

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**

on death deed as defined in section 6-402, subsection 6;

Sec. 7. 18-C MRSA §8-301, sub-§2, ¶A, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

A. The Code applies to any wills of decedents who die on or after the effective date;

Sec. 8. 18-C MRSA §8-301, sub-§2, ¶A-1, as enacted by PL 2019, c. 417, Pt. A, §103, is amended to read:

A-1. The intestate succession provisions of Article 2, Part 1, Subpart 1, the elective share provisions of Article 2, Part 2 and the exempt property and allowances provisions of Article 2, Part 4 apply to the estates of decedents who die on or after the effective date;

Sec. 9. 18-C MRSA §8-301, sub-§2, ¶B, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

B. The Code applies to any proceedings in court pending on the effective date or commenced on or after the effective date regardless of the time of the death of the decedent except to the extent that in the opinion of the court the former procedure should be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedure of this Code;

Sec. 10. 18-C MRSA §8-301, sub-§2, ¶C, as amended by PL 2019, c. 417, Pt. A, §103, is further amended to read:

C. Every personal representative appointed prior to September 1, 2019 continues to hold the appointment but has only the powers conferred by this Code and is subject to the duties imposed with respect to any act occurring or done on or after the effective date, and a guardian or conservator appointed prior to September 1, 2019 has the powers conferred by this Code on guardians and conservators, unless otherwise limited by the original order of appointment or subsequent court order under this Code;

Sec. 11. 18-C MRSA §8-301, sub-§2, ¶F, as amended by PL 2019, c. 417, Pt. A, §103, is further amended to read:

F. For an adoption decree entered before ~~September 1, 2019~~ January 1, 1981 and not amended after ~~September 1, 2019~~ January 1, 1981, the child is the child of both the former and adopting parents for purposes of intestate succession, notwithstanding section 2-117, unless the decree provides otherwise.

Sec. 12. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 18-C,

section 8-301, subsection 2, paragraph F applies retroactively to September 1, 2019.

See title page for effective date.

CHAPTER 599

S.P. 640 - L.D. 1868

An Act To Improve the Reporting of Grassroots Lobbying

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

Sec. 1. 3 MRSA §312-A, sub-§7-B, as enacted by PL 2009, c. 282, §1, is amended to read:

7-B. Indirect Grassroots lobbying. "Indirect Grassroots lobbying" means to communicate with members of the general public to solicit them to communicate directly with any covered official for the purpose of influencing legislative action, other than legislation that is before the Legislature as a result of a direct initiative in accordance with the Constitution of Maine, Article IV, Part Third, Section 18, when that solicitation is made by:

- A. A broadcast, cable or satellite transmission;
- B. A communication delivered by print media; ~~or~~
- C. A letter or other written communication delivered by mail or by comparable delivery service. ~~E-mail is not considered a letter for the purposes of this paragraph.~~
- D. A communication delivered by e-mail, a website or any other digital format;
- E. Telephone; or
- F. A method of communication similar to those listed in paragraphs A to E.

"Grassroots lobbying" does not include a person communicating with the person's stockholders, employees, board members, officers or dues-paying members.

Sec. 2. 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 grassroots lobbying~~ or to any other person for purposes of grassroots 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. 3. 3 MRSA §317, sub-§1, ¶E-1, as enacted by PL 2009, c. 282, §4, is amended to read:

E-1. When expenditures made or incurred for the purposes of ~~indirect~~ grassroots lobbying exceed ~~\$15,000~~ \$2,000 during the month that is the subject of the report, the specific dollar amount of expenditures for ~~indirect~~ grassroots lobbying made or incurred during the month by a lobbyist, lobbyist associate or employer, with separate totals for expenditure categories as determined by the commission, and the legislative actions that are the subject of the ~~indirect grassroots~~ lobbying and a general description of the intended recipients. Salaries paid to the employer's regular employees are not expenditures for the purposes of this paragraph and are exempt from disclosure under this paragraph;

Sec. 4. 3 MRSA §317-A is enacted to read:

§317-A. Grassroots lobbying report

Except for a lobbyist filing a monthly report under section 317, subsection 1, paragraph E-1, a person who makes or incurs expenditures in excess of \$2,000 during a calendar month for purposes of grassroots lobbying shall file with the commission a report no later than 11:59 p.m. on the 15th day of the calendar month following the date on which that amount was exceeded. For purposes of this section, expenditures include payments of money made to independent contractors and other vendors to purchase goods and services such as advertising, graphic or website design, video or audio production services, telecommunications services, printing and postage. Salaries paid to the person's employees are not expenditures for the purposes of this section and are exempt from disclosure under this section.

1. Report. A grassroots lobbying report filed pursuant to this section must include:

- A. The name of the person required to file the report;
- B. The name of an individual serving as the contact for the person;
- C. The business address and other contact information for the person;
- D. A description of the business activity or mission of the person;
- E. The specific amount of expenditures for grassroots lobbying made or incurred during the month that is the subject of the report, with separate totals for expenditure categories as determined by the commission;
- F. The legislative actions that are the subject of the grassroots lobbying; and
- G. A list of all of the person's original sources and a statement of the amount paid by each original

source. If an original source is a corporation formed under Title 13 or former Title 13-A, a non-profit corporation formed under Title 13-B or a limited partnership under Title 31, the corporation, nonprofit organization or limited partnership, not the individual members, must be listed as the original source.

Sec. 5. Effective date. This Act takes effect December 1, 2020.

Effective December 1, 2020.

CHAPTER 600

H.P. 1360 - L.D. 1906

**An Act To Amend the Laws
Governing the Composition of
the Shellfish Advisory Council**

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

Sec. 1. 12 MRSA §6038, sub-§1, as enacted by PL 2007, c. 606, Pt. A, §2, is amended to read:

1. Appointment; composition. The Shellfish Advisory Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-G, consists of ~~13~~ 14 members who are appointed by the commissioner as follows:

- A. Four members who are commercial shellfish license holders, ~~at least 3 of whom must be primarily soft-shell clam harvesters.~~ In making the appointments under this paragraph, the commissioner shall consider up to 6 recommendations from associations representing the interests of persons who harvest shellfish commercially;
- B. Two members who are shellfish aquaculture lease holders. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who raise shellfish under aquaculture leases;
- C. One member who ~~represents the interests of municipalities with wastewater treatment systems~~ is a municipal official involved in pollution permitting or mitigation;
- D. Two members who are licensed wholesale seafood dealers who have been issued a shellfish sanitation certificate by the department pursuant to section 6856, subsection 1. In making the appointments under this paragraph, the commissioner shall consider up to 3 recommendations from associations representing the interests of persons who buy and sell shellfish;
- E. One public member with knowledge of and interest in coastal water quality;