

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND EIGHTEEN

—  
H.P. 1327 - L.D. 1894

**An Act To Correct Errors and Inconsistencies in the Laws of Maine**

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

**Whereas,** acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

**Whereas,** these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

**Whereas,** it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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:**

**PART A**

**Sec. A-1. 4 MRSA §1610-J,** as enacted by PL 2017, c. 284, Pt. FF, §1 and reallocated by c. 288, Pt. A, §2, is reallocated to 4 MRSA §1610-K.

**Sec. A-2. 4 MRSA §1805, sub-§7, ¶B-1,** as enacted by PL 2017, c. 284, Pt. UUUU, §11, is amended to read:

B-1. A monthly report on the number of cases opened, the number of vouchers submitted, the amount of vouchers paid, the amount of payments to contract counsel, the number of requests for professional services, the amount of payments for professional services and information on any complaints made against assigned or contract counsel; and

**Sec. A-3. 5 MRSA §1660-D, sub-§4, ¶D,** as enacted by PL 1995, c. 402, Pt. C, §2, is amended to read:

D. Is not exclusively a health care facility within the meaning of Title 22, former section 382, subsection 6.

**Sec. A-4. 5 MRSA §1812-D,** as enacted by PL 1989, c. 585, Pt. C, §3 and amended by PL 2011, c. 657, Pt. W, §5, is amended to read:

**§1812-D. Coordination of procurement information and policies**

The Bureau of Purchases shall coordinate with the Department of Transportation, the Department of Agriculture, Conservation and Forestry, and the Department of Environmental Protection ~~and the Office of Waste Reduction and Recycling~~ to develop a central ~~data base~~ database of information including, but not limited to, procurement policies, market information, technical data and demonstration project results. This data ~~shall~~ must be compiled annually and provided to local public agencies by the ~~Office of Waste Reduction and Recycling~~ Department of Environmental Protection.

**Sec. A-5. 5 MRSA §13070-J, sub-§4, ¶A,** as repealed by PL 2017, c. 211, Pt. E, §1 and amended by c. 264, §11, is repealed.

**Sec. A-6. 5 MRSA §18653-A,** as enacted by PL 2017, c. 88, §35, is amended to read:

**§18653-A. Funds**

All assets in the group life insurance program may be combined for investment purposes. The assets attributable to employers of participating local district participants in the group life insurance program may not be combined with the assets attributable to other group life insurance participants for benefit purposes. Premiums for retiree group life insurance coverage under section ~~4806+~~ 18661, subsection 2, and interest and dividends attributable to those premiums, may not be used to provide benefits for participants who are not retirees.

**Sec. A-7. 7 MRSA §2902-A, sub-§3,** as corrected by RR 1999, c. 1, §4, is amended to read:

**3. Permit granted; requirements; suspension.** A permit must be granted upon the express condition that the permittee at all times conducts the operation and maintains the facilities in accordance with the requirements of state law and any rules adopted under this chapter. Any violation that results in a health or safety hazard may lead to suspension of a permit in accordance with Title 5, ~~chapter 375~~, section 10004 for a period of up to 30 days. A suspension or revocation of a permit for longer than 30 days, or a refusal to renew a permit, must be in accordance with Title 5, chapter 375, subchapter ~~V~~ 5.

**Sec. A-8. 8 MRSA §263-A, sub-§1, ¶E,** as enacted by PL 1997, c. 528, §6, is amended to read:

E. The procedures and standards for setting ~~raeing~~ race dates; and

**Sec. A-9. 8 MRSA §271, sub-§1**, as amended by PL 2017, c. 231, §8, is further amended to read:

**1. Licensing.** If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of ~~raeing~~ race dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is \$100 or \$10 per week, whichever is higher. The commission shall make available harness racing laws and rules and relevant portions of the Maine Administrative Procedure Act to every initial licensee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. If the commission determines that the location where a commercial track is licensed to conduct races is unavailable, it may permit a licensee to transfer its license to another location. The substitute location and the races conducted there by the licensee must be conducted in accordance with this chapter. A license issued pursuant to this subsection is not transferable or assignable. The District Court Judge, as designated in Title 4, chapter 5, may revoke any license issued at any time for violation of the commission's rules or licensing provisions upon notice and hearing. The license is automatically revoked, subject to Title 5, chapter 375, upon a change in ownership, legal or equitable, of 50% or more of the voting stock of the licensee; the licensee may not hold a harness horse race or meet for public exhibition without a new license.

**Sec. A-10. 8 MRSA §276-B**, as amended by PL 2017, c. 231, §19, is further amended to read:

**§276-B. Commercial track ceases operation; entitled to funds**

Other than funds used exclusively to pay harness racing purses, a commercial track that ceases operation is entitled to distribution of all funds maintained by the State under this chapter based on the number of race days conducted by that commercial track up to and including the final ~~raeing~~ race date conducted by that commercial track. Payments due from a commercial track that ceases operation to any in-state commercial track, agricultural fair or off-track wagering licensee must be made from the funds under this section prior to distribution to the commercial track that has ceased operation.

**Sec. A-11. 8 MRSA §1003, sub-§5**, as enacted by PL 2017, c. 284, Pt. IIII, §1 and c. 303, §1, is repealed and the following enacted in its place:

**5. Additional duties of the director.** The director also serves as the director of the Gambling Control Unit, established as a bureau within the Department of Public Safety under Title 25, section 2902, subsection 12. As director of the unit, the director shall

administer and enforce the laws governing fantasy contests under chapter 33 and beano and games of chance under Title 17, chapters 13-A and 62, respectively.

**Sec. A-12. 10 MRSA §1023-J, first ¶**, as amended by PL 2011, c. 380, Pt. OOO, §1 and c. 657, Pt. W, §6, is further amended to read:

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Conservation and Forestry in accordance with Title 7, chapter 101, subchapter 1-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for agricultural enterprises may be used only for the following purposes: to provide assistance to agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; for the purchase, construction or renovation of buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise; for the purchase of land in connection with development of new cranberry acreage; for the purchase of land for irrigation reservoirs or to provide direct access to water for irrigation; for the purchase of land necessary for the start-up of a new agricultural enterprise; for the expansion of an existing agricultural enterprise when the land acquisition is necessary to comply with land use regulations; for the development of a business plan ~~in accordance with the provisions of Title 7, section 436-A~~; for improvements to pastureland, including seeding and actions to promote rotational grazing; or, if the commissioner so approves at the time of loan insurance commitment, to pledge money in the fund as security for, and to apply money in the fund to, payment of principal, interest and other amounts due on any term loans insured by the Finance Authority of Maine to an eligible dairy farmer. Repayment of these loans and interest on these loans must be credited to the fund and may be used for the purposes stated in this section or Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications and servicing and administering the fund and loans and grants made from the fund since the inception of the agricultural marketing loan program, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

**Sec. A-13. 10 MRSA c. 229**, as enacted by PL 2017, c. 178, §1 and c. 228, §1, is repealed and the following enacted in its place:

## **CHAPTER 229**

### **GUARANTEED ASSET PROTECTION WAIVERS**

#### **§1500-H. Guaranteed asset protection waivers**

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

A. "Administrator" means a person, other than an insurer or creditor, that performs administrative or operational functions pursuant to a waiver program.

B. "Borrower" means a debtor or retail buyer under a finance agreement.

C. "Creditor" means:

(1) The lender in a loan or credit transaction;

(2) A person engaged as a retail seller of motor vehicles that provides credit to consumers, as defined in Title 9-A, section 1-301, subsection 10, of the motor vehicles, as long as that person complies with the provisions of this section;

(3) The seller in a commercial retail installment transaction; or

(4) The assignee of any of the persons in subparagraphs (1) to (4) to which the credit obligation is payable.

D. "Finance agreement" means a loan or retail installment sales contract for the purchase of a motor vehicle.

E. "Free-look period" means the period of time, not less than 30 days, from the effective date of the waiver until the date the borrower may cancel the waiver contract without penalty, fees or costs to the borrower.

F. "Guaranteed asset protection waiver" or "waiver" means a contractual agreement in which a creditor agrees for a separate charge to cancel or waive all or part of the amount due on a borrower's finance agreement for a motor vehicle in the event of a total physical damage loss or unrecovered theft of the motor vehicle. The waiver must be part of or a separate addendum to the finance agreement.

G. "Insurer" has the same meaning as in Title 24-A, section 4.

H. "Motor vehicle" means a self-propelled vehicle not operated exclusively on railroad tracks; a motorcycle as defined in Title 29-A, section 101, subsection 38; a motor home as defined in Title 29-A, section 101, subsection 40; an all-terrain vehicle as defined in Title 12, section 13001, subsection 3; a snowmobile as defined in Title 12, section 13001, subsection 25; a motorboat as defined in Title 12, section 13001, subsection 16; a personal watercraft as defined in Title 12, section 13001, subsection 23; or a trailer as defined in Title 29-A, section 101, subsection 86. "Motor vehicle" includes vehicles whether self-propelled or towed.

I. "Person" includes an individual, company, association, organization, partnership, business trust, corporation and every form of legal entity.

J. "Superintendent" means, except in cases in which a credit union or financial institution authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, is the creditor, the Superintendent of Consumer Credit Protection. In cases in which a financial institution authorized to do business in this State is the creditor, "superintendent" means the Superintendent of Financial Institutions.

**2. Requirements for offering waivers.** The following provisions apply to offering waivers.

A. A waiver may be offered, sold or provided to a borrower in this State in compliance with this chapter.

B. A waiver may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

C. Notwithstanding any other provision of law, any cost to the borrower for a waiver entered into in compliance with the federal Truth in Lending Act, 15 United States Code, Section 1601 et seq. and its implementing regulations, as they may be amended from time to time, must be separately stated and may not be considered a finance charge or interest.

D. A retail seller must insure its waiver obligations under a contractual liability policy or other insurance policy issued by an insurer. A creditor, other than a retail seller, may insure its waiver obligations under a contractual liability policy or other insurance policy issued by an insurer. Any such insurance policy may be directly obtained by a creditor or retail seller or may be procured by an administrator to cover a creditor's or retail seller's obligations.

E. A waiver remains a part of the finance agreement upon the assignment, sale or transfer of the finance agreement by the creditor.

F. The extension of credit, the term of credit and the term of the related motor vehicle sale may not be conditioned upon the purchase of a waiver.

G. A creditor that offers a waiver must report the sale of and forward funds received on such a waiver to the designated party, if any, as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy or other specified program documents.

H. Funds received or held by a creditor or administrator and belonging to an insurer, creditor or administrator, pursuant to the terms of a written agreement, must be held by the creditor or administrator in a fiduciary capacity.

I. The borrower's primary motor vehicle insurance carrier or, if applicable, the 3rd-party liability carrier shall determine the existence of a total physical damage loss. If no primary motor vehicle insurance or 3rd-party liability insurance is present on the date of loss, then the existence of a total physical damage loss must be determined pursuant to the terms of the waiver.

**3. Contractual liability policy or other insurance policy.** The following provisions govern a contractual liability policy or other insurance policy insuring waivers.

A. A contractual liability policy or other insurance policy insuring waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the waivers issued by the creditor and purchased by the borrower or held by the borrower.

B. Coverage under a contractual liability or other insurance policy insuring a waiver must also cover any subsequent assignee upon the assignment, sale or transfer of the finance agreement.

C. Coverage under a contractual liability or other insurance policy insuring a waiver must remain in effect unless cancelled or nonrenewed as provided in Title 24-A.

D. The cancellation or nonrenewal of a contractual liability or other insurance policy may not reduce the insurer's responsibility for waivers issued by the creditor prior to the date of cancellation or nonrenewal and for which premium has been received by the insurer.

**4. Disclosures.** A waiver must disclose, as applicable, in writing and in clear, understandable language that is easy to read, the following:

A. The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

B. The purchase price and the terms of the waiver, including without limitation the requirements for protection, condition or exclusion associated with the waiver;

C. That the borrower may cancel the waiver within a free-look period as specified in the waiver and will be entitled to a full refund of the purchase price as long as no waiver benefits have been provided;

D. The procedure the borrower must follow, if any, to obtain waiver benefits under the terms and conditions of the waiver and a telephone number and address where the borrower may apply for waiver benefits;

E. Whether or not the waiver is cancellable after the free-look period, the conditions under which it may be cancelled or terminated and the procedures for requesting any refund due;

F. That, in order to receive any refund due in the event of a borrower's cancellation of the waiver agreement or early termination of the finance agreement, the borrower, in accordance with the terms of the waiver, must provide a written request to cancel to the creditor, administrator or other party as specified in the waiver. If a borrower is cancelling the waiver due to early termination of the finance agreement, the borrower must provide a written request to the creditor, administrator or other party within 90 days of the occurrence of the event terminating the finance agreement;

G. The methodology for calculating any refund due of the unearned portion of the purchase price of the waiver in the event of cancellation of the waiver or early termination of the finance agreement; and

H. That the extension of credit, the terms of credit and the terms of the related motor vehicle sale may not be conditioned upon purchase of the waiver.

**5. Cancellation.** The following provisions govern the cancellation of a waiver.

A. A waiver must be cancellable after the free-look period. A waiver must provide that if a borrower cancels the waiver within the free-look period, the borrower is entitled to a full refund of the purchase price as long as no benefits have been provided.

B. In the event of a borrower's cancellation of the waiver or early termination of the finance agreement, after the agreement has been in effect beyond the free-look period, the borrower is entitled to a pro rata refund of any unearned portion of the purchase price of the waiver. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, must provide a written request to

the creditor, administrator or other party. If the borrower is cancelling the waiver due to the early termination of the finance agreement, the borrower must provide a written request within 90 days of the event terminating the finance agreement.

C. If the cancellation of a waiver occurs as a result of a default under the finance agreement or the repossession of the motor vehicle associated with the finance agreement, or any other termination of the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in paragraph D.

D. Any refund under paragraph A, B or C may be applied by the creditor as a reduction of the amount owed under the finance agreement unless the borrower shows that the finance agreement has been paid in full.

**6. Enforcement.** The superintendent may require the filing of notification by an administrator pursuant to Title 9-A, section 6-202 and section 6-203, subsection 1. The superintendent may require the filing of waivers in use by an administrator. Upon request by the superintendent, an administrator shall annually file a record of waivers administered by the administrator.

The superintendent may take action that is necessary or appropriate to enforce the provisions of this chapter and to protect borrowers who hold waivers in this State. In cases in which a credit union or financial institution authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, is a creditor, the Superintendent of Financial Institutions is responsible for enforcement. After notice and opportunity for hearing, the superintendent may:

A. Order the creditor, administrator or any other person not in compliance with this chapter to cease and desist from further waiver-related operations that are in violation of this chapter; and

B. Impose a penalty of not more than \$500 per violation and not more than \$10,000 in the aggregate for all violations of a similar nature. For purposes of this paragraph, violations must be considered of a similar nature if the violations consist of the same or a similar course of conduct, action or practice, irrespective of the number of times the conduct, action or practice that is determined to be a violation of this chapter occurred.

**7. Exemptions.** The following exemptions apply.

A. This chapter does not apply to:

(1) An insurance policy or a guaranteed asset protection insurance policy offered by an insurer under Title 24-A; or

(2) A debt cancellation or debt suspension contract offered by a credit union or financial institution authorized to do business in this State, as defined in Title 9-B, section 131, subsections 12-A and 17-A, in compliance with 12 Code of Federal Regulations, Part 37 (2017) or 12 Code of Federal Regulations, Part 721 (2017) or other federal law.

B. Subsection 2, paragraph C and subsections 4 and 6 are not applicable to a waiver offered in connection with a retail installment sale associated with a commercial transaction.



C. Waivers governed under this chapter are not insurance and are exempt from Title 24-A. A person is not required to obtain a license as a producer or insurer or in any other capacity be regulated under Title 24-A in order to market, administer, sell or offer to sell a waiver.

**Sec. A-14. 10 MRSA c. 231** is enacted to read:

### **CHAPTER 231**

### **POSING AS A GOVERNMENTAL ENTITY OR AGENT IN COMMERCE**

#### **§1500-L. Posing as a governmental entity or agent in commerce**

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

A. "Governmental entity" means a unit, subdivision or entity of the Federal Government, the State, a county, a municipality or another state, including an agency, department, board, commission, bureau, division or military or public safety organization.

**2. False representation of posing as a governmental entity or agent in commerce.** A person who is not an official, agent or representative of a governmental entity or who does not have express approval of a governmental entity may not in commerce:

A. Represent, imply or otherwise cause a likelihood of confusion that the person is an official, agent or representative of a governmental entity in the sale, advertising for sale, marketing, offering, distribution or solicitation of any goods or services;

B. Simulate a summons, complaint, jury notice, tax form or other judicial or administrative process or make an untrue statement that any good, service, advertisement or offer was sent or distributed by or has been approved, authorized or endorsed in whole or in part by a governmental entity;

C. Use language or a symbol, logo, representation, statement, title, name, seal, emblem, insignia, trade or brand name, business or control tracking number, website, e-mail address or any other term or content that falsely represents or implies or otherwise causes a likelihood of confusion that any goods, services, advertisement or offer is from a governmental entity; or

D. Offer a document that is available free of charge or at a lesser price from a governmental entity without conspicuously disclosing that availability in a manner that is clearly visible to a consumer.

**3. Unfair trade practice.** A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.

**Sec. A-15. 10 MRSA §1602, sub-§2, ¶A,** as enacted by PL 2003, c. 452, Pt. E, §1 and affected by Pt. X, §2, is amended to read:

A. A person who violates this section commits a civil violation for which a fine of not more ~~that~~ than \$50 may be adjudged.

**Sec. A-16. 10 MRSA §8001-A, sub-§9**, as enacted by PL 1989, c. 450, §5, is amended to read:

**9. State Board of Licensure for Professional Engineers.** Professional Engineers, State Board of ~~Registration~~ Licensure for.

**Sec. A-17. 11 MRSA §10-105, sub-§(1)**, as enacted by PL 1977, c. 586, is amended to read:

(1). A financing statement or continuation statement filed prior to January 1, 1978, which shall not have lapsed prior to January 1, 1978, shall remain effective for the period provided in the old code, but not less ~~that~~ than 5 years after the filing.

**Sec. A-18. 12 MRSA §541-A**, as amended by PL 2017, c. 284, Pt. QQ, §1, is further amended to read:

**§541-A. Division of Geology, Natural Areas and Coastal Resources**

The Division of Geology, Natural Areas and Coastal Resources is established within the Department of Agriculture, Conservation and Forestry and is administered by the commissioner. The division consists of the Maine Geological Survey, referred to in this chapter as the "survey," and the Natural Areas Program. ~~The director of the bureau~~ Director of the Bureau of Resource Information and Land Use Planning is the director of the survey.

**Sec. A-19. 12 MRSA §10853, sub-§4**, as amended by PL 2017, c. 100, §1 and c. 164, §3, is repealed and the following enacted in its place:

**4. Disabled veteran.** A resident disabled veteran or a nonresident disabled veteran who is a resident of another state may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested under this subsection if the commissioner determines the applicant meets the requirements of this subsection and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "disabled veteran" means a person who:

B. Was honorably discharged from the Armed Forces of the United States or the National Guard; and

C. Has a service-connected disability evaluated at 50% or more.

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit under this

section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to remain a resident of this State or another state and the permit or license issued under this subsection is not revoked or suspended. For a nonresident to be eligible under this subsection, that nonresident's state must have a reciprocal agreement with this State.

**Sec. A-20. 12 MRSA §10953, sub-§1-C**, as amended by PL 2017, c. 164, §6 and c. 239, §1, is repealed and the following enacted in its place:

**1-C. Hunting with a crossbow; 65 years of age or older.** A person 65 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal subject to this Part.

**Sec. A-21. 15 MRSA §393, sub-§2**, as amended by PL 2017, c. 206, §1 and c. 227, §1, is repealed and the following enacted in its place:

**2. Application after 5 years.** A person subject to the provisions of subsection 1, paragraph A-1, subparagraphs (1) to (4) or paragraph C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the Governor. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(a)(3).

**Sec. A-22. 17 MRSA §2276**, as enacted by PL 1975, c. 739, §15, is repealed.

**Sec. A-23. 20-A MRSA §1051, sub-§6, ¶D**, as enacted by PL 2017, c. 284, Pt. C, §3 and Pt. VVVVV, §1, is repealed and the following enacted in its place:

**D.** A group of school administrative units that have an interlocal agreement pursuant to Title 30-A, chapter 115 in order to establish a school management and leadership center to jointly purchase the services of a superintendent may elect the superintendent in the manner prescribed in their interlocal agreement.

**Sec. A-24. 20-A MRSA §6051, sub-§1, ¶K**, as amended by PL 2017, c. 284, Pt. C, §10 and Pt. JJJJJJ, §2, is further amended to read:

K. A schedule of expenditures of federal awards; ~~and~~

**Sec. A-25. 20-A MRSA §6051, sub-§1, ¶L**, as enacted by PL 2017, c. 284, Pt. C, §11 and Pt. JJJJJJ, §3, is repealed and the following enacted in its place:

**L.** Beginning July 1, 2017, a determination of whether the school administrative unit has complied with section 15675, subsection 2; and

**Sec. A-26. 20-A MRSA §6051, sub-§1, ¶M** is enacted to read:

M. A determination of whether the school administrative unit has complied with applicable provisions of section 15690-A.

**Sec. A-27. 21-A MRSA §1001, sub-§2**, as amended by PL 1995, c. 483, §1, is further amended to read:

**2. Election.** "Election" means any primary, general or special election for state, or county office or municipal ~~offices as defined in~~ office pursuant to Title 30-A, section 2502, subsection 1.

**Sec. A-28. 22 MRSA §1471-C, sub-§13-A**, as enacted by PL 1987, c. 723, §3, is amended to read:

**13-A. Household use pesticide product.** "Household use pesticide product" means any general use pesticide product ~~which~~ that contains no more than 3% active ingredients and ~~which that~~ is applied undiluted by homeowners to control pests in and around the family dwelling and associated structures. For the purposes of this definition and section ~~1471-U~~ 1471-W, subsection 5, petroleum solvents ~~shall~~ are not be considered active ingredients.

**Sec. A-29. 22 MRSA §1715, sub-§1**, as corrected by RR 2001, c. 2, Pt. A, §34, is amended to read:

**1. Access requirements.** Any person, including, but not limited to an affiliated interest as defined in former section 396-L, that is subject to the requirements of this subsection, shall provide the services listed in paragraph C to individuals who are eligible for charity care in accordance with a charity care policy adopted by the affiliate or provider that is consistent with rules applicable to hospitals under section 1716. A person is subject to this subsection if that person:

A. Is either a direct provider of major ambulatory service, as defined in former section 382, subsection 8-A, or is or has been required to obtain a certificate of need under section 329 or former section 304 or 304-A;

B. Provides outpatient services as defined in former section 382, subsection 9-A; and

C. Provides one or more of the following services:

(1) Imaging services, including, but not limited to, magnetic resonance imaging, computerized tomography, mammography and radiology. For purposes of this section, imaging services do not include:

(a) Screening procedures that are not related to the diagnosis or treatment of a specific condition; or

(b) Services when:

(i) The services are owned by a community health center, a physician or group of physicians;

(ii) The services are offered solely to the patients of that center, physician or group of physicians; and

- (iii) Referrals for the purpose of performing those services are not accepted from other physicians;
- (2) Laboratory services performed by a hospital or by a medical laboratory licensed in accordance with the Maine Medical Laboratory Commission, or licensed by an equivalent out-of-state licensing authority, excluding those licensed laboratories owned by community health centers, a physician or group of physicians where the laboratory services are offered solely to the patients of that center, physician or group of physicians;
- (3) Cardiac diagnostic services, including, but not limited to, cardiac catheterization and angiography but excluding electrocardiograms and electrocardiograph stress testing;
- (4) Lithotripsy services;
- (5) Services provided by free-standing ambulatory surgery facilities certified to participate in the Medicare program; or
- (6) Any other service performed in an out-patient setting requiring the purchase of medical equipment costing in the aggregate \$500,000 or more and for which the charge per unit of service is \$250 or more.

**Sec. A-30. 22 MRSA §2842, sub-§§3 and 4**, as amended by PL 2013, c. 31, §1, are further amended to read:

**3. Medical certificate by medical examiner or the Office of Chief Medical Examiner.** When a death occurs under circumstances that make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner or the Office of ~~the~~ Chief Medical Examiner shall complete the medical certification of the cause of death as specified by department rule and sign the death certificate. A certification need not be completed before the remains are ready for release.

The medical examiner or the Office of ~~the~~ Chief Medical Examiner is responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by the Attorney General's office, entries must be left "withheld" until such time as the Attorney General, in the Attorney General's sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of ~~the~~ Chief Medical Examiner.

**4. Correction of errors on death statistic records filed under chapter 711.** Certificates of death in medical examiner cases, as defined in section 3025, may be completed or amended at any time by means described in rule by the department to the Office of ~~the~~ Chief Medical Examiner. Either the Chief Medical Examiner or the medical examiner assigned to the case may sign the forms or submit an electronic amendment or

file a certificate using the electronic death registration system in accordance with section 2847. A person authorized by the Chief Medical Examiner may amend a certificate of death with respect to the time, date, place and circumstances of death. The medical examiner assigned shall submit the form or electronic amendment to the Office of the Chief Medical Examiner for filing with the State Registrar of Vital Statistics. These forms or electronic amendments may be filed at any time after death and need not include a summary description of the evidence in support of the completion or amendment.

**Sec. A-31. 22 MRSA §2843-A, sub-§2**, as amended by PL 2017, c. 38, §1 and by c. 70, §1, is repealed and the following enacted in its place:

**2. Custody and control generally.** The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions in the following order of priority:

A. If the subject has designated another person to have custody and control in a written and signed document, custody and control belong to that designated person;

B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and

C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin cannot, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

If a person who has custody and control under this subsection does not complete decision making regarding final disposition within 30 days after taking custody and control, a funeral director or practitioner of funeral service who has physical possession of the remains or dead body may bury the remains or dead body at the expense of the funeral director or practitioner.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury or cremate the remains or dead body. The funeral director or practitioner

of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

**Sec. A-32. 22 MRSA §2942, sub-§3**, as enacted by PL 2007, c. 601, §2, is amended to read:

**3. Chief Medical Examiner.** "Chief Medical Examiner" means the Office of ~~the~~ Chief Medical Examiner within the Office of the Attorney General.

**Sec. A-33. 22 MRSA §3022, sub-§8**, as repealed and replaced by PL 2001, c. 221, §1, is amended to read:

**8. Certain information confidential.** The following records in the possession or custody of a medical examiner or the Office of ~~the~~ Chief Medical Examiner are not public records within the meaning of Title 1, section 402, subsection 3 and are confidential:

- A. Medical records relating to a medical examiner case;
- B. Law enforcement agency reports or records relating to a medical examiner case;
- C. Communications with the Department of the Attorney General relating to a medical examiner case;
- D. Communications with the office of a district attorney relating to a medical examiner case;
- E. Death certificates and amendments made to the certificates, except for the information for which the medical examiner is responsible, as listed in section 2842, subsection 3, and not ordered withheld by the Attorney General relating to a medical examiner case or missing person;
- F. Photographs and transparencies, histological slides, videotapes and other like items relating to a medical examiner case; and
- G. Written or otherwise recorded communications that express or are evidence of suicidal intent obtained under section 3028, subsections 4 and 5.

**Sec. A-34. 22 MRSA §3022, sub-§14**, as amended by PL 2013, c. 267, Pt. B, §16, is further amended to read:

**14. Access to report documents.** Report documents, as defined in section 3035, subsection 2, in the possession or custody of a medical examiner or the Office of ~~the~~ Chief Medical Examiner constitute investigative information. Release and inspection are governed by Title 16, section 804. Release and inspection are also contingent upon the person's request specifying a specific decedent or decedents and the payment of any required fee under section 3035.

**Sec. A-35. 22 MRSA §3023-A**, as enacted by PL 2013, c. 113, §2, is amended to read:

**§3023-A. Medicolegal death investigators; appointment; jurisdiction**

The Chief Medical Examiner may appoint persons who are not physicians as medicolegal death investigators, who have statewide jurisdiction and serve at the pleasure of the Chief Medical Examiner, subject to the Chief Medical Examiner's control and rules adopted by the Chief Medical Examiner. Medicolegal death investigators must meet the certification and training requirements established by the Chief Medical Examiner and must be residents of this State. Medicolegal death investigators may be employees of the Office of the Chief Medical Examiner or serve on a fee-for-service basis as determined by the Chief Medical Examiner. A medicolegal death investigator before entering upon the duties of the office must be duly sworn to the faithful performance of the medicolegal death investigator's duty.

**Sec. A-36. 22 MRSA §3028, sub-§5**, as amended by PL 2013, c. 113, §8, is further amended to read:

**5. Requests for objects.** Any person having possession of any object or objects, as described in subsection 4, shall at the request of the medical examiner or medicolegal death investigator give that object or objects to a law enforcement officer, to the medical examiner, to the medicolegal death investigator or to the Office of Chief Medical Examiner. Medical personnel and institutions turning over any objects or specimens that have been removed from the victim while under medical care are immune from civil or criminal liability when complying with this subsection. Original written or recorded material that might express suicidal intent must be sent to the Office of the Chief Medical Examiner. The Chief Medical Examiner may elect to accept copies in place of originals.

**Sec. A-37. 22 MRSA §3028-C, sub-§1**, as enacted by PL 1985, c. 611, §8, is amended to read:

**1. Disposal of nonsubstantial body fragments and body fluids.** Body fragments or body fluids retained for evidence, further study or documentation, or those ~~which~~ that have been recovered after the body has been released from the custody of the medical examiner, may be disposed of according to the practices of the laboratory responsible for analysis, by the Office of the Chief Medical Examiner, or by the medical examiner or pathologist retaining those fragments or fluids, unless claimed in writing by the person responsible for burial.

**Sec. A-38. 22 MRSA §3782-A, sub-§6**, as enacted by PL 1997, c. 530, Pt. A, §19, is amended to read:

**6. Rulemaking.** The department shall adopt rules to implement this ~~subsection~~ section. Except as specifically provided, rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. A-39. 23 MRSA §244-A, sub-§1**, as amended by PL 2017, c. 295, §2, is further amended to read:

**1. Owner.** In addition to payments otherwise authorized, the department shall make an additional payment not in excess of the amount allowed under the federal Uniform



Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 90 days prior to the initiation of negotiations for the acquisition of the property. The additional payment must include the following elements:

A. The amount, if any, that when added to the acquisition cost of the dwelling acquired by the department equals the reasonable cost of a comparable replacement dwelling. All determinations required to carry out this paragraph must be made in accordance with standards established by the department;

B. The amount, if any, that will compensate the displaced person for any increased interest costs and other debt service costs that person is required to pay for financing the acquisition of any such comparable replacement dwelling. The amount may be paid only if the dwelling acquired by the department was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of that dwelling. In calculating the amount to be paid under this section, increased interest costs and other debt service costs must be reduced to discounted present value. The payment must be an amount that will reduce the mortgage balance on the replacement dwelling to an amount that could be amortized with the same monthly payment for principal and interest as that for the mortgage on the displaced dwelling; and

C. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

**Sec. A-40. 24-A MRSA §2546**, as enacted by PL 1979, c. 442, §4, is amended to read:

**§2546. Calculation of cash surrender values**

For contracts ~~which~~ that provide cash surrender benefits, the cash surrender benefits available prior to maturity ~~shall~~ may not be less than the present value as of the date of surrender of that portion of the maturity value of the paid-up annuity benefit ~~which~~ that would be provided under the contract at maturity arising from considerations paid prior to the time of cash surrender reduced by the amount appropriate to reflect any prior withdrawals from or partial surrenders of the contract, the present value being calculated on the basis of an interest rate not more than 1% higher than the interest rate specified in the contract for accumulating the net considerations to determine the maturity value, decreased by the amount of any indebtedness to the insurer on the contract, including interest due and accrued, and increased by any existing additional amounts credited by the insurer to the contract. In no event ~~shall~~ may any cash surrender benefit be less ~~that~~ than the minimum nonforfeiture amount at that time. The death benefit under the contracts ~~shall~~ must be at least equal to the cash surrender benefit.

**Sec. A-41. 24-A MRSA §4551, sub-§2, ¶A**, as enacted by PL 2017, c. 129, §1, is amended to read:

A. Within 90 days of a death master file match, complete a good faith effort, which must be documented by the insurer, to confirm the death of an insured, an annuity owner or retained asset account holder against other available records and information; and

**Sec. A-42. 24-A MRSA §6304, sub-§1**, as enacted by PL 1989, c. 931, §5, is amended to read:

**1. Assessment from policyholders and self-insureds.** With respect to professional liability insurance policies for physicians and hospitals issued on or after July 1, 1990, each insurer shall collect an assessment from each policyholder. With respect to professional liability insurance for self-insureds issued on or after July 1, 1990, each self-insured shall pay an assessment as directed by the superintendent. The superintendent shall determine the amount of the assessment in accordance with this chapter. Notwithstanding any provision of law, assessments made and collected pursuant to this chapter do not constitute premium, as defined in section 2403, for purposes of any laws of this State relating to taxation, filing of insurance rates or assessment purposes other than as expressly provided under this chapter. The assessments are considered as premium only for purposes of any laws of this State relating to cancellation or nonrenewal of insurance coverage ~~and the determination of hospital financial requirements under Title 22, chapter 107.~~

**Sec. A-43. 26 MRSA §938**, as enacted by PL 1985, c. 294, §§2 and 3, is amended to read:

**§938. Advertising or soliciting for workers during strike or disturbance; exceptions; penalty**

If any employer, during the continuance of a strike among ~~his~~ the employer's employees, or during the continuance of a lockout or other labor trouble among ~~his~~ the employer's employees, publicly advertises in newspapers, or by posters or otherwise, for employees, or ~~by himself directly or his~~ through the employer's agents solicits persons to work for ~~him~~ the employer to fill the places of strikers, ~~he~~ the employer shall plainly and explicitly mention in the advertisements or oral or written solicitations that a strike, lockout or other labor disturbance exists. If any employee, during the continuance of a strike, lockout or other labor trouble, advertises for or solicits business for a competitor of the ~~employers~~ employer that is engaged in the labor dispute, ~~he~~ the employee shall plainly and explicitly mention in the advertisement or oral or written ~~solicitations~~ solicitation that a strike, lockout or other labor disturbance exists. This section ~~shall~~ ceases to be operative if the board determines that the business of the employer, in respect to which the strike or other labor trouble occurred, is being carried on in the normal and usual manner and to the normal and usual extent. The board shall determine this question as soon as possible, upon the application of the employer. Any person, firm, association or corporation ~~who~~ that violates this section ~~shall~~ must be punished by a fine not less ~~that~~ than \$250 nor more than \$500.

**Sec. A-44. 26 MRSA §1192, sub-§6-E**, as amended by PL 2017, c. 110, §8 and c. 117, §4, is repealed and the following enacted in its place:

**6-E. Prohibition against disqualification of individuals in approved training under federal Workforce Innovation and Opportunity Act.** Notwithstanding any other provision of this chapter, unless inconsistent with federal law, the acceptance of training opportunities available through the federal Workforce Innovation and Opportunity Act, 29 United States Code, Sections 3101 to 3361 is deemed to be acceptance of training with the approval of the State within the meaning of any other provision of federal or state law, relating to unemployment benefits.

**Sec. A-45. 26 MRSA §1198, sub-§2, ¶J,** as amended by PL 2017, c. 110, §9 and c. 117, §11, is repealed and the following enacted in its place:

J. The eligible employer allows eligible employees to participate, as appropriate, in training, including employer-sponsored training or worker training funded under the federal Workforce Innovation and Opportunity Act, Public Law 113-128, to enhance job skills if such training has been approved by the commissioner.

**Sec. A-46. 29-A MRSA §201, sub-§3, ¶D,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. A municipal agent authorized to process permits and decals for vehicles with gross vehicle weight in excess of 6,000 pounds may charge a fee not to exceed \$1 over the required fee for each permit or decal issued.

**Sec. A-47. 29-A MRSA §1405, sub-§3,** as amended by PL 2017, c. 27, §4 and affected by §10 and amended by c. 229, §27, is repealed and the following enacted in its place:

3. Fee. The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5. The fee for the expedited issuance of a duplicate license or nondriver identification card is an additional \$10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.

This subsection is repealed July 1, 2019.

**Sec. A-48. 29-A MRSA §1405, sub-§3-A** is enacted to read:

3-A. Fee. The fee for a duplicate registration certificate is \$2. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5. The fee for a duplicate license or duplicate nondriver identification card under section 1260 is \$30. The fee for the expedited issuance of a duplicate license or nondriver identification card, including the expedited issuance of a duplicate license or nondriver identification card under section 1260, is an additional \$10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.

**Sec. A-49. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 29-A, section 1405, subsection 3-A takes effect July 1, 2019.

**Sec. A-50. 30-A MRSA §701, sub-§2-C**, as amended by PL 2017, c. 281, §1 and c. 284, Pt. V, §1, is repealed and the following enacted in its place:

**2-C. Tax assessment for correctional services beginning July 1, 2015.** Beginning July 1, 2015, the counties shall annually collect no less than \$62,172,371 from municipalities for the provision of correctional services in accordance with this subsection. The counties may collect an amount that is more than the base assessment limit established in this subsection, except that the additional amount each year may not exceed the base assessment limit as adjusted by the growth limitation factor established in section 706-A, subsection 3 or 4%, whichever is less. If a county collects in a year an amount that is more than the base assessment limit established for that county pursuant to this subsection, the base assessment limit in the succeeding year is the amount collected in the prior year. For the purposes of this subsection, "correctional services" includes management services, personal services, contractual services, commodity purchases, capital expenditures and all other costs, or portions thereof, necessary to maintain and operate correctional services. "Correctional services" does not include county jail debt unless there is a surplus in the account that pays for correctional services at the end of the state fiscal year.

The assessment to municipalities within each county may not be less than the base assessment limit, which is:

- A. A sum of \$4,287,340 in Androscoggin County;
- B. A sum of \$2,316,666 in Aroostook County;
- C. A sum of \$11,575,602 in Cumberland County;
- D. A sum of \$1,621,201 in Franklin County;
- E. A sum of \$1,670,136 in Hancock County;
- F. A sum of \$5,588,343 in Kennebec County;
- G. A sum of \$3,188,700 in Knox County;
- H. A sum of \$2,657,105 in Lincoln County;
- I. A sum of \$1,228,757 in Oxford County;
- J. A sum of \$5,919,118 in Penobscot County;
- K. A sum of \$878,940 in Piscataquis County;
- L. A sum of \$2,657,105 in Sagadahoc County;
- M. A sum of \$5,363,665 in Somerset County;
- N. A sum of \$2,832,353 in Waldo County;
- O. A sum of \$2,000,525 in Washington County; and
- P. A sum of \$8,386,815 in York County.

**Sec. A-51. 32 MRSA §91-B, sub-§2, ¶G**, as enacted by PL 2011, c. 271, §19, is amended to read:

G. Confidential information may be released to the Office of the Chief Medical Examiner within the Office of the Attorney General.

**Sec. A-52. 32 MRSA §1202-A, sub-§5, ¶B**, as enacted by PL 2017, c. 198, §17, is amended to read:

B. In order to obtain a license under this subsection, a person must meet the following requirements, as applicable:

(1) A limited electrician in water pumps must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in water pumps is restricted to performing electrical work between the branch circuit overcurrent device, the water pump and associated controls.

(2) A limited electrician in outdoor signs, including sign lighting, must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. The scope of this license does not include branch circuit wiring.

(3) A limited electrician in gasoline dispensing must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in gasoline ~~dispensers~~ dispensing is restricted to performing electrical work between the branch circuit overcurrent device, the dispenser and associated controls.

(4) A limited electrician in traffic signals, including outdoor lighting of traffic signals, must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in traffic signals is restricted to performing electrical work on traffic signals, including outdoor lighting of traffic signals and the traffic signal electrical service.

(5) A limited electrician in house wiring must provide evidence of having completed at least 225 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 4,000 hours of work experience approved by the board in rules. A limited electrician in house wiring is restricted to performing electrical work in one-family dwellings and 2-family dwellings, including manufactured homes.

(6) A limited electrician in refrigeration must provide evidence of having completed at least 270 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 6,000 hours of work experience approved by the board in rules. Graduates of a community college electrical program in refrigeration approved by the board or from an accredited institution are credited with 4,000 hours of work experience upon graduation. A limited electrician in refrigeration is restricted to performing electrical work

between the branch circuit overcurrent device, the refrigeration equipment and associated controls.

(7) A limited electrician in low-energy electronics, including fire alarms, must provide evidence of having completed at least 270 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 4,000 hours of work experience approved by the board in rules. A limited electrician in low-energy electronics is restricted to performing electrical work on low-energy electronics as supplied by Class I, II and III limited energy systems, all fire alarm systems and the dedicated branch circuit wiring.

(8) A limited electrician in crane wiring must provide evidence of having completed at least 135 hours of electrical education as approved by the board or from an accredited institution and provide evidence of 2,000 hours of work experience approved by the board in rules. A limited electrician in crane wiring is restricted to the installation of electrical equipment and wiring used in connection with cranes, monorail hoists, hoists and runways.

**Sec. A-53. 32 MRSA §6214-D, sub-§1, ¶D**, as amended by PL 2017, c. 265, §3, is further amended to read:

D. Meet one of the following requirements:

(1) Complete 2,000 hours of documented supervised practice in alcohol and drug counseling as a certified alcohol and drug counselor;

(2) Possess an associate or bachelor's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, complete course work as defined by board rule and complete a minimum of 4,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a bachelor's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 18 credit hours of course work in addiction counseling need only complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling; or

(3) Possess a master's degree from an accredited college or university in clinically based behavioral sciences or addiction counseling or a related field as defined by board rule, complete course work as defined by board rule and complete a minimum of 2,000 hours of documented supervised practice in alcohol and drug counseling, except that an applicant who holds a master's degree from an accredited college or university that meets the requirements of this subparagraph and who has completed at least 12 credit hours of course work in addiction counseling need only complete a minimum of 1,500 hours of documented supervised practice in alcohol and drug counseling.

**Sec. A-54. 32 MRSA §7054-A, 3rd ¶**, as enacted by PL 1985, c. 736, §14, is amended to read:

Any person certified by the board prior to the effective date of this section or under former section 7054 as a certified social worker and who engages in the independent

practice of social work pursuant to former section 7052 ~~shall~~ must be licensed as a "certified social worker - independent practice" and may continue to practice social work as previously authorized. This person has the option to be licensed as a "licensed master social worker" without further examination if the person has a ~~masters'~~ master's degree in social work or social welfare.

**Sec. A-55. 32 MRSA §18515, sub-§2**, as enacted by PL 2017, c. 253, §7, is amended to read:

**2. Officers.** The interstate commission shall elect or appoint annually from among its commissioners a chair, a vice-chair and a treasurer, each of whom has the authority and duties as specified in the bylaws. The chair, or, in the chair's absence or disability, the vice-chair, shall preside at all meetings of the interstate commission.

**Sec. A-56. 33 MRSA §479-C**, as amended by PL 2017, c. 284, Pt. TT, §1, is further amended to read:

**§479-C. Conservation lands registry**

A holder of a conservation easement or a fee owner of land for conservation purposes that is organized or doing business in the State shall annually report to the Department of Agriculture, Conservation and Forestry the book and page number at the registry of deeds for each conservation easement that it holds or each parcel owned in fee for conservation purposes, the municipality, the approximate number of acres protected under each easement or parcel owned, the approximate number of acres that are exempt from taxation pursuant to Title 36, section 652 for which the municipality or county does not receive payments in lieu of taxes and such other information as the Department of Agriculture, Conservation and Forestry determines necessary to fulfill the purposes of this subchapter. The filing must be made by a date and on forms established by the Department of Agriculture, Conservation and Forestry to avoid duplicative filings when possible and otherwise reduce administrative burdens. The annual filing must be accompanied by a an \$80 fee. The Department of Agriculture, Conservation and Forestry shall maintain a permanent record of the registration and report to the Attorney General any failure of a holder of a conservation easement disclosed by the filing or otherwise known to the Department of Agriculture, Conservation and Forestry. The fees established under this section must be held by the Department of Agriculture, Conservation and Forestry in a nonlapsing, special account to defray the costs of maintaining the registry and carrying out its duties under this section.

**Sec. A-57. 34-B MRSA §1207, sub-§1, ¶B**, as amended by PL 2017, c. 147, §6, is further amended to read:

B. Information may be disclosed if necessary to carry out the statutory functions of the department; the hospitalization provisions of chapter 3, subchapter 4; ~~the provisions of section 1931~~; the purposes of section 3608; the purposes of Title 5, section 19506; the purposes of United States Public Law 99-319, dealing with the investigatory function of the independent agency designated with advocacy and investigatory functions under United States Public Law 88-164, Title I, Part C or United States Public Law 99-319; the investigation and hearing pursuant to Title 15,

section 393, subsection 4-A; or the provision of mental health services by the Department of Corrections pursuant to Title 34-A, section 3031, 3069-A or 3069-B;

**Sec. A-58. 34-B MRSA §1207, sub-§1, ¶B-3**, as amended by PL 2017, c. 93, §1 and repealed by c. 147, §7, is repealed.

**Sec. A-59. 35-A MRSA §7104-C, sub-§2, ¶I**, as enacted by PL 2011, c. 600, §7 and affected by §10, is amended to read:

I. The State Tax Assessor shall remit the total prepaid wireless fees collected pursuant to this subsection to the commission. The commission shall deposit the total fees into the prepaid wireless fee fund established in subsection 3 and shall ensure that, within 30 days of receipt:

(1) The portion of the remitted prepaid wireless fees attributable to the E-9-1-1 surcharge imposed by Title 25, section 2927, subsection ~~1-H~~ 1-F is deposited in a separate account;

(2) The portion of the remitted prepaid wireless fees attributable to the fee imposed under section 7104, subsection 3-A is deposited in the state universal service fund established pursuant to section 7104, subsection 3; and

(3) The portion of the remitted prepaid wireless fees attributable to the fee imposed under section 7104-B, subsection 2-A is deposited in the telecommunications education access fund established under section 7104-B, subsection 2.

**Sec. A-60. 36 MRSA §191, sub-§2, ¶CCC**, as enacted by PL 2017, c. 211, Pt. A, §9, is amended to read:

CCC. The disclosure of information to the Revenue Forecasting Committee or its staff under Title 5, section 1710-J, by or at the direction of the Associate Commissioner for Tax Policy when pertinent to the associate commissioner's duties of providing revenue forecasting analysis to the committee. The information may be disclosed only in oral or paper form and only after notice to the State Tax Assessor of the intended disclosure. The associate commissioner shall apprise the committee members of the provisions regarding confidentiality of such information, of the continuing confidential nature of the disclosed information and the provision in Title 5, section 1710-J, allowing discussion of the information by the committee meeting in executive session not open to the public;

**Sec. A-61. 36 MRSA §691, sub-§1, ¶A**, as amended by PL 2017, c. 170, Pt. B, §7 and c. 211, Pt. A, §10, is repealed and the following enacted in its place:

A. "Eligible business equipment" means qualified property that, in the absence of this subchapter, would first be subject to assessment under this Part on or after April 1, 2008. "Eligible business equipment" includes, without limitation, repair parts, replacement parts, replacement equipment, additions, accessions and accessories to other qualified business property that first became subject to assessment under this Part before April 1, 2008 if the part, addition, equipment, accession or accessory would, in the absence of this subchapter, first be subject to assessment under this Part



on or after April 1, 2008. "Eligible business equipment" also includes inventory parts. "Eligible business equipment" does not include property eligible for exemption under section 652.

"Eligible business equipment" does not include:

(1) Office furniture, including, without limitation, tables, chairs, desks, bookcases, filing cabinets and modular office partitions;

(2) Lamps and lighting fixtures used primarily for the purpose of providing general purpose office or worker lighting;

(3) Property owned or used by an excluded person;

(4) Telecommunications personal property subject to the tax imposed by section 457;

(5) Gambling machines or devices, including any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity as that term is defined in Title 8, section 1001, subsection 15, whether that activity consists of gambling between persons or gambling by a person involving the playing of a machine. "Gambling machines or devices" includes, without limitation:

(a) Associated equipment as defined in Title 8, section 1001, subsection 2;

(b) Computer equipment used directly and primarily in the operation of a slot machine as defined in Title 8, section 1001, subsection 39;

(c) An electronic video machine as defined in Title 17, section 1831, subsection 4;

(d) Equipment used in the playing phases of lottery schemes; and

(e) Repair and replacement parts of a gambling machine or device;

(6) Property located at a retail sales facility and used primarily in a retail sales activity unless the property is owned by a business that operates a retail sales facility in the State exceeding 100,000 square feet of interior customer selling space that is used primarily for retail sales and whose Maine-based operations derive less than 30% of their total annual revenue on a calendar year basis from sales that are made at a retail sales facility located in the State. For purposes of this subparagraph, the following terms have the following meanings:

(a) "Primarily" means more than 50% of the time;

(b) "Retail sales activity" means an activity associated with the selection and retail purchase of goods or rental of tangible personal property. "Retail sales activity" does not include production as defined in section 1752, subsection 9-B; and

(c) "Retail sales facility" means a structure used to serve customers who are physically present at the facility for the purpose of selection and retail purchase of goods or rental of tangible personal property. "Retail sales

facility" does not include a separate structure that is used as a warehouse or call center facility;

(7) Property that is not entitled to an exemption by reason of the additional limitations imposed by subsection 2; or

(8) Personal property that would otherwise be entitled to exemption under this subchapter used primarily to support a telecommunications antenna used by a telecommunications business subject to the tax imposed by section 457.

**Sec. A-62. 36 MRSA §5283-A, sub-§1**, as amended by PL 2017, c. 284, Pt. AAAA, §2 and Pt. DDDD, §2, is repealed and the following enacted in its place:

**1. Minimum threshold for total contributions.** The State Tax Assessor may not include on an individual income tax return form a designation for a taxpayer to make a contribution through a checkoff under section 5284, 5284-A, 5285, 5288-A, 5289 or 5291 unless on returns filed in the prior calendar year the total contributions to the organization or fund to which the contributions are credited under the applicable section are at least:

A. For calendar year 2012, \$10,000;

B. For calendar year 2013, \$13,000;

C. For calendar year 2014, \$16,000;

D. For calendar year 2015, \$19,000;

E. For calendar year 2016, \$22,000; and

F. For calendar years beginning on or after January 1, 2017, \$25,000.

This subsection does not apply to a contribution checkoff that has been on the individual income tax form for less than one year.

**Sec. A-63. 37-B MRSA §3, sub-§1, ¶D**, as amended by PL 2017, c. 108, §1 and amended by c. 114, §1, is repealed and the following enacted in its place:

D. Have the following powers and duties.

(1) The Adjutant General shall administer the department subordinate only to the Governor.

(2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.

(3) The Adjutant General may prepare a budget for the department.

(4) The Adjutant General may transfer personnel from one bureau to another within the department.

(5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business

transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State, who shall credit them to the Capital Repair, Maintenance, Construction and Acquisition Account of the Military Bureau.

(8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State, who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3. The Adjutant General shall provide the personnel, supplies, services and matching funds required by a federal cost-sharing arrangement pursuant to 31 United States Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National Guard Regulation 5-1 (2010). The Adjutant General shall receive funds and property and an accounting for all expenditures and property acquired through such a federal cost-sharing arrangement and make returns and reports concerning those expenditures and that property as required by such a federal cost-sharing arrangement.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws. The report must include information on the status of communications with the United States Department of Veterans Affairs regarding the potential health risks to and the potential disabilities of veterans who as

members of the Maine National Guard were exposed to environmental hazards at the Canadian military support base in Gagetown, New Brunswick, Canada.

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug activities, and in excess of the needs of the Department of Defense pursuant to 10 United States Code, Section 2576a, and transfer ownership of that personal property to state, county and municipal law enforcement agencies notwithstanding any other provision of law. The Adjutant General may receive excess personal property from the United States Department of Defense for use by the department, notwithstanding any other provision of law.

(16) The Adjutant General may establish a science, mathematics and technology education improvement program for schoolchildren known as the STARBASE Program. The Adjutant General may accept financial assistance and in-kind assistance, advances, grants, gifts, contributions and other forms of financial assistance from the Federal Government or other public body or from other sources, public or private, to implement the STARBASE Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the STARBASE Program.

(17) The Adjutant General shall establish a system, to be administered by the Director of the Bureau of Maine Veterans' Services, to express formally condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in action or die as a consequence of injuries that result in the award of a Purple Heart medal. In accordance with the existing criteria of the department for the awarding of gold star medals, this system must provide for the Adjutant General to issue up to 3 gold star medals to family members who reside in the State, one to the spouse of the deceased service member and one to the parents of the service member. If the parents of the service member are divorced, the Adjutant General may issue one medal to each parent. If the service member has no surviving spouse or parents or if they live outside of the State, the Adjutant General may issue a gold star medal to the service member's next of kin, as reported to the department, who resides in the State.

(18) The Adjutant General may establish a National Guard Youth Challenge Program consistent with 32 United States Code, Section 509 (1990). The Adjutant General may accept financial assistance from the Federal Government or other public body or from other sources, public and private, to implement the National Guard Youth Challenge Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the program.

(19) The Adjutant General may execute cooperative agreements for purposes described or defined by this Title and other arrangements necessary to operate the department.

(20) The Adjutant General shall act as the Governor's homeland security advisor.

(21) The Adjutant General shall implement a program to identify residents of the State who are not considered veterans but are military retirees or former members of the Maine Army National Guard or Maine Air National Guard who successfully completed service.

(22) The Adjutant General may negotiate and execute agreements to provide state military forces to or accept military forces from other states in support of federally funded National Guard missions.

(23) The Adjutant General may provide logistical and administrative support to military welfare societies as defined in 10 United States Code, Section 1033(b)(2) in the performance of their functions and to state military welfare societies as defined in section 101-A, subsection 3 in the performance of their functions to provide relief directly to members of the Maine National Guard and the Maine Air National Guard and to facilitate the distribution of emergency financial relief in accordance with section 158.

**Sec. A-64. 37-B MRSA §851, first ¶**, as enacted by PL 2013, c. 146, §18, is amended to read:

The director, in consultation with the Office of the Chief Medical Examiner, the Department of Health and Human Services and the Maine Center for Disease Control and Prevention within that department and other agencies as appropriate, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of the Chief Medical Examiner is responsible for execution of the plan, and all members of the emergency management forces shall cooperate and assist the office in executing the plan.

**Sec. A-65. 38 MRSA §469, sub-§1, ¶D-1**, as enacted by PL 2017, c. 137, Pt. B, §16, is amended to read:

D-1. Long Island.

(1) Tidal waters of the Town of Long Island located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52" W.; thence running northwesterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running northeasterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running southeasterly to point of beginning - Class SA.

**Sec. A-66. 38 MRSA §469, sub-§1, ¶E**, as amended by PL 2017, c. 137, Pt. B, §16, is further amended to read:

E. Portland.

(1) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 01'-28" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 05'-00" W.; thence running northwesterly to a point located at latitude 43° - 40'-08" N., longitude 70° - 07'-03" W.; thence running northeasterly

to a point located at latitude 43° - 41'-17" N., longitude 70° - 05'-43" W.; thence running southeasterly to point of beginning - Class SA.

(2) Tidal waters of the City of Portland lying westerly of a line beginning at Spring Point Light in South Portland to the easternmost point of Fort Gorges Island, thence running northerly to the southernmost point of Mackworth Island - Class SC.

(3) Tidal waters of the City of Portland located within the area described by the following points: from a point located at latitude 43° - 38'-21" N., longitude 70° - 08'-52" W.; thence running due west to a point located at latitude 43° - 38'-21" N., longitude 70° - 09'-06" W.; thence running northeasterly to a point located at latitude 43° - 38'-27" N., longitude 70° - 08'-58" W.; thence running southeasterly to point of beginning - Class SA.

**Sec. A-67. 38 MRSA §1362, sub-§1, ¶A**, as amended by PL 1987, c. 517, §29, is further amended to read:

A. Any substance identified by the ~~board~~ commissioner under section 1319-O;

**Sec. A-68. PL 2017, c. 2, Pt. P, §1** is amended to read:

**Sec. P-1. Establishment of Opioid Health Home Program.** The Opioid ~~Home~~ Health Home Program, referred to in this Part as "the program," is established within the Department of Health and Human Services. The department shall determine criteria to allow a provider to qualify as an opioid health home and to obtain funding from the department. As used in this section, "opioid health home" means a provider of services based on an integrated care delivery model focused on whole-person treatment including, but not limited to, counseling, care coordination, medication-assisted treatment, peer support and medical consultation, for individuals who have been diagnosed with an opioid addiction and who are also:

1. Uninsured;
2. MaineCare members; or
3. Uninsured and MaineCare-eligible.

The department shall establish by emergency rule pursuant to section 5 of this Part the criteria for qualification as an opioid health home and the payment structure to support each qualified opioid health home.

**Sec. A-69. PL 2017, c. 284, Pt. FF, §2**, is amended to read:

**Sec. FF-2. Maine Governmental Facilities Authority; issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 2 and section ~~1610-J~~ 1610-K, and notwithstanding the limitation contained in Title 4, section 1606, subsection 2 regarding the amount of securities that may be issued, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$30,000,000. Proceeds must be used for the purpose of paying the costs associated with capital repairs and improvements to and construction of state-owned

facilities and with hazardous waste cleanup on state-owned properties as designated by the Commissioner of Administrative and Financial Services.

## PART B

**Sec. B-1. 32 MRSA §2180, sub-§1**, as enacted by PL 2017, c. 258, Pt. A, §1, is amended to read:

**1. Effective date.** This compact becomes effective and binding on ~~the earlier of the~~ date of legislative enactment of this compact into law by no fewer than 26 states or December 31, 2018, whichever is earlier. All party states to this compact that were parties to the prior compact are deemed to have withdrawn from the prior compact within 6 months after the effective date of this compact.

**Sec. B-2. 36 MRSA §191, sub-§2, ¶BBB**, as enacted by PL 2015, c. 490, §4, is amended to read:

BBB. The disclosure to an authorized representative of the Department of Professional and Financial Regulation, Bureau of Insurance of information necessary to determine whether a long-term disability income protection plan or short-term disability income protection plan as described in section ~~5219-NN~~ 5219-OO, subsection 1 qualifies for the disability income protection plans in the workplace credit provided by section ~~5219-NN~~ 5219-OO;

## PART C

**Sec. C-1. 5 MRSA §1764-A, sub-§2, ¶B**, as enacted by PL 2003, c. 497, §1 and affected by §5, is amended to read:

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to ~~Title 10, section 1415-D~~ the Maine Uniform Building and Energy Code under Title 10, chapter 1103; and

**Sec. C-2. 5 MRSA §10004, sub-§5**, as enacted by PL 1977, c. 694, §38, is amended to read:

**5. Rules of sportsmanship.** In the course of any professional sporting event directly regulated by an agency, the agency determines that a licensee has:

A. Engaged in physical contact ~~which that~~ is prohibited by the rules of the sport with another contestant or official immediately before, during or immediately after the regulated sporting event;

B. Engaged in a use or administration of drugs ~~which that~~ is prohibited by the rules of the sport;

C. Failed to disclose to proper authorities or officials a known medical or mental condition of a contestant ~~which that~~ was required to be disclosed or ~~which that~~ could affect the public health and safety; or

D. Failed to fulfill contracts or obligations to make payments to contestants and officials for their participation in professional athletic events; ~~provided that the revocation, suspension or refusal to renew shall not continue for more than 30 days; or~~

The revocation, suspension or refusal to renew a license for a violation described in this subsection may not continue for more than 30 days; or

**Sec. C-3. 20-A MRSA §15908-A, sub-§2, ¶B**, as enacted by PL 2003, c. 497, §2 and affected by §5, is amended to read:

B. Include an energy-use target that exceeds by at least 20% the energy efficiency standards in effect for commercial and institutional buildings pursuant to ~~Title 10, section 1415-D~~ the Maine Uniform Building and Energy Code under Title 10, chapter 1103; and

**Sec. C-4. 20-A MRSA §16101, sub-§2, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. School administrative districts or regional school units; and

**Sec. C-5. 20-A MRSA §16102, sub-§1, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. In a school administrative district or a regional school unit by a school board; and

**Sec. C-6. 20-A MRSA §16102, sub-§2, ¶B**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. As provided for laying out county ways in Title 23, sections 2052 and 2054, for school administrative districts, regional school units and community school districts, except that notice need not be given to the Department of Transportation.

**Sec. C-7. 22 MRSA §2660-U**, as enacted by PL 2017, c. 230, §3, is amended to read:

#### **§2660-U. Fees**

The Health and Environmental Testing Laboratory established in section 565 shall collect a fee not to exceed \$10 from a person or entity ordering a water test for a water sample from a residential private drinking water well. The fees collected must be credited to the Private Well Safe Drinking Water Fund established in section 2660-W and used for the purpose of increasing testing of residential private drinking water wells. ~~The department shall establish by rule a percentage of the fee to be directed toward administrative costs for collecting data from private laboratories.~~ If more than one test of a water sample from the same residential private drinking water well is conducted, the department may waive payment of a fee established under this section for a one-year period. A fee collected under this section is in addition to any fee charged by the department pursuant to section 2602-A, subsection 2.



**Sec. C-8. 28-A MRSA §121, sub-§1**, as amended by PL 1993, c. 608, §2, is further amended to read:

**1. Petition.** A petition for a local option election must be signed by a number of voters equal to at least 15% of the number of votes cast in that municipality in the last gubernatorial election. All petition signatures must have been signed since the last general election. The petition must be addressed to and received by the municipal officers at least ~~45~~ 60 days before holding any primary, special statewide, general or municipal election or town meeting.

**Sec. C-9. 30-A MRSA §2528, sub-§4, ¶D**, as amended by PL 1993, c. 608, §6, is further amended to read:

D. A nomination paper or a certificate of political caucus nomination that complies with this section is valid unless a written objection to it is made to the municipal officers by the ~~43rd~~ 58th day prior to election day.

(1) If an objection is made, the clerk shall immediately notify the candidate affected by it.

(2) The municipal officers shall determine objections arising in the case of nominations. Their decision is final.

**Sec. C-10. 30-A MRSA §2528, sub-§6-A, ¶¶A and B**, as enacted by PL 1993, c. 608, §8, are amended to read:

A. A candidate may withdraw from an elective race by notifying the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal at least ~~45~~ 60 days before the election. This notice must be signed by the candidate and must be notarized.

B. Within the ~~45-day~~ 60-day period before an election, the municipal clerk may allow a candidate to withdraw from an elective race. A candidate who requests to withdraw within the ~~45-day~~ 60-day period before an election shall notify the municipal clerk in writing of the candidate's intent to withdraw and the reason for withdrawal. This notice must be signed by the candidate and must be notarized.

**Sec. C-11. 34-B MRSA §3805, sub-§3**, as enacted by PL 1983, c. 459, §7, is amended to read:

**3. Penalty.** Causing unwarranted ~~hospitalization~~ hospitalization or causing a denial of rights is a Class C crime.

**Sec. C-12. PL 2017, c. 88, §39** is repealed.

## PART D

**Sec. D-1. 32 MRSA §§14041 to 14049-J**, as repealed by 32 MRSA §14049-K, sub-§1, are reenacted to read:

### **§14041. Short title**

This chapter may be known and cited as "the Appraisal Management Company Licensing Act."

### **§14042. Definitions**

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

**1. Appraisal.** "Appraisal" has the same meaning as in section 14002, subsection 1.

**2. Appraisal assignment.** "Appraisal assignment" means an agreement between an appraiser and an appraisal management company to provide an appraisal service. "Appraisal assignment" does not include an appraisal review or quality control examination.

**3. Appraisal management company.** "Appraisal management company" means a person that:

A. Provides appraisal management services to creditors or secondary mortgage market participants with appraisers who are part of an appraiser panel that includes more than 15 appraisers who are independent contractors;

B. Provides appraisal management services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and

C. Within a calendar year or a 12-month period established by board rule, oversees an appraiser panel of more than 15 certified or licensed appraisers in one state or 25 or more certified or licensed appraisers in more than one state.

"Appraisal management company" does not include a department or division of an entity that provides appraisal management services only to that entity.

**4. Appraisal management service.** "Appraisal management service" means:

A. Recruiting, selecting and retaining appraisers;

B. Contracting with appraisers to perform appraisal assignments;

C. Managing the process of having an appraisal performed, including, but not limited to:

(1) Providing administrative services;

(2) Receiving appraisal orders and appraisal reports;

(3) Submitting completed appraisal reports to creditors and secondary market participants;

(4) Collecting fees from creditors and secondary market participants for services provided; and

(5) Paying appraisers for services performed; and

D. Reviewing and verifying the work of appraisers.

**5. Appraisal review.** "Appraisal review" means the act or process of developing and communicating an opinion about the quality of the work performed by an appraiser as part of an appraisal assignment, which may take into account the appraiser's data collection, analysis, opinions, conclusions, estimate of value or compliance with the Uniform Standards of Professional Appraisal Practice. "Appraisal review" does not include a quality control examination.

**6. Appraisal service.** "Appraisal service" means an act or process of completing an appraisal assignment.

**7. Appraiser.** "Appraiser" means a person licensed under chapter 124.

**8. Appraiser panel.** "Appraiser panel" means a network, list or roster of licensed or certified appraisers approved by an appraisal management company to perform appraisals as independent contractors for the appraisal management company. "Appraiser panel" includes appraisers accepted by an appraisal management company for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by an appraisal management company to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions.

**9. Board.** "Board" means the Board of Real Estate Appraisers under section 14011.

**10. Client.** "Client" means a person that contracts with or otherwise enters into an agreement with an appraisal management company for the performance of appraisal management services.

**11. Consumer credit.** "Consumer credit" means credit offered or extended to a consumer primarily for personal, family or household purposes.

**12. Controlling person.** "Controlling person" means:

A. An owner, officer or director of an appraisal management company;

B. An individual employed, appointed or authorized by an appraisal management company who has authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has authority to enter into agreements with appraisers for the performance of appraisal services; or

C. An individual who is authorized to, directly or indirectly, direct or cause the direction of the management or policies of an appraisal management company.

**13. Covered transaction.** "Covered transaction" means a consumer credit transaction secured by a consumer's principal dwelling.

**14. Creditor.** "Creditor" means a person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than 4 installments, not including a down payment, and to whom the obligation is initially

payable, either on the face of the note or contract or by agreement when there is no note or contract. For the purpose of this subsection, a person regularly extends consumer credit if the person:

A. Extended credit, other than credit subject to the requirements of 12 Code of Federal Regulations, Section 1026.32 more than 5 times for transactions secured by a dwelling in the preceding calendar year; or

B. In any 12-month period, originates more than one credit extension that is subject to the requirements of 12 Code of Federal Regulations, Section 1026.32 or one or more such credit extensions through a mortgage broker.

**15. Dwelling.** "Dwelling" means a residential structure that contains one to 4 units, whether or not the structure is attached to real property. "Dwelling" includes an individual condominium unit, cooperative unit, mobile home and trailer, if it is used as a residence.

**16. Federal appraisal subcommittee.** "Federal appraisal subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council under 12 United States Code, Chapter 34.

**17. Federal financial institutions regulatory agency.** "Federal financial institutions regulatory agency" means the federal Office of the Inspector General, Consumer Financial Protection Bureau, Federal Housing Finance Agency or Board of Governors of the Federal Reserve System; the Federal Deposit Insurance Corporation; the Office of the Comptroller of the Currency; or the National Credit Union Administration.

**18. Federally regulated appraisal management company.** "Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 United States Code, Section 1813 and regulated by the federal Office of the Comptroller of the Currency; Office of the Inspector General, Board of Governors of the Federal Reserve System; or the Federal Deposit Insurance Corporation.

**19. Federally related transaction.** "Federally related transaction" has the same meaning as in section 14002, subsection 9.

**20. Federally related transaction regulations.** "Federally related transaction regulations" means regulations established by a federal financial institutions regulatory agency pursuant to Title XI, Sections 1112, 1113 and 1114 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 United States Code, Sections 3341 to 3343.

**21. Person.** "Person" means an individual, firm, partnership, association, corporation, limited liability company, sole proprietorship or any other entity.

**22. Principal dwelling.** "Principal dwelling" means a consumer's principal dwelling. "Principal dwelling" includes a dwelling a consumer buys or builds that will become the consumer's principal dwelling within one year or upon the completion of construction. "Principal dwelling" does not include a vacation or other second home.

**23. Quality control examination.** "Quality control examination" means an examination of an appraisal report for completeness, including for grammatical, mathematical and typographical errors. "Quality control examination" does not include an appraisal review.

**24. Secondary mortgage market participant.** "Secondary mortgage market participant" means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. "Secondary mortgage market participant" includes an individual investor in a mortgage-backed security only if that investor is also a guarantor, issuer, underwriter or issuer of the mortgage-backed security.

**25. Uniform Standards of Professional Appraisal Practice.** "Uniform Standards of Professional Appraisal Practice" has the same meaning as in section 14002, subsection 15.

#### **§14043. License required**

**1. License.** A person shall obtain a license from the board before:

**A.** Directly or indirectly engaging or to attempting to engage in business as an appraisal management company;

**B.** Directly or indirectly performing or attempting to perform appraisal management services; or

**C.** Advertising or holding the person out as engaging in or conducting business as an appraisal management company.

**2. Application.** An applicant for licensure as an appraisal management company shall submit to the board an application on forms prescribed by the board and pay a fee established by the board. The board shall review and approve or deny an application for an initial license or an application for renewal of a license.

**3. Consent to service of process.** An applicant for licensure as an appraisal management company shall complete an irrevocable consent to service of process as prescribed by the board.

**4. Information required.** An appraisal management company licensed or applying to be licensed shall provide to the board all information that the board is required to submit to the federal appraisal subcommittee pursuant to regulations or guidance promulgated by the federal appraisal subcommittee.

**5. Federally regulated appraisal management companies.** Notwithstanding subsection 1, a federally regulated appraisal management company is not required to obtain a license from the board. A federally regulated appraisal management company shall:

**A.** Notify the board of its intent to operate in the State; and

**B.** Provide to the board information required to be submitted by the board to the federal appraisal subcommittee pursuant to regulations and policies of the federal

appraisal subcommittee regarding the determination of a national registry fee under section 14045, subsection 2.

#### **§14044. License renewal**

A license expires on the date set by the Commissioner of Professional and Financial Regulation pursuant to Title 10, section 8003, subsection 4 for the licensing period for which the license was issued. A license may be renewed upon receipt of an application for renewal and payment of the renewal fee as set under section 14045. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee, as set under section 14045.

The board shall deny a renewal license to any applicant whose license has lapsed for more than 90 days unless the applicant satisfies the provisions governing new applicants under this subchapter.

#### **§14045. Fees**

**1. Fee established by rule.** The Director of the Office of Professional and Occupational Regulation within the Department of Professional and Financial Regulation may establish by rule fees for purposes authorized under this chapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$450 annually. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. National registry fees.** The board may collect from an applicant for licensure under this chapter and from a licensee and remit to the appropriate agency or instrumentality of the Federal Government any additional fees required to provide appraisal management services in connection with federally related transactions.

#### **§14046. Owner requirements**

**1. License or certification as appraiser.** An appraisal management company licensed or applying for or renewing a license under this chapter may not be owned in whole or in part, directly or indirectly, by a person that has had a license or certificate to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation in any state for substantive cause. An appraisal management company is not ineligible for a license under this subsection if the person's license or certificate to act as an appraiser was not revoked for substantive cause and the person has subsequently had the license or certificate granted or reinstated.

**2. Background.** A person that owns more than 10% of an appraisal management company shall:

- A. Be of good moral character, as determined by the board; and
- B. Submit to a background investigation, as required by the board.

#### **§14047. Controlling persons**

**1. Designation of controlling person.** An appraisal management company applying to the board for a license or for renewal of a license shall designate one controlling person that will be the main contact for all communication between the board and the appraisal management company.

**2. Requirements.** A controlling person must:

A. Be actively licensed or certified in at least one state as an appraiser at all times that the person is designated as a controlling person;

B. Have never had a license or certificate to act as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation for substantive cause in any state;

C. Be of good moral character, as determined by the board; and

D. Submit to a background investigation, as required by the board.

#### **§14048. Employee requirements**

An appraisal management company that is licensed or applies for a license or renewal of a license may not:

**1. Ordering and reviewing of appraisal services.** Knowingly employ any person in a position in which the person has the responsibility to order appraisal services or to review the results of a completed appraisal service who has had a license or certificate to act as an appraiser in this State or any other state refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation unless the license or certificate was subsequently granted or reinstated; and

**2. Independent contractor.** Knowingly enter into any independent contractor arrangement for the performance of appraisal services with a person who has had a license or certificate to act as an appraiser in this State or any other state refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation unless the license or certificate was subsequently granted or reinstated.

#### **§14049. Denial of license**

In addition to the grounds enumerated in Title 10, section 8003, subsection 5-A, paragraph A, the board may deny a license, refuse to renew a license or impose the disciplinary sanctions authorized by Title 10, section 8003, subsection 5-A for:

**1. Lack of trustworthiness.** Lack of trustworthiness and competence to conduct appraisal management services in a manner that safeguards the interests of the public;

**2. Misconduct.** The commission of an act or omission in the practice of appraisal management services that constitutes dishonesty, fraud or misrepresentation with the intent to benefit the licensee or another person or with the intent to injure another person;

**3. Court judgment.** The entry of a final civil or criminal judgment against the licensee on grounds of fraud, misrepresentation or deceit in the provision of appraisal management services;

**4. Unauthorized payment.** Payment of a finder's fee or a referral fee to a person who does not have an appraiser license under chapter 124 in connection with appraisal management services;

**5. Misrepresentation of professional qualifications.** Permitting an employee of the licensee or a member of the licensee's appraisal panel to make a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

**6. Predetermined appraisal result.** Accepting a fee for performing an appraisal service when, in fact, the fee is or was contingent upon the appraiser's reporting a predetermined analysis, opinion or conclusion or is or was contingent upon the analysis, opinion, conclusion or valuation reached or upon the consequences resulting from the appraisal assignment;

**7. Lack of diligence.** Failure or refusal, without good cause, to exercise reasonable diligence in providing appraisal management services;

**8. Negligence or incompetence.** Negligence or incompetence in performing appraisal management services;

**9. Breach of confidentiality.** A violation of the confidential nature of individual, business or governmental records to which a licensee or applicant gained access through employment or engagement as an appraisal management company;

**10. Suspension or revocation of license.** Having had a professional or occupational license suspended or revoked for disciplinary reasons or an application rejected for reasons related to untrustworthiness within 3 years prior to the date of application; and

**11. Failure to meet professional qualifications; failure to submit complete application.** Failure to meet the professional qualifications for licensure as provided in this chapter or failure to submit a complete application within 30 days after being notified of the materials needed to complete the application.

**§14049-A. Appraiser panel**

For the purpose of determining whether within a 12-month period an appraisal management company oversees an appraiser panel of more than 15 state-certified or state-licensed appraisers in a state or 25 or more certified or licensed appraisers in 2 or more states and therefore qualifies as an appraisal management company pursuant to this chapter, the following provisions apply.

**1. Begin date.** An appraiser is considered part of the appraisal management company's appraiser panel as of the earliest date on which the appraisal management company:



A. Accepts the appraiser for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; or

B. Engages the appraiser to perform one or more appraisals on behalf of a creditor for a covered transaction or secondary mortgage market participant in connection with covered transactions.

**2. End date.** An appraiser who is considered part of the appraisal management company's appraiser panel pursuant to subsection 1 is considered to remain on the panel until the date on which the appraisal management company:

A. Sends written notice to the appraiser removing the appraiser from the appraiser panel;

B. Receives written notice from the appraiser asking to be removed from the appraiser panel; or

C. Receives written notice of the death or incapacity of the appraiser.

**3. Subsequent engagement after removal.** If an appraiser is removed from an appraisal management company's appraiser panel pursuant to subsection 2, paragraph A or B, and the appraisal management company subsequently accepts the appraiser for consideration for future assignments or engages the appraiser at any time during the 12 months after the removal of the appraiser, the removal must be considered not to have occurred and the appraiser must be considered to have been part of the appraisal management company's appraiser panel without interruption.

**4. Twelve-month period.** The period for purposes of counting appraisers on an appraisal management company's appraiser panel may be the calendar year or a 12-month period established by rule by the board.

#### **§14049-B. Appraiser engagement**

Prior to placing an appraisal assignment with an appraiser on an appraiser panel, an appraisal management company shall verify that the appraiser receiving the appraisal assignment is licensed under chapter 124.

#### **§14049-C. Appraisal review**

An employee of or independent contractor to an appraisal management company who performs an appraisal review for real property located in this State must be licensed under chapter 124.

#### **§14049-D. Appraisal management company operational and record-keeping requirements**

**1. Operational requirements.** An appraisal management company shall:

A. Engage only certified or licensed appraisers for federally related transactions in conformity with federally related transaction regulations;

B. Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company in engaging an appraiser selects an appraiser who is independent of the transaction and who has the requisite education, expertise and experience necessary to competently complete the appraisal assignment for the particular market and property type;

C. Direct an appraiser to perform an assignment in accordance with the Uniform Standards of Professional Appraisal Practice; and

D. Establish and comply with processes and controls reasonably designed to ensure that the appraisal management company conducts appraisal management services in accordance with the requirements of the Truth in Lending Act, 15 United States Code Section 1639e(a)-(i) and regulations adopted under that section.

**2. Record keeping.** An appraisal management company licensed or applying to be license or to renew a licensed in this State shall:

A. Certify to the board on a form prescribed by the board that the appraisal management company maintains a detailed record of each service request that the appraisal management company receives for appraisals of real property located in this State; and

B. Retain for at least 5 years, or at least 2 years after final disposition of any related judicial proceeding, all business records relating to each request for an appraisal service that the appraisal management company has received and the appraiser who performs the appraisal service for the appraisal management company.

An appraisal management company licensed under this chapter shall make all records required to be maintained by the appraisal management company available for inspection by the board upon reasonable notice to the appraisal management company.

#### **§14049-E. Compensation of appraisers**

An appraisal management company shall compensate appraisers in accordance with the appraisal independence standards established under the federal Truth in Lending Act, 15 United States Code, Section 1639e (2016) and its implementing regulations, 12 Code of Federal Regulations, Section 1026.42 (2016). Except in cases of breach of contract or substandard performance of an appraisal service, an appraisal management company shall make payment to an appraiser for the completion of an appraisal service within 45 days of the date on which the appraiser transmits or otherwise provides the results of the completed appraisal service to the appraisal management company.

#### **§14049-F. Statement of fees**

When reporting fees to a client, an appraisal management company shall separately indicate the fees paid to an appraiser for the completion of an appraisal service and the fees charged by the appraisal management company to the client for appraisal management services.

## **§14049-G. Prohibited practices**

**1. Prohibitions.** An appraisal management company licensed under this chapter or an employee, director, officer or agent of an appraisal management company licensed under this chapter may not:

A. Cause or attempt to cause the results of an appraisal service to be based on any factor other than the independent judgment of the appraiser;

B. Seek to influence an appraiser or to otherwise encourage a targeted value in order to facilitate the making or pricing of a consumer credit transaction;

C. Modify or otherwise change the results of a completed appraisal service that have been submitted by an appraiser to the appraisal management company by:

(1) Altering or removing the signature or seal of the appraiser; or

(2) Adding information to, removing information from or changing information contained in the results of the completed appraisal service, including any disclosure authorized by this chapter submitted by an appraiser in or with the appraisal report;

D. Condition a request for the performance of an appraisal service or the payment of an appraisal fee, salary or bonus on the opinion, conclusion or valuation to be reached or on a preliminary estimate or opinion requested from an appraiser;

E. Request that an appraiser provide an estimated, predetermined or desired valuation in an appraisal report or provide estimated values or comparable sales at any time before the completion of an appraisal by an appraiser;

F. Provide to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to a borrower, except that a copy of the sales contract for a purchase transaction may be provided;

G. Make any part of a fee paid to the appraiser or a fee paid by the appraisal management company contingent on a favorable outcome, including a loan closing or a specific valuation being achieved by the appraiser in the appraisal report;

H. Withhold or threaten to withhold timely payment for the completion of an appraisal assignment when the appraisal services that are the subject of the appraisal assignment are provided in accordance with a contract or other agreement between the parties;

I. Seek to influence an appraiser by withholding or threatening to withhold future business from an appraiser;

J. Seek to influence an appraiser by demoting or terminating or threatening to demote or terminate an appraiser;

K. Seek to influence an appraiser by expressly or impliedly promising future business, promotions or increased compensation for an appraiser;

L. Provide to an appraiser, or any person related to an appraiser, stock or other financial or nonfinancial benefits;

M. Allow the removal of an appraiser from an appraiser panel without prior written notice to the appraiser;

N. Obtain, use or pay for a second or subsequent appraisal or order an automated valuation model in connection with a mortgage financing transaction unless:

(1) There is a reasonable basis to believe that the initial appraisal was flawed or tainted and that basis is clearly and appropriately noted in the loan file;

(2) The subsequent appraisal or automated valuation model is done under a bona fide prefunding or postfunding appraisal review or quality control process; or

(3) The subsequent appraisal or automated valuation model is otherwise required or permitted by federal or state law;

O. Prohibit legal communication between an appraiser and a lender, real estate license holder or any other person from whom the appraiser believes information would be relevant;

P. Refuse to accept the results of a completed appraisal service by more than one appraiser if an appraiser provides substantial assistance to another appraiser in the preparation of the report, unless the appraisal assignment names an individual appraiser or the statement of work requires an unassisted report; or

Q. Require an appraiser to:

(1) Complete an appraisal service if the appraiser determines the appraiser does not have the necessary expertise for the specific geographic area, the appraiser has notified the company of that determination and the appraiser has declined the assignment;

(2) Prepare an appraisal report under a schedule that the appraiser believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations if the appraiser has notified the company of that belief and has declined the assignment;

(3) Provide the appraisal management company with the digital signature or seal of the appraiser;

(4) Modify any aspect of an appraisal report without the agreement of the appraiser that the modification is appropriate;

(5) Engage in any act or practice that does not comply with the Uniform Standards of Professional Appraisal Practice;

(6) Engage in any act or practice that does not comply with any assignment conditions and certifications required by a client;

(7) Engage in any act or practice that impairs or attempts to impair the independence, objectivity or impartiality of an appraiser;

(8) Enter into an agreement to not serve on the appraiser panel of another appraisal management company;

(9) Indemnify or hold harmless the appraisal management company against liability except liability for errors and omissions by the appraiser; or

(10) Pay a fee imposed on the appraisal management company by the federal appraisal subcommittee.

**2. Construction.** Nothing in subsection 1 may be construed to prohibit:

A. An appraiser from reimbursing an appraisal management company for the actual cost of discretionary services provided to the appraiser;

B. An appraiser from voluntarily providing the appraiser's digital signature or seal to an appraisal management company;

C. An appraisal management company from asking an appraiser, after an appraisal report is delivered, to:

(1) Consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;

(2) Provide further detail, substantiation or explanation of the appraiser's conclusion regarding values; or

(3) Correct errors in the appraisal report;

D. An appraisal management company from requiring an appraiser to provide advance notice of and an opportunity for the appraisal management company to participate in any legal communications between the appraiser and a lender; or

E. An appraisal management company from providing to an appraiser a copy of an executed contract for a purchase transaction.

**§14049-H. Mandatory reporting**

An appraisal management company that has a reasonable basis to believe an appraiser is failing to comply with the Uniform Standards of Professional Appraisal Practice in a manner that materially affects the conclusion of value contained in an appraisal report, is violating applicable laws or is otherwise engaging in unethical or unprofessional conduct shall refer the matter to the board.

**§14049-I. Appraiser panel management**

Except within the first 30 days after an appraiser is added to an appraiser panel, an appraisal management company may not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without notifying the appraiser in writing and identifying the reasons why the appraiser is being removed from the appraiser panel and providing an opportunity for the appraiser to respond to the notification.

**§14049-J. Board powers**

The board may:

**1. Rule making.** Adopt rules necessary to implement, administer and enforce the provisions of this chapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A;

**2. Applications.** Review and approve or deny an appraisal management company's application for initial licensure pursuant to Title 10, section 8003;

**3. Renewals.** Review and renew or refuse to renew an appraisal management company's license pursuant to Title 10, section 8003;

**4. Books and records.** Examine the books and records of an appraisal management company operating in the State and require the appraisal management company to submit reports, information and documents to the board;

**5. Valid certifications.** Verify that an appraiser on an appraiser panel holds a valid state certification or license, as applicable;

**6. Investigations.** Conduct investigations pursuant to Title 10, chapter 901 of appraisal management companies to assess potential violations of this chapter, rules adopted pursuant to this chapter or orders issued pursuant to this chapter;

**7. Discipline.** Discipline an appraisal management company or suspend, terminate or refuse to renew the license of an appraisal management company that violates this chapter, a rule adopted pursuant to this chapter or an order issued pursuant to this chapter pursuant to Title 10, section 8003, except that the board may impose a civil penalty of up to \$5,000 for each violation of applicable laws, rules or conditions of licensure or for each instance of actionable conduct or activity; and

**8. Report to federal appraisal subcommittee.** Report to the federal appraisal subcommittee an appraisal management company's violation of this chapter, a rule adopted pursuant to this chapter or an order issued pursuant to this chapter, as well as disciplinary and enforcement actions and other relevant information about an appraisal management company's operations.

**Sec. D-2. Maine Revised Statutes headnote reenacted.** In the Maine Revised Statutes, Title 32, chapter 124-A, chapter headnote, the words "appraisal management company licensing" are reenacted and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. D-3. Licenses in effect on March 14, 2018; applications submitted on or before March 14, 2018.** A license issued to an appraisal management company by the Department of Professional and Financial Regulation, Board of Real Estate Appraisers and in effect on March 14, 2018 remains in effect until the date of expiration specified in the license. The board shall review and approve or deny an application for an appraisal management company license that was submitted to the board with the required fee on or before March 14, 2018 and that was not finally acted upon before March 15, 2018.

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