

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND THIRTIETH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 29, 2021**

**SECOND REGULAR SESSION**  
**January 5, 2022 to May 9, 2022**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 29, 2021**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 8, 2022**

**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**  
**2022**

**CHAPTER 496  
S.P. 392 - L.D. 1206**

**An Act Regarding the Terms of  
Office of the Director of the  
Maine State Museum  
Commission, the State  
Librarian and the Director of  
the Maine Arts Commission**

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

**Sec. 1. 27 MRSA §84-A**, as amended by PL 1991, c. 591, Pt. E, §30, is further amended to read:

**§84-A. Museum director; appointment**

The Director of the Maine State Museum Commission must be qualified by training or by experience in museum work and is appointed by the Maine State Museum Commission. The director shall serve ~~for an indefinite term, subject to removal for cause at the pleasure of the Maine State Museum Commission.~~ at the pleasure of the Maine State Museum Commission. The ~~commission~~ Maine State Museum Commission shall fix compensation for the director within salary range 88.

**Sec. 2. 27 MRSA §112**, as amended by PL 2019, c. 150, §11, is further amended by amending the section headnote to read:

**§112. — Maine Library Commission functions**

**Sec. 3. 27 MRSA §112, first ¶**, as enacted by PL 1973, c. 626, §6, is amended to read:

The ~~library commission~~ Maine Library Commission shall:

**Sec. 4. 27 MRSA §112, sub-§1**, as amended by PL 1991, c. 591, Pt. E, §31, is further amended to read:

**1. Appointment of State Librarian.** Appoint the State Librarian. The State Librarian must be qualified through training or experience in library work. The State Librarian shall serve ~~for an indefinite term, subject to removal for cause at the pleasure of the Maine Library Commission.~~ at the pleasure of the Maine Library Commission. The ~~commission~~ Maine Library Commission shall fix compensation for the State Librarian within salary range 88;

**Sec. 5. 27 MRSA §403-A**, as amended by PL 1991, c. 591, Pt. E, §32, is further amended to read:

**§403-A. Director of Maine Arts Commission; appointment**

The Director of the Maine Arts Commission must be qualified by training or experience and is appointed by the Maine Arts Commission. The director shall serve ~~for an indefinite term subject to removal for cause at the pleasure of the Maine Arts Commission.~~ at the pleasure of the Maine Arts Commission. The ~~commission~~ Maine Arts Commission shall fix compensation for the director within salary range 88.

**Sec. 6. Application.** This Act does not apply to a Director of the Maine State Museum Commission appointed pursuant to the Maine Revised Statutes, Title 27, section 84-A, a State Librarian appointed pursuant to Title 27, section 112, subsection 1 or a Director of the Maine Arts Commission appointed pursuant to Title 27, section 403-A who was appointed before January 1, 2021.

**Sec. 7. Retroactivity.** This Act applies retroactively to January 1, 2021.

See title page for effective date.

**CHAPTER 497  
S.P. 611 - L.D. 1752**

**An Act To Provide Insurance  
Coverage for a Beneficiary on  
a Transfer on Death Deed**

**Emergency preamble.** **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, after a homeowner's death it can take time to reinstate an insurance policy on real property; and

**Whereas**, continuity of homeowner's insurance coverage after the homeowner's death is critical to protecting the assets of an estate and the interests of the beneficiaries; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 24-A MRSA §3049-A** is enacted to read:

**§3049-A. Transfer on death deed; provision and cancellation of property insurance**

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

A. "Designated beneficiary" has the same meaning as in Title 18-C, section 6-402, subsection 2.

B. "Insurable interest" has the same meaning as in section 2406, subsection 2.

C. "Policy" means an insurance contract subject to this subchapter.

D. "Transfer on death deed" has the same meaning as in Title 18-C, section 6-402, subsection 6.

E. "Transferor" has the same meaning as in Title 18-C, section 6-402, subsection 7.

**2. Policy to include designated beneficiary.** Notwithstanding any provision of law to the contrary, when an insured property passes to a designated beneficiary under a transfer on death deed, any policy covering the insured property must extend to the designated beneficiary, except as provided in this section.

**3. Cancellation.** Upon receiving a notice of death affidavit under Title 18-C, section 6-414, the insurer may cancel a policy extended pursuant to this section as if the policy had been in effect for less than 90 days, as provided in section 3049. If the insurer does not receive a notice of death affidavit within 30 days after the transferor's death, the policy is deemed to have been cancelled as of the transferor's death without any further action by the insurer.

**4. Coverage extended.** The coverage extension under this section applies only with respect to the premises and property of the transferor.

**5. Proof demanded; policy conditions.** Before making any claim payments to a party claiming rights under this section as a designated beneficiary, the insurer may ask for proof that the party is a designated beneficiary under a properly recorded transfer on death deed and that the party has filed a notice of death affidavit under Title 18-C, section 6-414. The designated beneficiary shall comply with the conditions of the policy.

**6. Insurable interest; multiple beneficiaries.** A designated beneficiary is not entitled to recover under a policy extended as provided in this section in an amount that would exceed the designated beneficiary's insurable interest at the time of loss or damage. If the transfer on death deed has designated multiple beneficiaries, nothing in this section requires the insurer to pay an amount for loss or damage to the premises and property that exceeds the amount that would be owed to the transferor if the transferor were living at the time of loss or damage.

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

Effective March 16, 2022.

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**CHAPTER 498**

**H.P. 1310 - L.D. 1759**

**An Act To Extend the Legal Hours for Harvesting Lobster in the Month of September**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergency; and

**Whereas,** the current legal times for raising and hauling lobster traps are determined by the sun's rising and setting; and

**Whereas,** in the autumn, the later sunrise prevents lobster license holders from fishing most efficiently and during the calmer morning hours; and

**Whereas,** it is necessary that this Act take effect before September 2022 in order to allow lobster license holders to take advantage of the autumn harvest and in order to allow them to fish efficiently and safely; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §6440, sub-§1,** as amended by PL 2017, c. 32, §1, is further amended to read:

**1. Summer.** During the period 1/2 hour after sunset until 1/2 hour before sunrise from June 1st to ~~September 30th~~ August 31st, both days inclusive, and during the period 1/2 hour after sunset until 4 a.m. from ~~October~~ September 1st to October 31st, both days inclusive; and

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

Effective March 16, 2022.

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**CHAPTER 499**

**H.P. 1319 - L.D. 1768**

**An Act To Allow the Private Sale of Certain State Surplus Property to State Employees**

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

**Sec. 1. 5 MRSA §1828,** as amended by PL 2017, c. 310, §§1 and 2, is further amended by amending the section headnote to read:

**§1828. Sales of surplus property to educational institutions, qualifying nonprofit organizations and fire departments and state employees**

**Sec. 2. 5 MRSA §1828, sub-§1, ¶D** is enacted to read: