

MAINE STATE LEGISLATURE

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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

A. Purchasing the coverage required by the destination jurisdiction through the travel retailer or supervising travel insurance producer supplying the trip or travel package; or

B. Agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

Sec. 16. 24-A MRSA §7059 is enacted to read:
§7059. Travel administrators

1. License required. Notwithstanding any provision of this Title to the contrary, a person may not act or represent itself as a travel administrator for travel insurance in the State unless that person:

A. Is a licensed property and casualty insurance producer in the State for activities permitted under that producer license;

B. Holds a valid managing general agent license in the State; or

C. Holds a valid 3rd-party administrator license in the State.

2. Exemption from adjuster license requirements. A travel administrator and its employees are exempt from the licensing requirements for adjusters in chapter 16 for travel insurance the travel administrator administers.

3. Insurer responsible. An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, including any affiliate of the insurer acting as a travel administrator for the direct and assumed insurance business of the affiliated insurer, and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the superintendent upon request.

Sec. 17. 24-A MRSA §7060 is enacted to read:
§7060. Rulemaking

The superintendent may adopt rules to implement the provisions of this chapter. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 18. 36 MRSA §2513-C is enacted to read:
§2513-C. Premium tax on travel insurance premiums

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Blanket travel insurance" has the same meaning as in Title 24-A, section 7052 A, subsection 2.

B. "Cancellation fee waiver" has the same meaning as in Title 24-A, section 7052 A, subsection 3.

C. "Primary certificate holder" has the same meaning as in Title 24-A, section 7052 A, subsection 9.

D. "Primary policyholder" has the same meaning as in Title 24-A, section 7052 A, subsection 10.

E. "Travel assistance services" has the same meaning as in Title 24-A, section 7052 A, subsection 13.

F. "Travel insurance" has the same meaning as in Title 24-A, section 7052 A, subsection 14.

2. Paying premium tax. An insurer shall pay a premium tax as provided in section 2513 on travel insurance premiums paid by any of the following:

A. A primary policyholder who is a resident of the State;

B. A primary certificate holder who is a resident of the State; and

C. A blanket travel insurance policyholder that is a resident of the State or has its principal place of business in the State, or in the case of an affiliate's or subsidiary's purchasing blanket travel insurance for eligible blanket travel insurance group members, the policyholder's affiliate or subsidiary has its principal place of business in the State, subject to any apportionment rules that apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premiums on an apportioned basis in a reasonable and equitable manner in those jurisdictions as determined by the assessor.

3. Insurer requirements. An insurer shall:

A. Document the state of residence or principal place of business of the policyholder or certificate holder described in subsection 1; and

B. Report as premiums only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

See title page for effective date.

CHAPTER 355
H.P. 1206 - L.D. 1617

An Act To Amend the Victim Services Laws To Define "Restorative Justice"

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

Sec. 1. 34-A MRSA §1001, sub-§15-B is enacted to read:

15-B. Restorative justice. "Restorative justice" means a practice in which offenders take responsibility for causing harm and engage in a facilitated process with victims, family members, community members,

advocates and others impacted by the harm that focuses on repairing the harm, addressing needs and preventing future harm.

See title page for effective date.

CHAPTER 356

S.P. 515 - L.D. 1622

An Act To Promote Individual Retirement Savings through a Public-Private Partnership

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

Sec. 1. 5 MRSA c. 7-A is enacted to read:

CHAPTER 7-A

MAINE RETIREMENT SAVINGS BOARD

§171. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Maine Retirement Savings Board under section 172.

2. Covered employee. "Covered employee" means an individual who is 18 years of age or older who is employed by a covered employer and who has wages or other compensation that are allocable to the State during a calendar year. "Covered employee" does not include:

A. An employee covered under the federal Railway Labor Act, 45 United States Code, Section 151;

B. An employee on whose behalf an employer makes contributions to a multiemployer pension trust fund authorized by the federal Labor Management Relations Act, 1947, Public Law 80-101, known as the Taft-Hartley Act; or

C. An individual who is an employee of the Federal Government, the State or any other state, any county or municipal corporation or any of the State's or any other state's units or instrumentalities.

"Covered employee" may include a part-time, seasonal or temporary employee only to the extent permitted in rules adopted by the board pursuant to section 174.

3. Covered employer. "Covered employer" means a person or entity engaged in a business, industry, profession, trade or other enterprise in the State, whether for profit or not for profit, that has not offered to its employees, effective in form or operation at any

time within the current calendar year or 2 preceding calendar years, a specified tax-favored retirement plan. "Covered employer" does not include:

A. The Federal Government, the State or any other state, any county or municipal corporation or any of the State's or any other state's units or instrumentalities; or

B. An employer that has not been in business during both the current calendar year and the preceding calendar year.

If an employer does not maintain a specified tax-favored retirement plan for a portion of a calendar year ending on or after the effective date of this chapter, but does adopt such a plan for the remainder of that calendar year, the employer is not a covered employer for the remainder of the year.

4. Enterprise fund. "Enterprise fund" means the Maine Retirement Savings Program Enterprise Fund established in section 178.

5. ERISA. "ERISA" means the federal Employee Retirement Income Security Act of 1974, as amended, 29 United States Code, Section 1001 et seq.

6. Internal Revenue Code. "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended.

7. IRA. "IRA" means a traditional IRA or Roth IRA.

8. Participant. "Participant" means an individual who has an IRA under the program.

9. Payroll deduction IRA or payroll deduction IRA arrangement. "Payroll deduction IRA" or "payroll deduction IRA arrangement" means an arrangement by which an employer allows employees to contribute to an IRA by means of payroll deduction.

10. Program. "Program" means the Maine Retirement Savings Program established in accordance with this chapter.

11. Retirement system. "Retirement system" means the Maine Public Employees Retirement System established in section 17101.

12. Roth IRA. "Roth IRA" means a Roth individual retirement account or Roth individual retirement annuity described in Section 408A of the Internal Revenue Code.

13. Specified tax-favored retirement plan. "Specified tax-favored retirement plan" means a plan, program or arrangement that is tax-qualified under or described in, and satisfies the requirements of, Section 401(a), Section 401(k), Section 403(a), Section 403(b), Section 408(k), Section 408(p) or Section 457(b) of the Internal Revenue Code, without regard to whether it constitutes an employee benefit plan under ERISA.