5. 34-B MRSA §1208-A, as amended by PL 1995, c. 560, Pt. K, §21 and c. 691, §5, is repealed.

See title page for effective date.

CHAPTER 591

S.P. 638 - L.D. 1866

An Act To Increase the Automatic Draft Authority for Licensed Insurance Producers

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

Whereas, this legislation must take effect before the end of the 90-day period to address, as soon as possible, the increased frequency of severe weather occurrences between December and April and the resulting property damage claims; 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. 24-A MRSA §1402, sub-§1, ¶C, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

C. Licensed producers authorized by contract to settle and pay claims within a specified limit established by the insurer or fraternal benefit society not to exceed ~~\$5,000~~ \$10,000 or, temporarily under the same circumstance described in section 1475, \$20,000;

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

Effective March 17, 2020.

CHAPTER 592

H.P. 1358 - L.D. 1892

An Act To Make Changes to the So-called Dig Safe Law

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 September 16, 2019 explosion in Farmington demonstrates the tragic consequences that can result from unmarked underground liquefied propane gas pipes; and

Whereas, the exemption of certain underground liquefied propane gas facilities from the so-called dig safe law poses a clear danger to excavators and the public; and

Whereas, this legislation must take effect before the expiration of the 90-day period to address, as soon as possible, this significant safety risk by making liquefied propane gas distribution systems that have underground pipes subject to the so-called dig safe law; 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. 23 MRSA §3360-A, sub-§1, ¶E, as amended by PL 2011, c. 588, §2, is further amended to read:

E. "Underground facility" means any item of personal property buried or placed below ground for use in connection with the storage or conveyance of water, sewage, electronic, telephonic or telegraphic communications, electric energy, oil, gas or other substances and including, but not limited

to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. ~~This definition~~ Except for liquefied propane gas distribution systems that have underground pipes, "underground facility" does not include liquefied propane gas distribution systems that are not included within the scope of 49 Code of Federal Regulations, Part 192 and. "Underground facility" does not include highway drainage culverts or under drains.

Sec. 2. 23 MRSA §3360-A, sub-§6-C, as amended by PL 2011, c. 588, §9, is further amended to read:

6-C. Penalties. In an adjudicatory proceeding, the Public Utilities Commission may, in accordance with this subsection, impose an administrative penalty on any person who violates this subsection. The administrative penalty may not exceed ~~\$500~~ \$1,000, except that, if the person has been found in violation of this subsection within the prior 12 months, the administrative penalty may not exceed ~~\$5,000~~ \$10,000. Administrative penalties imposed pursuant to this subsection are in addition to any other remedies or forfeitures provided by law and any liability that may result from the act or omission constituting the violation. Before imposing any penalties under this subsection, the commission shall consider evidence of the record of the violator, including, to the extent applicable, the number of successful excavations undertaken by the violator or the number of locations successfully marked by the violator during the prior 12 months. The commission may require a person who violates any provision of this section to participate, at the expense of the violator, in an educational program developed and conducted by the system.

The Public Utilities Commission may impose administrative penalties for any of the following violations:

- A. Failure of an excavator to give notice of an excavation as required under subsection 3, except to the extent the excavator is exempt from the provisions of subsection 3 pursuant to other provisions of this section;
- B. Excavation by an excavator in a reckless or negligent manner that poses a threat to an underground facility;
- C. Excavation by an excavator that does not comply with the requirements of subsection 4-C, except to the extent the excavator is exempt from the provisions of subsection 4-C pursuant to subsection 5-C;
- D. Failure of an underground facility operator to mark the location of the operator's underground facilities within the time limits required by subsection 4;

E. Marking by an underground facility operator of the location of an underground facility in a reckless or negligent manner; or

F. Failure of an excavator to comply with the requirements of subsection 5-C, 5-D, 5-E, 5-I or 5-J.

The commission shall establish by rule standards for when and at what level penalties must be assessed under this subsection. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective March 17, 2020.

CHAPTER 593

H.P. 1389 - L.D. 1945

An Act To Require Forest Rangers To Be Trained at the Maine Criminal Justice Academy

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to ensure that certain forest rangers complete the basic law enforcement training program at the Maine Criminal Justice Academy as soon as possible; 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. 25 MRSA §2803-A, sub-§8-D, as enacted by PL 2017, c. 456, §3, is amended to read:

8-D. Training of forest rangers. To establish certification standards and a training program for the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and forest rangers appointed under Title 12, section 8901. This program must include:

- A. Preservice law enforcement training under section 2804-B;
- B. An additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the