

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

tracking system implemented by the department includes the functionality necessary to track marijuana plants, adult use marijuana and adult use marijuana products from immature marijuana plants to the point of retail sale, disposal or destruction in accordance with Title 28-B, section 105. The department shall also review relevant feedback it has previously received regarding the tracking system implemented for the adult use marijuana program, solicit additional feedback from relevant stakeholders and evaluate whether the current tracking system implemented by the department can be used or streamlined in a way that addresses those concerns. No later than January 1, 2023, the department shall submit a report to the joint standing committee of the Legislature having jurisdiction over adult use marijuana matters summarizing its findings and any recommendations based on the reviews required under this section. The joint standing committee of the Legislature having jurisdiction over adult use marijuana matters may report out legislation to the First Regular Session of the 131st Legislature related to the findings and recommendations in the department's report.

See title page for effective date.

CHAPTER 629

H.P. 1389 - L.D. 1879

An Act To Support Law Enforcement Officers, Corrections Officers, E-9-1-1 Dispatchers, Firefighters and Emergency Medical Services Persons Diagnosed with Post-traumatic Stress Disorder

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

Sec. 1. 39-A MRSA §153, sub-§11 is enacted to read:

11. Reports on use of rebuttable presumption. The board shall submit reports containing claims data from claims brought under section 201, subsection 3-A, paragraph B to the joint standing committee of the Legislature having jurisdiction over labor matters in accordance with this subsection.

A. No later than April 1, 2025, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by corrections officers, as defined in section 328-A, subsection 1, and E-9-1-1 dispatchers, including emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D. The committee may report out legislation related to the content of the report to the First Regular Session of the 132nd Legislature.

B. No later than January 1, 2027, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by law enforcement officers, firefighters and emergency medical services persons, as defined in section 328-A, subsection 1. The committee may report out legislation related to the content of the report to the First Regular Session of the 133rd Legislature.

C. No later than January 1, 2032, the board shall submit to the joint standing committee of the Legislature having jurisdiction over labor matters a report regarding claims brought by corrections officers, as defined in section 328-A, subsection 1, and E-9-1-1 dispatchers, including emergency medical dispatchers, as defined in Title 32, section 85-A, subsection 1, paragraph D. The committee may report out legislation related to the content of the report to the Second Regular Session of the 135th Legislature.

The reports must include, to the extent the information is available, an analysis of claims brought under section 201, subsection 3-A, paragraph B for the particular category of employees, as provided in this subsection. The reports must include the portion of those claims that resulted in a settlement or award of benefits and the effect of the claims on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association whose membership consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This subsection is repealed October 1, 2025.

Sec. 2. 39-A MRSA §201, sub-§3-A, ¶B, as amended by PL 2021, c. 419, §1, is further amended to read:

B. The employee is a law enforcement officer, corrections officer, E-9-1-1 dispatcher, firefighter or emergency medical services person and is diagnosed by an allopathic physician or an osteopathic physician licensed under Title 32, chapter 48 or chapter 36, respectively, with a specialization in psychiatry or a psychologist licensed under Title 32, chapter 56 as having post-traumatic stress disorder that resulted from work stress, that the work stress was extraordinary and unusual compared with that experienced by the average employee and the work stress and not some other source of stress was the predominant cause of the post-traumatic stress disorder, in which case the post-traumatic stress disorder is presumed to have arisen out of and in the course of the worker's employment. This presumption may be rebutted by clear and convincing evidence to the contrary. For purposes of this paragraph, "law enforcement officer," "corrections

officer, "firefighter" and "emergency medical services person" have the same meaning as in section 328-A, subsection 1. For the purposes of this paragraph, "E-9-1-1 dispatcher" means a person who receives calls made to the E-9-1-1 system and dispatches emergency services. "E-9-1-1 dispatcher" includes an emergency medical dispatcher as defined in Title 32, chapter 2-B, section 85-A, subsection 1, paragraph D.

~~By January 1, 2022, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters that includes an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the report, and the board shall seek the input of an association, the membership of which consists exclusively of counties, municipalities and other political or administrative subdivisions, in the development of the report.~~

Each time the Legislature amends this paragraph to provide for a rebuttable presumption for a new category of employees, the board shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters no later than the January 1st after the 5th year of the addition of the category of employees and no later than the January 1st after the 10th year of the addition of the category of employees. The reports must include an analysis of the number of claims brought under this paragraph, the portion of those claims that resulted in a settlement or award of benefits and the effect of the provisions of this paragraph on costs to the State and its subdivisions. The Department of Administrative and Financial Services, Bureau of Human Resources and the Department of Public Safety shall assist the board in developing the reports, and the board shall seek the input of an association the membership whose consists exclusively of counties, municipalities and other political or administrative subdivisions in the development of the report.

This paragraph is repealed October 1, ~~2022~~ 2025.

See title page for effective date.

**CHAPTER 630
H.P. 1423 - L.D. 1917**

**An Act To Amend the Tax
Laws of the State**

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

PART A

Sec. A-1. 36 MRSA §2519, as amended by PL 2021, c. 181, Pt. A, §4, is further amended to read:

§2519. Ratio of tax on foreign insurance companies

An insurance company incorporated in the District of Columbia, a state or possession of the United States or province of Canada whose laws impose upon insurance companies chartered by this State a greater tax than is provided in this chapter shall pay the same tax upon business done by it in this State, in place of the tax provided in any other section of this chapter. If the insurance company fails to pay the tax as provided in section 2521-A, the assessor shall certify that failure to the Superintendent of Insurance, who shall suspend the insurance company's right to do business in this State. For purposes of this section, an insurance company incorporated ~~by in~~ in another country is deemed to be incorporated ~~by in~~ in the state, district or possession of the United States where it has elected to make its deposit and establish its principal agency in the United States. ~~For nonadmitted insurance premiums subject to section 2531, the rate applied pursuant to this section must be the highest rate that the state, district, possession or province applies to nonadmitted insurance premiums taxed in that state, district or possession or province.~~

Sec. A-2. 36 MRSA §2531, sub-§2, as repealed and replaced by PL 2011, c. 548, §19 and affected by §36, is amended to read:

2. Rate and incidence of tax. Except as otherwise provided in section ~~2519 or~~ 2532, the rate of taxation ~~is 3% of the on~~ is the greater of 3% and the highest rate of taxation that applies to nonadmitted insurance premiums in the state, district or possession of the United States or province of Canada in which the insurer is incorporated. For purposes of this section, an insurance company incorporated in another country is deemed to be incorporated in the state, district or possession of the United States where it has elected to make its deposit and establish its principal agency in the United States. For all coverage placed in accordance with Title 24-A, chapter 19, the tax must be paid by the surplus lines producer. For all other nonadmitted insurance, the tax must be paid by the insured.

Sec. A-3. 36 MRSA §5255-B, as amended by PL 1999, c. 414, §53, is further amended to read: