

# 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.**

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**Augusta, Maine**  
**2019**

B. One representative of an organization representing Maine workers;

C. One representative of an organization with expertise in legal and policy matters related to public benefit programs that assist individuals with low incomes;

D. Two low-income residents of the State currently enrolled in the federal Medicaid program, the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 or the Temporary Assistance for Needy Families program pursuant to Title 22, chapter 1053-B;

E. One representative, recommended by the Commissioner of Health and Human Services, with expertise in the administration of public assistance programs; and

F. Two other individuals chosen by the associate commissioner or the associate commissioner's designee.

**2. First meeting; chair.** The associate commissioner or the associate commissioner's designee shall convene the first meeting of the working group no later than October 15, 2019. At the first meeting the working group shall select a chair from among its membership. The working group may create subgroups to work on specific issues or initiatives and may include individuals who are not working group members.

**3. Duties.** The working group shall:

A. Review the current method of applying for cost-of-living tax credits to determine how applications for those credits may be consolidated into a single, simplified application;

B. Determine the most efficient method for making a single consolidated payment to eligible individuals for all cost-of-living tax credits for which these individuals are eligible;

C. For making consolidated payments, review possible periodic schedules that are administratively feasible and best meet the needs of eligible individuals;

D. Determine methods to facilitate claims for cost-of-living tax credits, including any consolidated payments recommended by the working group, for persons applying for assistance from the Maine Department of Health and Human Services through its automated client eligibility system;

E. Examine mechanisms for providing any advance consolidated payment of cost-of-living tax credits recommended by the working group to persons receiving assistance through means-tested assistance programs, including, but not limited to,

the federal Medicaid program, the federal supplemental nutrition assistance program administered by the State pursuant to Title 22, section 3104 or the Temporary Assistance for Needy Families program pursuant to Title 22, chapter 1053-B in a manner that will not reduce assistance from these programs solely as a result of receiving the advance consolidated payment; and

F. Review administrative policies and practices to prevent overpayments in advance periodic payments of cost-of-living tax credits and review practices to allow for payment adjustments to reflect changes to income throughout the year.

**Sec. 2. Report. Resolved:** That by February 1, 2020, the associate commissioner shall submit the results of its study, including any suggested legislation necessary to implement the recommendations of the working group, to the Joint Standing Committee on Taxation and the Joint Standing Committee on Appropriations and Financial Affairs. Each committee may submit a bill to the Second Regular Session of the 129th Legislature related to the report.

**Sec. 3. Staff assistance. Resolved:** That the Department of Administrative and Financial Services shall provide necessary staffing services to the working group.

See title page for effective date.

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## CHAPTER 75

### H.P. 668 - L.D. 904

#### **Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Operators of Cranes**

**Sec. 1. Commissioner of Professional and Financial Regulation to conduct a sunrise review regarding the proposal to license operators of cranes. Resolved:** That the Commissioner of Professional and Financial Regulation shall conduct an independent assessment pursuant to the sunrise review requirements in the Maine Revised Statutes, Title 32, chapter 1-A, subchapter 2 of the proposal to license operators of cranes. For the purpose of this resolve, "crane" means a piece of power-operated equipment that can hoist, lower and horizontally move a suspended load.

**Sec. 2. Requirements. Resolved:** That, in conducting the sunrise review required by section 1, the Commissioner of Professional and Financial Regulation shall consider:

1. Limiting licensure requirements to operators of cranes:

- A. That are used in construction, demolition or excavation work;
- B. That are used at construction sites of projects that involve work on structures over an established height; and
- C. That have lifting capacity that reaches or exceeds set limits;

2. A requirement that an applicant for licensure as an operator of a crane possess an active, unrestricted Maine driver's license and a certification of medical fitness;

3. A requirement for a written and practical examination for licensure as an operator of a crane that incorporates nationally recognized certifications, federal guidelines or national industry guidelines pertaining to the operation of heavy equipment, including the United States Department of Labor, Occupational Safety and Health Administration and American National Standards Institute standards or American Society of Mechanical Engineers guidelines; and

4. A pathway to license recognition for an individual possessing a crane operator license, or the equivalent, in another state or a United States territory.

**Sec. 3. Reporting date established. Resolved:** That, no later than January 10, 2020, the Commissioner of Professional and Financial Regulation shall submit a report with any necessary legislation following the independent assessment under section 1 to the Joint Standing Committee on Innovation, Development, Economic Advancement and Business. The committee is authorized to submit legislation on the subject matter of the report to the Second Regular Session of the 129th Legislature.

See title page for effective date.

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**CHAPTER 76**

**H.P. 549 - L.D. 744**

**Resolve, Authorizing the  
Commissioner of  
Administrative and Financial  
Services To Convey the  
Interests in Certain Real  
Property Located in East  
Millinocket**

**Sec. 1. Authority to convey state property. Resolved:** That, notwithstanding any provision of law to the contrary, the State, by and through the Commissioner of Administrative and Financial Ser-

vices, referred to in this resolve as "the commissioner," may:

1. Convey by sale any or a portion of the interests of the State in the state property described in section 2, referred to in this resolve as "the state property," with the buildings and improvements, together with all appurtenant rights and easements, and all personal property located on that property, including vehicles, machinery, equipment and supplies. The State's interest in the state property does not include timber rights;

2. Negotiate, draft, execute and deliver any documents necessary to settle any boundary line discrepancies of the state property;

3. Exercise, pursuant to the Maine Revised Statutes, Title 23, chapter 3, subchapter 3, the power of eminent domain to quiet for all time any possible challenges to ownership of the state property;

4. Negotiate, draft, execute and deliver any easements or other rights that, in the commissioner's discretion, may contribute to the value of a proposed sale of the State's interests in the state property; and

5. Release any interests in the state property that, in the commissioner's discretion, do not contribute to the value of the remaining state property.

**Sec. 2. Property interests that may be conveyed. Resolved:** That the state property authorized to be sold is a parcel or parcels of land located in the Town of East Millinocket consisting of approximately 3,384 acres conveyed to the State by Katahdin Paper Company LLC on September 28, 2011, recorded in the Penobscot County Registry of Deeds, Book 12608, Page 97-104 and identified on the Town of East Millinocket's Tax Assessor's Map 01 as Lot 09-011 and does not include timber rights to the property.

**Sec. 3. Property to be sold as is. Resolved:** That the commissioner may negotiate and execute purchase and sale agreements upon terms the commissioner considers appropriate; however, the state property must be sold "as is," with no representations or warranties. Title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner.

**Sec. 4. Exemptions. Resolved:** That any conveyance pursuant to this resolve is exempt from any statutory or regulatory requirement that the state property must first be offered to the Maine State Housing Authority or another state or local agency or offered through competitive bidding.

**Sec. 5. Appraisal. Resolved:** That the commissioner shall have the current market value of the state property determined by a broker opinion of value and current comparative market analysis. The commissioner may list the state property for sale with a private real estate broker and negotiate any sale, solicit