

# 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.**

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**Augusta, Maine  
2020**

of an order, permit or notice issued by the director or the Commissioner of Agriculture, Conservation and Forestry in accordance with section 8305 commits a civil violation.

**2. Penalty.** Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation.

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 and not more than \$2,000 may be adjudged for each day of that violation.

**3. Economic benefit.** If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

**4. Costs permitted.** In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

See title page for effective date.

**CHAPTER 596  
S.P. 596 - L.D. 1764**

**An Act To Prevent Insurance  
Discrimination in Life,  
Long-term Care and Disability  
Income Insurance**

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

**Sec. 1.** 24-A MRSA §2159, sub-§7 is enacted to read:

**7. Discrimination prohibited; preexposure prophylaxis medication to prevent HIV infection.**

Notwithstanding any provision of law to the contrary, an insurer authorized to do business in this State may not:

A. Limit coverage or refuse to issue or renew coverage of an individual under a life, disability income or long-term care insurance policy due to the fact that the individual has been prescribed preexposure prophylaxis medication to prevent HIV infection;

B. Consider the fact that an individual has been issued a prescription for preexposure prophylaxis medication to prevent HIV infection in determining the premium rate for coverage of that individual under a life, disability income or long-term care insurance policy; or

C. Otherwise discriminate in the offering, issuance, cancellation, amount of coverage, price or any other condition of a life, disability income or long-term care insurance policy based solely and without any additional actuarial justification upon the fact that an individual has been issued a prescription for preexposure prophylaxis medication to prevent HIV infection.

See title page for effective date.

**CHAPTER 597  
H.P. 1330 - L.D. 1859**

**An Act To Increase Access to  
Justice and Maine's Rural  
Lawyer Workforce by  
Expanding Student Attorney  
Practice Opportunities**

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

**Sec. 1.** 4 MRSA §807, sub-§3, ¶S, as affected by PL 2019, c. 417, Pt. B, §14 and amended by c. 449, §2, is further amended to read:

S. An individual who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple, registered domestic partners or an individual and that individual's issue as defined in Title 18-C, section 1-201, subsection 27 who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709; or

**Sec. 2.** 4 MRSA §807, sub-§3, ¶T, as enacted by PL 2019, c. 449, §3, is amended to read:

T. A marine patrol officer who is not an attorney but is representing the Department of Marine Resources in a libel proceeding before a District Court under Title 12, section 6207-; or

**Sec. 3. 4 MRSA §807, sub-§3, ¶U** is enacted to read:

U. Practice, pursuant to a rule of the Supreme Judicial Court, by a law student enrolled in a law school accredited by the American Bar Association.

**Sec. 4. 4 MRSA §807, last ¶**, as repealed and replaced by PL 1989, c. 755, is repealed.

See title page for effective date.

**CHAPTER 598**

**H.P. 1334 - L.D. 1863**

**An Act To Amend the Maine Uniform Probate Code**

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

**Sec. 1. 18-C MRSA §3-306**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**§3-306. Informal probate; notice requirements**

The moving party shall give notice as described by section 1-401 of the moving party's application for informal probate to any person demanding notice pursuant to section 3-204, to an heir, devisee or personal representative who has not waived notice in a writing filed with the court and to any personal representative of the decedent whose appointment has not been terminated. If the decedent was 55 years of age or older, the moving party shall give notice as described in section 1-401 to the Department of Health and Human Services. Except as provided in section 3-705, no other notice of informal probate is required.

**Sec. 2. 18-C MRSA §3-310**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is repealed and the following enacted in its place:

**§3-310. Informal appointment proceedings; notice requirements**

The moving party shall give notice as described by section 1-401 of the moving party's intention to seek an appointment informally to:

**1. Person demanding notice.** Any person demanding notice pursuant to section 3-204;

**2. Heir or devisee.** An heir or devisee who has not waived notice in writing and filed with the court; and

**3. Person having right to appointment.** Any person having a prior or equal right to appointment not waived in writing and filed with the court.

If the decedent was 55 years of age or older, the moving party shall give notice as described in section 1-401 to the Department of Health and Human Services. No other notice of an informal appointment proceeding is required.

**Sec. 3. 18-C MRSA §3-706, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**1. Duty to file or mail inventory.** Within 3 months after appointment, a personal representative who is not a special administrator or a successor to another personal representative who has previously discharged this duty shall prepare and file with the court or mail to all interested persons who request it an inventory of property owned by the decedent at the time of death, listing it with reasonable detail and indicating as to each listed item its fair market value as of the date of the decedent's death and the type and amount of any encumbrance that may exist with reference to any item. The inventory must also include a schedule of credits of the decedent, with the names of the obligors, the amounts due, a description of the nature of the obligation and the amount of all such credits, exclusive of expenses and risk of settlement or collection.

**Sec. 4. 18-C MRSA §3-801, sub-§1**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

**1. Notice by publication.** Unless notice has already been given under this section, a personal representative upon appointment shall publish a notice to creditors announcing the appointment and the personal representative's address and notifying creditors of the estate to present their claims within 4 months after the date of the first publication of the notice or be forever barred. The notice to creditors must be published once a week for 2 successive weeks in a newspaper of general circulation in the county in which the ~~court that appointed the personal representative is located~~ decedent was domiciled at the time of death.

**Sec. 5. 18-C MRSA §5-906, sub-§5**, as enacted by PL 2017, c. 402, Pt. A, §2 and PL 2019, c. 417, Pt. B, §14, is amended to read:

**5. Defective notice.** A power of attorney executed in this State is valid and enforceable 2 years after execution if the notice required by section 5-905, subsection 2 or the former Title 18-A, section 5-905, subsection (b) is included but is incomplete or defective in any respect.

**Sec. 6. 18-C MRSA §5-931, sub-§1, ¶D**, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

D. Create or change a beneficiary designation. The authority under this paragraph, unless otherwise expressly limited in the power of attorney, includes the authority to create, change or revoke a transfer