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

L.D. 2034

Date: (Filing No. H- )

**Judiciary**

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE**

**HOUSE OF REPRESENTATIVES**

**130th Legislature**

**Second Regular Session**

COMMITTEE AMENDMENT “      ” to H.P. 1516, L.D. 2034, “An Act To Correct Inconsistencies, Conflicts and Errors in the Laws of Maine”

Amend the bill in Part A by striking out all of section 21.

Amend the bill in Part A by striking out all of section 24 and inserting the following:

'**Sec. A-24. 12 MRSA §685-C, sub-§1, ¶A,** as amended by PL 2011, c. 682, §21, is further amended by amending subparagraph (2) to read:

(2) Submitting the tentative plan to the ~~State Planning Office or its successor, pursuant to~~ Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning, as described in Title ~~5~~ 7-A, section ~~3305~~ 206, subsection ~~1, paragraph G~~ 4, or its successor, which shall forward its comments and recommendations, if any, to the commission within 30 days;'

Amend the bill in Part A by striking out all of sections 30, 31 and 32.

Amend the bill in Part A in section 51 in paragraph E in the 2nd line (page 16, line 36 in L.D.) by striking out the following: "the sponsoring" and inserting the following: 'a'

Amend the bill in Part A in section 52 in subsection 5 in paragraph A in the 2nd line (page 17, line 4 in L.D.) by striking out the following: "budgets" and inserting the following: '~~budgets~~ budget'

Amend the bill by inserting after Part B the following:

'**PART C**

**Sec. C-1. 9-A MRSA §4-402,** as enacted by PL 1997, c. 315, §8, is amended to read:

**§4-402. Insurance ~~agency~~ producer activities**

A supervised lender and any affiliate may become licensed under Title 24‑A as an insurance ~~agent or agency, broker~~ producer or consultant for the sale of insurance products in this State and may act as an insurance ~~agent, broker~~ producer or consultant for the sale of insurance products in this State.

**Sec. C-2. 9-A MRSA §4-403, sub-§1, ¶E,** as enacted by PL 1997, c. 315, §8, is amended to read:

E. An insurer or insurance ~~agent, broker~~ producer or consultant utilizing space in the retail area of a supervised lender, or an institution listed in paragraph A or B in order to engage in the transaction of insurance when payments for use of such space are made to the supervised lender or other such institution pursuant to a space-sharing agreement based directly or indirectly on a percentage of the volume of business conducted by the insurer~~,~~ or insurance ~~agent, broker~~ producer or consultant.

**Sec. C-3. 9-A MRSA §4-403, sub-§5-A** is enacted to read:

**5-A. Insurance producer.**  "Insurance producer" means a person required to be licensed as an insurance producer as defined in Title 24-A, section 1402, subsection 5.

**Sec. C-4. 9-A MRSA §4-403, sub-§6,** as enacted by PL 1997, c. 315, §8, is amended to read:

**6. Insurance product.**  "Insurance product" means a contract of insurance that is offered for sale by ~~a licensed agent or broker~~ an insurance producer employed by or affiliated with a supervised lender.

**Sec. C-5. 9-A MRSA §4-403, sub-§7,** as enacted by PL 1997, c. 315, §8, is amended to read:

**7. Licensed 3rd-party agent.**  "Licensed 3rd-party agent" means a licensed insurance ~~agent, broker~~ producer or consultant who engages in authorized insurance activities related to insurance products directly on behalf of a specified licensed insurance entity through an independent contractor relationship.

**Sec. C-6. 9-A MRSA §4-404,** as enacted by PL 1997, c. 315, §8, is amended to read:

**§4-404. Choice of insurance ~~agent or broker~~ producer**

A supervised lender or its affiliate that negotiates or sells insurance products to purchasers or borrowers as authorized under section 4‑402 may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of an insurance ~~agent~~ producer or company under applicable provisions set forth in Title 24‑A.

**Sec. C-7. 9-A MRSA §4-406,** as enacted by PL 1997, c. 315, §8, is amended to read:

**§4-406. Distinguishing insurance products from loan products; identification of insurance ~~brokers and agents~~ producers**

To the extent practicable, sales of insurance products authorized by this Part must take place in a manner that minimizes customer confusion between any noninsurance product offered by the supervised lender or its affiliates and those insurance products. A supervised lender, or its affiliates, is in compliance with this section if it utilizes signs clearly visible to its customers that distinguish insurance products of the supervised lender, or its affiliates, from its noninsurance products and that adequately identify insurance ~~agents, brokers~~ producers and consultants affiliated with the supervised lender.

**Sec. C-8. 9-A MRSA §4-407,** as amended by PL 1999, c. 127, Pt. A, §19; amended by PL 2001, c. 44, §11 and affected by §14; amended by PL 2007, c. 273, Pt. B, §§5 and 6 and affected by §7; and affected by PL 2007, c. 695, Pt. A, §47, is further amended to read:

**§4-407. Rulemaking**

The Superintendent of Financial Institutions, the Superintendent of Insurance and the Superintendent of Consumer Credit Protection may undertake joint rulemaking, pursuant to this section, Title 9‑B, section 448, subsection 5 and Title 24‑A, section 1443‑A, subsection 3 to carry out the purposes of section 4‑406, including issues regarding signs, the physical location of sales of insurance and identification of ~~agents and brokers~~ producers affiliated with financial institutions, credit unions, financial institution holding companies or supervised lenders. In adopting rules pursuant to this Part, the Superintendent of Financial Institutions, the Superintendent of Insurance and the Superintendent of Consumer Credit Protection shall consider the possibility of confusion and perception of coercion among the insurance consuming public, the need for cost-effective delivery of insurance products to insurance consumers and the importance of parity among ~~agents and brokers~~ producers affiliated with federally chartered and state-chartered financial institutions and credit unions. Any rule adopted may not interfere significantly with the ability of ~~an agent or broker~~ a producer to solicit or negotiate the sale of an insurance product, whether or not that ~~agent or broker~~ producer is affiliated with a financial institution, credit union, financial institution holding company or supervised lender, except when no other reasonable alternative exists that protects the insurance consuming public. Rules adopted under this Part are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~II‑A~~ 2-A. Nothing in this section is intended to restrict or interfere with the ability of the Bureau of Insurance, the Bureau of Financial Institutions or the Bureau of Consumer Credit Protection to adopt rules with respect to areas in which the respective agencies have independent jurisdiction.

**PART D**

**Sec. D-1. 10 MRSA §1063, sub-§2, ¶I-1,** as amended by PL 2011, c. 655, Pt. GG, §6 and affected by §70, is further amended to read:

I-1. In the case of recycling and waste reduction projects, the proposed facility is consistent with and will contribute to the management goals and objectives outlined in the state waste management and recycling plan under Title 38, chapter 24 and will reduce the amount of solid or hazardous waste requiring disposal. The Department of Environmental Protection shall provide assistance to the authority in determining consistency, technical eligibility and merit of applications for assistance under this subchapter~~.~~; and

**Sec. D-2. 10 MRSA §1063, sub-§2, ¶J,** as amended by PL 2011, c. 655, Pt. EE, §15 and affected by §30 and amended by PL 2021, c. 293, Pt. A, §52, is further amended to read:

J. In the case of an energy generating system, an energy distribution system or an industrial-commercial project, any of which includes hydroelectric facilities deemed necessary for the production of electricity:

(1) The Public Utilities Commission has certified that all required licenses have been issued or that none are required; and

(2) The Director of the Office of Policy Innovation and the Future has reviewed and commented upon the project proposal. The Director of the Office of Policy Innovation and the Future shall make comments within 30 days after receipt of a notification and copy of the project proposal from the authority. The authority shall take the comments into consideration in its consideration of the project~~; and~~.

**Sec. D-3. 10 MRSA §1063, sub-§2, ¶K,** as amended by PL 1985, c. 714, §35, is repealed.

**Sec. D-4. 12 MRSA §6024, sub-§1-A,** as amended by PL 2021, c. 71, §1, is further amended to read:

**1-A. Appointment; composition; term; compensation.**  The Marine Resources Advisory Council, established by Title 5, section 12004‑G, subsection 27, consists of 16 members. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining 8 members must include one public member, one member who is a member of a federally recognized Indian nation, tribe or band in the State, 4 persons who hold a nonharvesting-related license under this Part, one person representing recreational saltwater anglers and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The Governor shall select the member who is a member of a federally recognized Indian nation, tribe or band in the State based on the joint recommendation of the tribal governments of the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at ~~Motahmikuk~~ Motahkomikuk, the Passamaquoddy Tribe at Sipayik and the Penobscot Nation. If the tribal governments do not make a unanimous joint recommendation, the Governor shall appoint a member of a federally recognized Indian nation, tribe or band in the State and rotate the appointment among members of each federally recognized Indian nation, tribe or band in the State. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory Council, a new chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

**Sec. D-5. 25 MRSA §2469, sub-§2,** as enacted by PL 2021, c. 194, §1 and affected by §3, is amended to read:

**2. Fuel gas detector required.**  The building owner shall install, or cause to be installed, in accordance with the manufacturer's requirements at least one approved fuel gas detector in every room containing an appliance ~~fueled by~~ that combusts propane, natural gas or any liquified petroleum gas in:

A. Each unit in any building of multifamily occupancy;

B. A fraternity house, sorority house or dormitory that is affiliated with an educational facility;

C. A children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101, subsections 1, 2, 4, 4-A and 5, respectively;

D. A hotel, motel or inn;

E. A mixed use occupancy that contains a dwelling unit;

F. ~~A~~ Beginning January 1, 2026, a business occupancy;

G. ~~A~~ Beginning January 1, 2026, a mercantile occupancy; or

H. ~~An~~ Beginning January 1, 2026, an assembly occupancy.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

**SUMMARY**

This amendment makes the following changes.

It strikes from the bill Part A, sections 21, 30, 31 and 32.

It amends Part A, section 24 to update the Maine Land Use Planning Commission's comprehensive plan statute to cross-reference the Department of Agriculture, Conservation and Forestry, Bureau of Resource Information and Land Use Planning as the successor in certain responsibilities to the State Planning Office.

It amends Part A, section 51 to incorporate the language from both public law chapters in conflict that amend the laws regulating dental practice.

It amends Part A, section 52 to refer to the budget of one department that was created by the merger of 2 separate departments.

It adds Part C to make required changes in the terminology in that part of the Maine Consumer Credit Code regulating insurance activities by supervised lenders related to the changes in Part A, sections 9 and 10.

It adds Part D, which does the following.

1. Sections 1, 2 and 3 repeal an obsolete paragraph in the Finance Authority of Maine statutes that cross-references a repealed provision.

2. Section 4 amends the laws regarding the Marine Resources Advisory Council to correct the spelling of the Passamaquoddy Tribe at Motahkomikuk.

3. Section 5 clarifies the application of the fuel gas detector law passed in 2021 to require a fuel gas detector in rooms containing an appliance that combusts propane, natural gas or any liquified petroleum gas. Although the change is consistent with the intent of Public Law 2021, chapter 194, this is a substantive change as existing law applies to rooms containing an appliance that is fueled by propane, natural gas or any liquified petroleum gas. Section 5 also incorporates application dates that were included in the unallocated section of Public Law 2021, chapter 194 into the statute, applying to business occupancies, mercantile occupancies and assembly occupancies. This is a technical correction to the statutes.