

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

thorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a provisionally adopted major substantive rule of the Department of Health and Human Services that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized.

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

Effective April 30, 2019.

CHAPTER 21

H.P. 292 - L.D. 383

Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority

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 Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, a major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of portions of Chapter 101: ConnectME Authority, a provisionally adopted major substantive rule of the ConnectME Authority that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A, is authorized only if the following change is made:

1. The rule must be amended in section 2, subsection A, in the definition of "advanced communications technology infrastructure" to clarify the conditions of the definition by stating the definition in outline form.

The ConnectME Authority is not required to hold hearings or undertake further proceedings prior to final adoption of the rule in accordance with this section.

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

Effective April 30, 2019.

CHAPTER 22

H.P. 508 - L.D. 687

Resolve, To Create a Flag To Recognize the Bicentennial of the State

Sec. 1. State of Maine Bicentennial Flag. Resolved: That the Secretary of State shall create, within existing resources, a commemorative flag in recognition and celebration of the bicentennial of the State, which became the 23rd state on March 15, 1820.

See title page for effective date.

CHAPTER 23

H.P. 446 - L.D. 618

Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy

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 current legal times for raising and hauling lobster traps are determined based upon sunrise and sunset; and

Whereas, the area described in this resolve is fished by Canadians, for whom commercial fishing is not subject to the same restrictions on the raising or hauling of lobster traps; and

Whereas, it is necessary that this resolve take effect by September 1, 2019 in order to take advantage of the fall harvest and in order to allow lobster license holders to fish efficiently and safely and on equal footing with other persons who fish commercially in the area; 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

Sec. 1. One-time exception. Resolved: That, notwithstanding the Maine Revised Statutes, Title 12, section 6440, subsection 1, the Commissioner of Marine Resources shall permit a person to raise or haul any lobster trap from September 1, 2019 through October 31, 2019 during any time of the day in an area in the Bay of Fundy referred to as the "gray zone" that encompasses approximately 210 square miles around Machias Seal Island where there are overlapping claims of sovereignty by the United States and Canada, if that person is authorized to fish in the lobster management zone in which the area described in this section is located. The commissioner shall adopt rules to define this area to ensure the boundaries of this area are clearly delineated. Rules adopted pursuant to this section regarding the boundaries of the area are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. Resolved: That, by February 1, 2020, the Commissioner of Marine Resources shall submit a report to the Joint Standing Committee on Marine Resources describing the results associated with allowing lobster fishing in accordance with section 1. The commissioner may make recommendations to the committee regarding the continuation of this limited allowance. The committee may report out a bill based on the report to the Second Regular Session of the 129th Legislature.

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

Effective May 8, 2019.

CHAPTER 24 H.P. 495 - L.D. 674

Resolve, Regarding Implementation and Funding of E-9-1-1 Dispatch Protocols

Sec. 1. Stakeholder group. Resolved: That the Public Utilities Commission, Emergency Services Communications Bureau shall convene a stakeholder group to develop recommendations regarding standardized dispatch protocol requirements and use of the E-9-1-1 fund to cover costs of emergency dispatch protocol implementation. The bureau shall invite, at a minimum, representatives of the Department of Public Safety, public safety answering points, dispatch centers that are not public safety answering points, chiefs of police, county sheriffs, fire chiefs, county commissioners, emergency medical service providers, dispatchers, the Maine Municipal Association, the Maine Emergency County Communications Association and the Maine Chapter of the National Emergency Number Association to participate in the stakeholder group. The stakeholder group shall examine and make recommendations regarding:

1. The use of funds available in the E-9-1-1 fund to cover costs associated with the adoption and implementation of standardized dispatch protocols and related requirements, with attention to efficient and effective use of funds and providing relief to local taxpayers;

2. Issues identified by stakeholders related to the adoption and implementation of standardized dispatch protocols for fire 9-1-1 calls and medical 9-1-1 calls, with consideration of staffing, training, funding, quality assurance, dispatch response time and effectiveness of emergency services; and

3. Potential future implementation of standardized dispatch protocols for police 9-1-1 calls on a mandatory or voluntary basis.

Sec. 2. Report. Resolved: That, no later than November 1, 2019, the Public Utilities Commission, Emergency Services Communication Bureau shall submit a report on the work of the stakeholder group established in section 1 to the Joint Standing Committee on Energy, Utilities and Technology. The report must include the recommendations of the stakeholder group regarding the issues identified in section 1, along with an outline of changes to law or rule necessary to implement those recommendations. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.
