

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

premises if the family child care provider has demonstrated satisfactory evidence that the child care business is covered by separate insurance coverage for business liability, including medical payments coverage equivalent to coverage in the policy. For purposes of cancellation or nonrenewal under section 3049 or 3051, an insurer may not treat the presence of the family child care business activity as a factor related to the insurability of the primary residence of a family child care provider ~~certified licensed~~ under Title 22, section 8301-A, subsection 3 if the family child care provider has demonstrated satisfactory evidence that the child care business is covered by separate insurance coverage for business liability in accordance with this subsection.

Sec. 32. 24-A MRSA §3060, sub-§2, as enacted by PL 2009, c. 185, §1, is amended to read:

2. No liability under property insurance policy. An insurer has no duty to defend or indemnify a family child care provider ~~certified licensed~~ under Title 22, section 8301-A, subsection 3 under a policy covering the primary residence of a family child care provider issued by the insurer if:

- A. The loss or damage for which the family child care provider is liable or alleged to be liable arises in whole or in part from the family child care business activity;
- B. The policy issued by the insurer expressly excludes that loss or damage arising from the family child care business activity;
- C. The family child care provider has demonstrated satisfactory evidence of separate insurance coverage for child care business liability in accordance with subsection 1; and
- D. The insurer issuing the policy covering the primary residence has disclosed to the family child care provider that failure to maintain separate insurance coverage for child care business liability might result in cancellation or nonrenewal of the policy covering the primary residence and that the child care business activity is excluded under the policy.

See title page for effective date.

CHAPTER 36

H.P. 114 - L.D. 158

An Act To Eliminate Inactive Boards and Commissions

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

Sec. 1. 5 MRSA §55-A, as enacted by PL 2003, c. 238, §1 and affected by §2, is repealed.

Sec. 2. 5 MRSA §90-T, as enacted by PL 2011, c. 304, Pt. D, §2, is repealed.

Sec. 3. 5 MRSA §1547, sub-§7, as enacted by PL 2003, c. 451, Pt. F, §2 and amended by c. 600, §4, is amended to read:

7. Other related organizations. All legislatively created public instrumentalities and related organizations for which the State is financially accountable or that have a significant relationship with the State as defined by a governmental accounting standards board that are not included in subsection 3, ~~including but not limited to eligible institutions as defined in section 13103~~, that receive funds from bond issues must comply with the fiscal reporting policies established by the State Controller. The fiscal and reporting policies must include:

- A. Internal control standards required by section 1541, subsection 10-A;
- B. Quarterly reporting to the State Controller that includes a detail of transactions and reconciliation of all accounts;
- C. No later than October 15th annually, submission to the Department of Administrative and Financial Services, Office of the State Controller of all financial statements and schedules of expenditures of federal awards;
- D. Financial statements that are prepared in accordance with the standards and requirements established by a governmental accounting standards board; and
- E. Submission annually to the Department of Administrative and Financial Services, Office of the State Controller of a copy of the independent auditor's report, including any findings, recommendations and management letter comments, and any other materials considered necessary by the State Controller.

Legislatively created public instrumentalities and other related organizations required to comply under this subsection ~~who that~~ must also comply with the federal Office of Management and Budget circulars, regulations issued by a governmental accounting standards board or other accounting, auditing and reporting requirements may submit that information to the State Controller to satisfy the requirements of this subsection.

Sec. 4. 5 MRSA §12004-G, sub-§4-B, as enacted by PL 2001, c. 196, §1, is repealed.

Sec. 5. 5 MRSA §12004-I, sub-§2-G, as amended by PL 2011, c. 304, Pt. D, §3, is repealed.

Sec. 6. 5 MRSA §12004-I, sub-§4-B, as enacted by PL 2007, c. 503, §1, is repealed.

Sec. 7. 5 MRSA §12004-I, sub-§22-B, as amended by PL 2011, c. 206, §1, is repealed.

Sec. 8. 5 MRSA §12004-K, sub-§12, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 9. 5 MRSA §12004-L, sub-§10, as enacted by PL 1993, c. 381, §9, is repealed.

Sec. 10. 5 MRSA c. 383, sub-c. 5-A, as amended, is repealed.

Sec. 11. 5 MRSA §15303, sub-§6-B, as enacted by PL 2001, c. 196, §10, is repealed.

Sec. 12. 10 MRSA §949, sub-§2, ¶B, as enacted by PL 2007, c. 420, §7, is amended by amending subparagraph (3) to read:

(3) Four representatives of the ~~Maine Biomedical Research Board established pursuant to Title 5, section 12004-G, subsection 4-B~~ from bioscience research laboratories;

Sec. 13. 25 MRSA §2952, sub-§4, as enacted by PL 1991, c. 837, Pt. B, §11 and c. 841, §8, is repealed.

Sec. 14. 25 MRSA §2954, as repealed and replaced by PL 1993, c. 680, Pt. B, §2, is repealed.

Sec. 15. 25 MRSA §2955, first ¶, as repealed and replaced by PL 1993, c. 680, Pt. B, §3, is amended to read:

The commissioner shall establish and operate within the Maine Drug Enforcement Agency such regional investigative task forces as the commissioner determines, ~~in consultation with the board~~, are required for effective drug law enforcement throughout the State.

Sec. 16. 25 MRSA §2955, 2nd ¶, as repealed and replaced by PL 1993, c. 680, Pt. B, §3, is amended to read:

The investigative component of each task force is comprised of law enforcement officers drawn from municipal, county and state law enforcement agencies, who, during the period in which they serve in the task force, must be placed on a temporary assignment by their employing law enforcement agencies and in the nonclassified positions within the agency as established. All agency investigative personnel may not be state employees, for the purposes of Title 26, chapter 9-B. All agency investigative personnel shall act in accordance with rules, policies and procedures established by the commissioner. In determining the number, areas of responsibility and investigative complement of these task forces, the commissioner shall take into account geography, population, and the need for service ~~and the advice provided by the board~~.

Sec. 17. 25 MRSA §2955, sub-§1, as repealed and replaced by PL 1993, c. 680, Pt. B, §3, is amended to read:

1. Director. The agency is managed by a director who reports to the commissioner. The director must be

an experienced law enforcement officer. The Chief of the State Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may each nominate one candidate as director for submission to the ~~Maine Drug Enforcement Agency Advisory Board~~. ~~The advisory board shall submit one of the 3 nominations to the commissioner, who may appoint that person one of the candidates with the approval of the Governor. If the commissioner or the Governor does not approve of the candidate 3 candidates submitted, each of the nominating groups is requested to submit an additional nomination. The director serves at the pleasure of the commissioner. Eligibility for this appointment is not dependent upon the parent law enforcement agency, if any, of the person selected. If the person selected is currently an employee of any state, county or local law enforcement agency, the person must be placed on a temporary assignment by the person's employing agency. The director reports directly to the commissioner, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law to the contrary, the person retains and continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as director.~~

Sec. 18. 25 MRSA §2956, sub-§1, as repealed and replaced by PL 1999, c. 790, Pt. A, §32, is amended to read:

1. Rules. The commissioner shall, ~~with the advice of the board~~, adopt rules, practices and policies respecting the administration of the agency. The rules, practices and policies of the agency must be in conformity with state law and must accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

- A. The qualifications, hiring, term of service and disciplinary standards for commanders, supervisors and agents;
- B. Protection as to financial and employment security for any law enforcement officer selected as any official of the agency with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision;
- C. Standard operating procedures for the agency;
- D. Procurement procedures; or
- E. Procedures for dissemination of records.

Sec. 19. 25 MRSA §2957, as amended by PL 2011, c. 662, §17, is further amended to read:

§2957. Confidentiality

Notwithstanding any ~~other provisions~~ provision of law to the contrary, the investigative records of the agency are confidential ~~and all meetings of the board are subject to Title 1, chapter 13, subchapter 1, except that those meetings may be held in executive session to~~

~~discuss any case investigations or any disciplinary actions.~~

Sec. 20. 25 MRSA §2958, as repealed and replaced by PL 1999, c. 790, Pt. D, §8, is amended to read:

§2958. Prosecution protocol

The Attorney General, after consultation with the 8 district attorneys, the United States Attorney for the District of Maine and the ~~board~~ agency, shall establish by rule a protocol that governs the selection of the state or federal court system for prosecution of drug cases investigated by the agency.

Sec. 21. 34-A MRSA §3002-B, as enacted by PL 2007, c. 503, §2, is repealed.

Sec. 22. 38 MRSA §343-D, as amended by PL 2011, c. 206, §5 and 6 and affected by §37, is repealed.

Sec. 23. 38 MRSA §353-A, sub-§4, as amended by PL 1993, c. 500, §3 and affected by §5, is further amended to read:

4. Maximum and minimum fees. The minimum annual fee is \$250 per year. The maximum annual fee is \$150,000 per year. Beginning November 1, 1994, the minimum annual fee surcharge is \$100 per year and the maximum annual fee surcharge is \$50,000 per year. The commissioner may reduce any fee required under the federal Clean Air Act Amendments of 1990 to take into account the financial resources of a small business stationary source ~~as defined in section 343-D, subsection 4~~, which for the purposes of this subsection means a source that meets the eligibility requirements of 42 United States Code, Section 7661f.

See title page for effective date.

CHAPTER 37

H.P. 126 - L.D. 173

An Act To Restore Honor to Certain Service Members

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

Sec. 1. 37-B MRSA §503, sub-§9 is enacted to read:

9. Change in treatment of certain discharges. The director, in accordance with this subsection, shall establish a process for a veteran who separated from service without an honorable discharge due solely to the veteran's sexual orientation or gender identity or to statements, consensual sexual conduct or consensual acts relating to sexual orientation or gender identity to have that discharge treated as an honorable discharge for purposes of determining the veteran's eligibility for rights, privileges and benefits granted to veterans under state law.

A. If the director determines that a veteran qualifies to have that veteran's discharge treated as an honorable discharge for purposes of state law, the director shall record this information in the records management system maintained pursuant to subsection 8 and shall provide the veteran with a written certificate verifying the upgraded discharge status for state law purposes. The director shall assist a veteran to whom a certificate is issued under this paragraph in applying for an upgrade of that veteran's discharge status under federal law, if such an upgrade would entitle the veteran to receive federal benefits.

B. All state and municipal departments and agencies shall accept a certificate issued by the director under paragraph A as evidence that the veteran who is the subject of the certificate qualifies as a veteran with an honorable discharge for purposes of determining whether the veteran qualifies for rights, privileges or benefits granted to veterans under state law. The director shall publish and distribute written materials describing the process established under this subsection and the duties of state and municipal departments and agencies under this paragraph.

C. The director shall implement an outreach program to inform veterans of the process established under this subsection and to inform veterans that, through this process, they may be able to receive privileges and benefits that were previously denied under state law.

D. For purposes of this subsection, "gender identity" has the same meaning as in Title 5, section 4553, subsection 5-C; "sexual orientation" has the same meaning as in Title 5, section 4553, subsection 9-C; and "veteran" means a person who served in the United States Armed Forces, the reserve components of the United States Armed Forces, the Maine National Guard or the Active Guard Reserve.

Sec. 2. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 2019, c. 601, §1, is further amended by enacting a new subparagraph (3) to read:

(3) "Program of general amnesty" does not include the process for upgrading a discharge for state law purposes under section 503, subsection 9.

Sec. 3. Report. The Director of the Maine Bureau of Veterans' Services within the Department of Defense, Veterans and Emergency Management shall explore whether other states have established processes for reviewing and potentially upgrading the discharge status, for state law purposes, of veterans who have been diagnosed with post-traumatic stress disorder or traumatic brain injury or who have been diagnosed with psychological trauma resulting from sexual assault or