

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.

Augusta, Maine
2022

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.

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.

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:

D. "State employee" means an employee in the unclassified or classified service under chapters 71 and 372.

Sec. 3. 5 MRSA §1828, sub-§4 is enacted to read:

4. Office equipment to state employees. Notwithstanding any requirement of this chapter or rules adopted pursuant to this chapter, the Department of Administrative and Financial Services, Bureau of General Services shall allow private sales of office equipment to state employees for the purpose of furnishing those employees' home offices to facilitate their working remotely from home. The Bureau of General Services shall establish the price of office equipment for private sale to state employees in the same manner and at the same price as for public sale pursuant to section 1813, subsection 6. State employees who purchase office equipment pursuant to this subsection accept the property without warranties or guarantees, either expressed or implied. For purposes of this subsection, "office equipment" means equipment and furniture used for business or professional purposes, including but not limited to desktop and laptop computers, monitors, printers, miscellaneous computer components, desks, tables, chairs and filing cabinets. The Department of Administrative and Financial Services may further define "office equipment" in rulemaking. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 500

H.P. 1325 - L.D. 1774

An Act Clarifying the Rights to Legal Representation and To Communicate with Others for Individuals Subject to Guardianship

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

Sec. 1. 18-C MRSA §5-310, sub-§2, as amended by PL 2019, c. 417, Pt. A, §35, is repealed and the following enacted in its place:

2. Rights retained. An adult subject to guardianship retains the following rights:

A. The right to vote, unless the court orders otherwise. A court order removing the right to vote must include a finding that the adult cannot communicate, with or without support, a specific desire to participate in the voting process;

B. The right to marry, unless the court orders otherwise. A court order removing the right to marry

or placing conditions on the right to marry must include findings that support the removal of the right to marry or support conditions on the right to marry; and

C. The right to retain an attorney for any reason and to communicate freely with counsel, the court, an ombudsman or any advocate for the adult subject to guardianship, including an advocate of the adult subject to guardianship's choosing or a person authorized by law to advocate for the adult subject to guardianship. A person may not interfere with the right of an adult subject to guardianship to retain an attorney or communicate as described in this paragraph.

Sec. 2. 18-C MRSA §5-315, sub-§4, as enacted by PL 2019, c. 417, Pt. A, §44, is repealed.

See title page for effective date.

CHAPTER 501

H.P. 1334 - L.D. 1793

An Act To Support Statewide Economic Recovery through Strategic Investments

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

Sec. 1. 5 MRSA §13058, sub-§2-B is enacted to read:

2-B. Make grants; equity investments; loans; contractual arrangements. The commissioner may make, alone or in participation or cooperation with other persons, direct equity investments in, grants or loans to or any other contractual arrangement allowed by law with private entities for the purposes of encouraging and supporting economic and business growth, rural manufacturing and industrial site redevelopment and implementation of a strategic plan. As a condition of a disbursement of funding in whatever form to a private entity for purposes described in this subsection, the department may require from the private entity satisfactory evidence that the private entity has invested matching funds in an equal amount for the same purposes. Matching funds may be in the form of debt or equity investment as long as the financial commitment is for a minimum of 5 years.

Sec. 2. 5 MRSA §13058, sub-§3, ¶B is enacted to read:

B. The commissioner shall adopt rules to distribute funds or assistance pursuant to subsection 2-B. Rules adopted pursuant to this paragraph are routine technical rules as defined in chapter 375, subchapter 2-A.