129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document **No. 2167**

S.P. 789 In Senate, March 17, 2020

An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency

(EMERGENCY)

Reference to the Committee on State and Local Government suggested and ordered printed.

DAREK M. GRANT
Secretary of the Senate

Presented by President JACKSON of Aroostook. (GOVERNOR'S BILL)
Cosponsored by Speaker GIDEON of Freeport and
Senator: DOW of Lincoln, Representative: DILLINGHAM of Oxford.

Printed on recycled paper

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

Whereas, the spread of the novel coronavirus disease referred to as COVID-19 has created a public health emergency; and

Whereas, COVID-19 is a highly contagious and sometimes fatal disease that has infected more than 138,000 people and caused more than 5,000 deaths worldwide, including more than 1,600 infected and 41 deaths in the United States; and

Whereas, in response to this widespread disease, the World Health Organization has declared a pandemic, the President of the United States has declared a national emergency and the Governor of Maine has declared a civil state of emergency; and

Whereas, state and federal authorities, including the federal Centers for Disease Control and Prevention, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Governor of Maine have recommended cancellation and postponement of gatherings during the spring of 2020; and

Whereas, the most recommended ways of avoiding infection and further spreading the virus that causes the disease are for the authorities to reduce the number of public gatherings and for people to avoid large crowds; and

Whereas, in an effort to comply with these recommendations, colleges and universities across the nation have suspended their academic years and closed their campuses; professional and collegiate sports teams have placed their seasons on an indefinite hiatus; concerts, conferences and conventions that attract large crowds have been cancelled; and the United States Congress has barred the public from the grounds of the United States Capitol; and

Whereas, municipal leaders seek to ensure public safety by acting in concert with public health guidelines by discouraging large gatherings and also recognize the likelihood of low voter turnout at meetings held, depriving voters of full participation in municipal decisions; and

Whereas, there is no procedure in Maine law to postpone a municipal secret ballot election or nomination process already in progress, and delay of municipal budget meetings will deprive municipal authorities of legal authority to spend and continue operations; and

Whereas, it is imperative that action be taken at the earliest possible moment to allow for continuity of services by municipalities despite the need to postpone meetings; and

Whereas, in addition to the assistance already being provided by the banks and credit unions in Maine, it is imperative that the State respond quickly and in an appropriate manner to the needs of its residents who have experienced a reduction in or loss of income due to the impact of COVID-19; and

Whereas, it is in the best interests of the citizens of Maine to temporarily provide authorization to the Governor to waive certain restrictions, deadlines and requirements and take other necessary measures that allow the State to react quickly, efficiently and effectively to the effects of the pandemic on 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. 37-B MRSA §742, sub-§1, ¶D is enacted to read:

D. For the duration of a state of emergency declared by the Governor pursuant to this section due to the outbreak of COVID-19, and for 30 days following the termination of that state of emergency, in addition to any other powers conferred by law, including those specified in paragraph C, notwithstanding any provision of law to the contrary, the Governor, in consultation with the Commissioner of Education, may implement for elementary and secondary schools a plan to:

(1) Waive the compulsory attendance requirements of Title 20-A, chapter 211 and any rules regarding compulsory attendance, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and

(2) Continue to provide nutrition services to students when schools are closed in response to the threat posed by COVID-19.

This paragraph is repealed January 15, 2021.

PART B

Sec. B-1. 26 MRSA §1199 is enacted to read:

§1199. Provisions under a declared state of emergency

The provisions of this section apply for the duration of a state of emergency declared by the Governor pursuant to Title 37-B, section 742 due to the outbreak of COVID-19, and for 30 days following the termination of that state of emergency.

1. Benefits not charged against employer. Notwithstanding section 1191 or 1221, if an individual is dislocated or temporarily laid off as a result of the state of emergency, benefits paid to that individual under this subchapter may not be charged against the experience rating record of any employer but must be charged to the General Fund.

2. Eligibility. An individual is deemed to have met the eligibility requirements under section 1192, subsections 2 and 3 as long as the individual remains able and

available to work for, and maintains contact with, the relevant employer and the individual is:

A. Under a temporary medical quarantine or isolation restriction to ensure that the individual has not been affected by the subject condition of the state of emergency and is expected to return to work; or

B. Temporarily laid off due to a partial or full closure of the individual's place of employment as a result of the state of emergency and is expected to return to work once the emergency closure is lifted.

3. Waiting period waived. The waiting period requirement under section 1192, subsection 4-A is waived for an individual who is dislocated or temporarily laid off as a result of the state of emergency.

4. Temporary leave of absence due to COVID-19. Notwithstanding section 1193, subsection 1, during the state of emergency, an individual who is on a temporary leave of absence due to a medical quarantine or isolation restriction, a demonstrated risk of exposure or infection or a need to care for a dependent family member as a result of COVID-19 is not disqualified from receiving benefits during this absence as long as the individual continues to remain able and available to work for, and maintains contact with, the relevant employer.

PART C

Sec. C-1. 32 MRSA §83, sub-§16-B, as amended by PL 2019, c. 370, §12, is further amended to read:

16-B. Medical Direction and Practices Board. "Medical Direction and Practices Board" means the board consisting of each regional medical director, an emergency physician representing the Maine Chapter of the American College of Emergency Medicine Physicians, an at-large member, a toxicologist or licensed pharmacist, a person licensed under section 85 to provide basic emergency medical treatment, a person licensed under section 85 to provide advanced emergency medical treatment, a pediatric physician, the statewide associate emergency medical services medical director and the statewide emergency medical services medical director. The Medical Direction and Practices Board is responsible for creation, adoption and maintenance of Maine Emergency Medical Services protocols pursuant to section 88-B.

Sec. C-2. 32 MRSA §88, sub-§2, ¶H, as amended by PL 1991, c. 588, §16, is further amended to read:

H. With the approval of the commissioner, the board may enter into contracts, subject to provisions of state law, and delegate this authority to the director. The board may also delegate to staff, through rules or emergency action, ~~to staff,~~ any provision necessary to carry out this chapter, including the process of hearings. Funds appropriated or allocated to the board to be contracted with the regional councils may be disbursed on a sole-source contract basis, according to guidelines established by the board. Funds must be expended in accordance with standard state contract or grant procedures and guidelines where appropriate.

Sec. C-3. 32 MRSA §88-B is enacted to read:

§88-B. Medical Direction and Practices Board; powers and duties

1. Powers and duties. The Medical Direction and Practices Board has the following powers and duties.

A. The Medical Direction and Practices Board shall create, adopt and maintain the Maine Emergency Medical Services protocols.

B. The Medical Direction and Practices Board may use videoconferencing and other technologies to conduct its business but is not exempt from Title 1, chapter 13, subchapter 1. Members of the Medical Direction and Practices Board and its staff may participate in a meeting of the Medical Direction and Practices Board or its staff via videoconferencing, conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this paragraph constitutes presence in person at such a meeting.

C. For the duration of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and for 30 days following the termination of that state of emergency, the Medical Direction and Practices Board may, by majority vote, delegate its duties under this chapter to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

PART D

Sec. D-1. Failure to pass municipal budget; deemed approved; tax commitment. Notwithstanding any law or municipal charter provision to the contrary, if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19, the prior year's approved budget is deemed the budget for the ensuing year until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector pursuant to the Maine Revised Statutes, Title 36, section 709, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved under this section.

Sec. D-2. Individual authorization of disbursements by municipal treasurer. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5603, subsection 2, paragraph A or any other law or municipal charter provision or ordinance to the contrary, for the duration of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and for 30 days following the termination of that state of emergency, a municipal treasurer may disburse money on the authority of a warrant drawn for that purpose seen and signed individually by a majority of the municipal officers outside of a public meeting.

Sec. D-3. Postponement of secret ballot election. Notwithstanding any law or municipal charter provision or ordinance to the contrary, during calendar year 2020, the

municipal officers may postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least 2 days prior to the date of the election. The notice must be signed by a majority of the municipal officers and must either:

1. State a specific date and time during which the polls will be open to complete the election; or

2. State that the date of a rescheduled election will be determined by the municipal officers.

The rescheduled election must be noticed by a warrant calling the election that is approved and posted pursuant to the Maine Revised Statutes, Title 30-A, section 2523 at least 7 days prior to the date of the rescheduled election.

If ballots have been printed for the postponed election, the municipality may use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality shall use the ballots printed for the originally scheduled election. The municipal clerk shall safeguard and secure any absentee ballots already returned until the date of the rescheduled election and shall process them as required by Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

A municipal secret ballot referendum election is subject to the same rescheduling, ballot and absentee ballot provisions as set forth in this section.

Sec. D-4. Retroactivity; repeal. This Part applies retroactively to March 1, 2020 and is repealed January 15, 2021.

PART E

Sec. E-1. School budget. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15693, subsection 2, paragraph C or any other law or municipal charter provision or ordinance to the contrary, if, due to a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and 30 days following the termination of that state of emergency, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with Title 20-A, chapter 606-B before June 1, 2020, a school board may delay a school budget meeting otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting under this section, the meeting must be held and the budget approved within 30 days of the date the commissioner notifies the school board of the amount allocated to the school administrative unit under Title 20-A, section 15689-B or the termination of the state of emergency declared by the Governor due to COVID-19. When a school budget meeting is delayed under this section, the school administrative unit may continue operation of the unit at the same budget levels as were approved for the previous year. Continued operation under the budget for the previous year is limited to the time between July 1, 2020 and the date the new budget

goes into effect. As used in this section, "state subsidy" means the total of the state contribution determined under Title 20-A, section 15688, subsection 3-A, paragraph D and any applicable adjustment under Title 20-A, section 15689.

Sec. E-2. Retroactivity; repeal. This Part applies retroactively to March 1, 2020 and is repealed January 15, 2021.

PART F

Sec. F-1. Registrations issued by a municipality. This section affects certain registration and licensing performed at the municipal or county level.

1. Vehicles and trailers. Notwithstanding the Maine Revised Statutes, Title 29-A, chapter 5 or any other law or municipal charter provision or ordinance to the contrary, a registration, including a temporary registration, of a vehicle, including, without limitation, a motor vehicle, all-terrain vehicle, watercraft or snowmobile, or a trailer required to be registered in this State that expires during the period of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 is deemed extended until 30 days following the termination of the state of emergency.

2. Renewal of licenses for sale of liquor. Notwithstanding Title 28-A, section 653, subsection 1 or any other law or municipal charter provision or ordinance to the contrary, during the period of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 and 30 days following the termination of that state of emergency, the municipal officers or, in the case of unincorporated places, the county commissioners may grant the request for a renewal of a license issued pursuant to Title 28-A, Part 3 without a hearing; this subsection does not prohibit the municipal officers or county commissioners, as applicable, from denying a renewal of a license issued pursuant to Title 28-A, Part 3 based upon a finding specified in Title 28-A, section 653, subsection 2 or 3.

3. Dog licenses. Notwithstanding Title 7, chapter 721 or any other law or municipal charter provision or ordinance to the contrary, a license of a dog required to be licensed in this State that expires during the period of a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19 is deemed extended until 30 days following the termination of the state of emergency.

4. Registration or license fees due. The extensions granted pursuant to subsections 1 and 3 of this section do not change the registration or licensing interval for any vehicle or trailer or dog for which the registration or license period was extended, and all registration or licensing fees that would have been due but for the extension are due within 30 days of the termination of the state of emergency.

Sec. F-2. Access to online registration. The Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife, during the period of a state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19, shall allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or

watercraft online, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the termination of the state of emergency.

PART G

Sec. G-1. 1 MRSA §403-A is enacted to read:

§403-A. Public proceedings through remote access during declaration of state of emergency due to COVID-19

1. Remote access. Notwithstanding any provision of law or municipal charter provision or ordinance to the contrary, during a state of emergency declared by the Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19, a body subject to this subchapter may conduct a public proceeding through telephonic, video, electronic or other similar means of remote participation under the following conditions:

A. Notice of the public proceeding has been given in accordance with section 406, and the notice includes the method by which the public may attend in accordance with paragraph C;

B. Each member of the body who is participating in the public proceeding is able to hear and speak to all the other members during the public proceeding and members of the public attending the public proceeding in the location identified in the notice given pursuant to paragraph A are able to hear all members participating at other locations;

C. The body determines that participation by the public is through telephonic, video, electronic or other similar means of remote participation; and

D. All votes taken during the public proceeding are taken by roll call vote.

2. Application to legislative proceedings. This section does not apply to public proceedings of the Legislature, a legislative committee or the Legislative Council, except that while the state of emergency as set out in subsection 1 is in effect, the Legislature, a legislative committee or the Legislative Council may restrict attendance by the public to remote access by telephonic, video, electronic or other similar means. This section also does not apply to town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings pursuant to Title 20-A, section 1483.

3. Repeal. This section is repealed 30 days after the termination of the state of emergency as set out in subsection 1.

PART H

Sec. H-1. 37-B MRSA §742, sub-§1, ¶C, as amended by PL 2011, c. 626, §2, is further amended to read:

C. After the filing of the emergency proclamation and in addition to any other powers conferred by law, the Governor may:

(1) Suspend the enforcement of any statute prescribing the procedures for conduct of state business, or the orders or rules of any state agency, if strict compliance with the provisions of the statute, order or rule would in any way prevent, hinder or delay necessary action in coping with the emergency;

(2) Utilize all available resources of the State Government and of each political subdivision of the State as reasonably necessary to cope with the disaster emergency;

(3) Transfer the direction, personnel or functions of state departments and agencies, or units thereof, for the purposes of performing or facilitating emergency services;

(4) Authorize the obtaining and acquisition of property, supplies and materials pursuant to section 821;

(5) Enlist the aid of any person to assist in the effort to control, put out or end the emergency or aid in the caring for the safety of persons;

(6) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the State, if the Governor determines this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(7) Prescribe routes, modes of transportation and destinations in connection with evacuations;

(8) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein;

(9) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, explosives and combustibles;

(10) Make provision for the availability and use of temporary emergency housing;

(11) Order the termination, temporary or permanent, of any process, operation, machine or device which may be causing or is understood to be the cause of the state of emergency for which this proclamation was made; ~~and~~

(12) Take whatever action is necessary to abate, clean up or mitigate whatever danger may exist within the affected area~~.~~; and

(13) During a state of emergency declared by the Governor in accordance with this section due to the outbreak of COVID-19:

(a) Reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate an effect of the emergency;

(b) In consultation with the Public Utilities Commission, suspend the termination of residential electricity and water services during the period of emergency and up to 60 days after the state of emergency is terminated; and

(c) Modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the emergency.

The powers granted in divisions (a) and (c) terminate 30 days following the termination of the state of emergency.

PART I

Sec. I-1. 5 MRSA §157 is enacted to read:

§157. Loan Guarantee Program Fund established

1. Establishment; purpose. The Loan Guarantee Program Fund, referred to in this section as "the fund," is established as a nonlapsing Other Special Revenue Funds account within the Office of the Treasurer of State. All money received by the fund from any source, including any transfers from the General Fund unappropriated surplus, must be credited to the fund. Money credited to the fund must be used to guarantee the repayment of loans made by a credit union or financial institution to an eligible affected employee pursuant to the Loan Guarantee Program established in Title 10, chapter 110, subchapter 14.

2. Termination; repeal. The fund is terminated on June 30, 2022. Upon the termination of the Loan Guarantee Program, the State Controller shall transfer any funds remaining in the fund to the unappropriated surplus of the General Fund.

Sec. I-2. 10 MRSA c. 110, sub-c. 14 is enacted to read:

SUBCHAPTER 14

LOAN GUARANTEE PROGRAM

§1100-BB. Definitions

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

1. Affected employee. "Affected employee" means a resident of this State, including a self-employed resident, who has experienced a reduction in income since January 1, 2020 due to circumstances related to COVID-19.

2. Credit union. "Credit union" has the same meaning as "credit union authorized to do business in this State" as defined in Title 9-B, section 131, subsection 12-A.

3. Eligible affected employee. "Eligible affected employee" means an affected employee who is eligible to receive a loan as determined pursuant to section 1100-DD, subsection 1.

4. Financial institution. "Financial institution" has the same meaning as in Title 9-B, section 131, subsection 17-A.

5. Grace period. "Grace period" means the 90-day period after an eligible affected employee receives disbursement of a loan under this subchapter.

6. Loan guarantee payment. "Loan guarantee payment" means the amount paid by the Treasurer of State in satisfaction of a claim filed by a credit union or financial institution pursuant to section 1100-EE.

7. Program. "Program" means the Loan Guarantee Program established in section 1100-CC.

§1100-CC. Loan Guarantee Program established

1. Establishment; purpose. The Loan Guarantee Program is established within and administered by the authority. The authority shall guarantee the repayment of loans made by a credit union or financial institution to an eligible affected employee pursuant to section 1100-EE. The authority shall submit all approved claims to the Treasurer of State, who shall pay from the Loan Guarantee Program Fund, established in Title 5, section 157, any claims submitted by the authority pursuant to the program.

2. Notification of loan and borrower information. Each credit union or financial institution that makes a loan pursuant to section 1100-DD shall notify the authority in writing not later than one business day after making the loan, specifying such information about the borrower as the authority may request.

§1100-DD. Eligibility of affected employees; loan terms; process

1. Determination of eligibility of affected employee. A credit union or financial institution may make a loan to an affected employee who meets the following eligibility requirements.

A. An affected employee shall provide the credit union or financial institution proof that the affected employee has experienced a reduction in income and is a resident of this State. An affected employee may meet the requirements of this paragraph by providing to the credit union or financial institution proof such as a pay stub or bank statement indicating earned income in any 3 months prior to March 1, 2020.

B. In addition to the proof required in paragraph A, an affected employee shall submit to the credit union or financial institution a sworn affidavit from the affected employee stating:

(1) The affected employee is currently living in the State;

(2) The affected employee has experienced a reduction in income likely due to circumstances related to COVID-19 and is not receiving a loan from any other credit union or financial institution pursuant to this subchapter; and

(3) The amount of unemployment compensation benefits, if any, pursuant to Title 26, chapter 13:

(a) The affected employee received per week during the period of March 15, 2020 to December 31, 2020; and

(b) The affected employee is eligible to receive per week during the period of March 15, 2020 to December 31, 2020.

2. Loan amount. The amount of the loan, after subtracting 4 times the amount, if any, the affected employee has reported to the credit union or financial institution under subsection 1, paragraph B, subparagraph (3), division (a) or (b), whichever is greater, may not exceed the lesser of:

A. Five thousand dollars; and

B. The affected employee's most recent monthly after-tax pay.

3. Creditworthiness. A credit union or financial institution may not use an affected employee's creditworthiness as a factor for the purposes of determining eligibility for a loan under this subchapter.

4. Terms of loan agreement. Notwithstanding any provision of law to the contrary, the following terms apply to a loan issued pursuant to this subchapter.

A. A loan agreement may not:

(1) Require repayment during the grace period;

(2) Charge interest on the principal amount before or during the grace period or for 180 days after the grace period; or

(3) Contain a fee or penalty for the prepayment or early payment of the loan.

B. The loan agreement must require that the affected employee repay the loan in full not later than 180 days after the end of the grace period by making at least 3 and no more than 6 equal installment payments.

C. After 180 days have elapsed following the grace period, the credit union or financial institution may charge interest or fees in accordance with the credit union's or financial institution's lending policy and the terms of the loan agreement.

5. Multiple loans to same eligible affected employee. An eligible affected employee who has received a loan pursuant to this section may apply to the same credit union or financial institution for an additional loan for each 30-day period that the employee remains an eligible affected employee, except that an eligible affected employee may not receive more than 3 loans under the program. An eligible affected employee who applies for an additional loan shall provide the credit union or financial institution with updated information as required under subsection 1, including the amount of unemployment compensation benefits the employee has been determined eligible to

receive or has received during the period of March 1, 2020 to December 31, 2020. Each additional loan must be made in accordance with this section.

6. Treatment of deferred interest. Notwithstanding any provision of Title 36, Part 8 to the contrary, any interest deferred or not charged related to a loan issued pursuant to this section is exempt from all state taxes that may be applicable to such interest amounts as they relate to an affected employee. A credit union or financial institution shall disclose to eligible affected employee borrowers in the signed affidavit or loan documents that there may be federal tax consequences to the program loans and that loan information may be shared with the authority.

§1100-EE. Loan guarantee

1. Claims. No sooner than the 180th day following the end of the grace period and no later than the 300th day following the end of the grace period, a credit union or financial institution that has made a good faith effort to collect the outstanding principal of a loan issued pursuant to section 1100-DD and has been unsuccessful may make a claim to the authority for recovery of an amount equal to the outstanding principal of that loan.

A credit union or financial institution shall demonstrate, by affidavit or other documentation, to the satisfaction of the authority that the credit union or financial institution has made a good faith effort to collect the outstanding principal from the eligible affected employee substantially in accordance with the credit union's or financial institution's loan servicing and collection policies and has been unsuccessful.

2. Loan guarantee payment. The authority, upon receipt of a properly documented claim submitted by a credit union or financial institution pursuant to subsection 1, shall submit the claim immediately to the Treasurer of State for payment. The Treasurer of State immediately shall pay to the authority from the Loan Guarantee Program Fund established in Title 5, section 157 any claims submitted by the authority pursuant to the program. The authority shall distribute the loan guarantee payment to the credit union or financial institution.

3. Effect of payment of claim. After payment of a loan guarantee payment to a credit union or financial institution pursuant to subsection 2:

A. The loan must be assigned by the credit union or financial institution to the authority on behalf of the State; and

B. The authority shall continue collection efforts on the loan.

§1100-FF. Duties and powers of authority

1. Maintenance and review of records. The authority shall maintain records in the regular course of administration of the program, including a record of loans issued pursuant to section 1100-DD and loan guarantee payments issued pursuant to section 1100-EE, subsection 2 to honor claims on defaulted loans. The authority shall regularly review these records to monitor all the loans issued and identify duplicative applications.

2. Termination of loan recovery guarantee based on misrepresentation by credit union or financial institution. The authority may terminate any agreement to pay the claim of a credit union or financial institution pursuant to section 1100-EE if the credit union or financial institution misrepresents any information pertaining to the loan or fails to comply with any requirements of this section or section 1100-EE in connection with the claim for the loan.

3. Termination of loan recovery guarantee based on excess claims. If the amount expended for loan guarantee payments under section 1100-EE equals 10% of the total of all loans issued, the authority shall immediately cease to approve claims and shall notify the Treasurer of State and each credit union or financial institution of the total amount of loan guarantee payments made and that the authority has ceased honoring loan claims. The authority may delay payment of claims until it has calculated an amount that equals 10% of the total loans issued.

4. Recovery of defaulted loans. The authority, on its own or by contracting with a private entity, shall make reasonable efforts to recover the amount of guaranteed loan payments made pursuant to section 1100-EE, subsection 2. Any funds recovered pursuant to this subsection, less reasonable administrative costs, must be deposited in the Loan Guarantee Program Fund established in Title 5, section 157.

§1100-GG. Termination of program; repeal

1. New loans prohibited after December 31, 2020. An affected employee may not apply for a loan under the program after December 31, 2020. A credit union or financial institution may not approve a loan under the program after December 31, 2020.

2. Termination. The program terminates upon the earlier of the:

A. Repayment or discharge of all loans made under the program;

B. Payment of all claims filed pursuant to section 1100-EE that are eligible for loan guarantee payments; and

C. Repayment or discharge of loan guarantee payments.

3. Repeal. This subchapter is repealed upon the termination of the program.

Sec. I-3. Transfer. Notwithstanding any provision of law to the contrary, the State Controller shall transfer $500,000 from the General Fund unappropriated surplus to the Loan Guarantee Program Fund established within the Office of the Treasurer of State pursuant to the Maine Revised Statutes, Title 5, section 157 no later than April 1, 2020 to be used to guarantee the repayment of loans made by a credit union or financial institution to an eligible affected employee pursuant to Title 10, chapter 110, subchapter 14.

Sec. I-4. Additional transfer and allocation. The Joint Standing Committee on Appropriations and Financial Affairs may report out legislation to the 129th Legislature to address any funding needs of the Loan Guarantee Program established in the Maine Revised Statutes, Title 10, chapter 110, subchapter 14.

Sec. I-5. Appropriations and allocations. The following appropriations and allocations are made.

TREASURER OF STATE, OFFICE OF

Administration - Treasury 0022

Initiative: Creates the Loan Guarantee Program Fund and provides allocations in order to guarantee repayment of loans made by credit unions and financial institutions to eligible affected employees.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	$500,000	$500,000
OTHER SPECIAL REVENUE FUNDS TOTAL	$500,000	$500,000

PART J

Sec. J-1. 38 MRSA §1611, sub-§3, ¶A, as enacted by PL 2019, c. 346, §2, is amended to read:

A. Beginning ~~April 22, 2020~~ January 15, 2021 a retail establishment may use a recycled paper bag or a reusable bag made of plastic to bag products at the point of sale as long as the retail establishment charges a fee of at least 5¢ per bag.

(1) All amounts collected pursuant to this paragraph are retained by the retail establishment and may be used for any lawful purpose.

(2) A retail establishment may not rebate or otherwise reimburse a customer any portion of the fee charged pursuant to this paragraph.

Sec. J-2. 38 MRSA §1611, sub-§5, as enacted by PL 2019, c. 346, §2, is amended to read:

5. Preemption. To ensure maximum effectiveness through uniform statewide application, the State intends to occupy the whole field of regulation of single-use carry-out bags at retail establishments beginning ~~April 22, 2020~~ March 17, 2020. A local government may not adopt an ordinance regulating single-use carry-out bags at retail establishments and, beginning ~~April 22, 2020~~ January 15, 2021, any ordinance or regulation that violates this subsection is void and has no force or effect.

PART K

Sec. K-1. 22 MRSA §822, as amended by PL 2009, c. 299, Pt. A, §3, is repealed and the following enacted in its place:

§822. Reporting

1. Notification by physician. Whenever a physician knows or has reason to believe that a person whom the physician examines or cares for has a disease or condition

designated as notifiable, that physician shall notify the department and make such a report as may be required by rules of the department. Reports must be in the form and content prescribed by the department and the department shall provide forms for making required reports.

2. Reporting by health care facilities. The department may require a designated health care facility, as defined in section 802, subsection 4-A, paragraph A, to report information about its emergency management plans and operations. The department also may require a designated health care facility to report other information, including, but not limited to, daily reporting of the number of available beds within that facility providing residential or inpatient services and for the reporting to be done through an online database approved by the department. The department may adopt rules that designate further information required for reporting emergency plans. Rules adopted pursuant to this subsection are routine technical rules as described in Title 5, chapter 375, subchapter 2-A.

PART L

Sec. L-1. Facilitation of voting for June 9, 2020 elections. Only for the elections scheduled to be held on June 9, 2020, the Governor may take any reasonable administrative actions the Governor considers necessary to facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19. Pursuant to the Constitution of Maine, Article II, Section 4, these administrative actions may include, but are not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections, as long as those actions are also designed to facilitate participation by all registered voters, protect the rights of those voters and safeguard the integrity of the election.

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

SUMMARY

This bill provides the Governor, on a temporary basis, with additional powers for the duration of the state of emergency declared by the Governor in accordance with the Maine Revised Statutes, Title 37-B, section 742 due to the outbreak of COVID-19 to enable the Governor to reduce the impact of the pandemic.

Part A allows the Governor or the Governor's designee, in consultation with the Commissioner of Education, to:

1. Waive the compulsory school attendance requirements, including the minimum number of school days, or allow the compulsory attendance requirements to be met through nontraditional learning systems, including but not limited to remote access; and

2. Continue to provide nutrition services to students of schools that are closed due to COVID-19.

The authorization in Part A continues for the duration of the state of emergency and 30 days after the termination of the state of emergency.

Part B revises certain unemployment insurance eligibility and benefit charging provisions under the Employment Security Law to protect public health during the state of emergency by allowing an individual who takes a temporary leave of absence due to COVID-19 to qualify for unemployment benefits.

Part C allows for the Department of Public Safety, Maine Emergency Medical Services' Board to delegate functions and authority to Maine Emergency Medical Services staff without requiring rulemaking. This modification will allow for the board to respond quickly to emergencies by convening emergency board meetings and empowering the Director of Maine Emergency Medical Services to undertake specific activities that the board delegates.

Part C also allows the Medical Direction and Practices Board to use videoconferencing and other technologies to conduct its meetings and, until December 31, 2020, to delegate its duties to the statewide emergency medical services medical director and the statewide associate emergency medical services medical director.

Part D affects municipal budgets and elections by:

1. Establishing the prior year's budget as the budget for the ensuing year if an annual municipal budget meeting is delayed beyond the date the annual budget is customarily submitted to the legislative body of that municipality for approval due to public health concerns arising from COVID-19 until a final budget is approved. If a final budget is not approved in a timely manner and the municipal officers determine that property taxes must be committed in a timely manner to the collector, the municipal assessor or assessors may commit property taxes on the basis of the budget deemed approved.

2. Allowing a municipal treasurer to disburse money on the authority of a warrant that is seen and signed by individual municipal officers outside of a public meeting.

3. Allowing the municipal officers to postpone the date of a scheduled municipal secret ballot election when nomination papers have already been issued or filed by posting notice in a conspicuous public location at least 2 days prior to the date of the election. The notice must be signed by a majority of the board and must contain specific information regarding the election.

4. If ballots have been printed for the postponed election, allowing the municipality to use those ballots despite inclusion of the original election date. If absentee ballots have been issued and returned, the municipality is required to use the ballots printed for the originally scheduled election. The municipal clerk is required to safeguard and secure any absentee ballots already returned until the date of the rescheduled election and is required to process them as required by Title 21-A. During the interim period between the originally scheduled election and rescheduled election, the clerk may continue to issue and accept absentee ballots and applications and allow voting in the presence of the clerk pursuant to Title 21-A.

Part D applies retroactively to March 1, 2020 and is repealed January 15, 2021.

Part E authorizes a school board, if, due to the state of emergency declared by the Governor, the level of state subsidy for the 2020-2021 school year is not finalized in accordance with Title 20-A, chapter 606-B before June 1, 2020 or if school board meetings are delayed, to delay a school budget meeting otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a school board elects to delay a school budget meeting, the meeting must be held and the budget approved within 30 days of the date the Commissioner of Education notifies the school board of the amount allocated to the school administrative unit under Title 20-A, section 15689-B or following the end of the state of emergency.

Part E applies retroactively to March 1, 2020 and is repealed January 15, 2021.

Part F affects licenses and registrations, such as for motor vehicles, all-terrain vehicles, watercraft and dogs, issued by a municipality by extending until 30 days after the end of the state of emergency any registration or license issued by that municipality that expires during the state of emergency. The registration and licensing fees that would have been payable but for the extension are due within 30 days following the end of the state of emergency.

Part F also allows a municipality, without conducting a hearing, to grant a request for a renewal of a license to sell alcohol. This does not affect the ability of a municipality to deny a request for renewal for specified cause and is valid only during the state of emergency and the 30 days following the end of the state of emergency.

Part F also requires the Secretary of State, Bureau of Motor Vehicles and the Department of Inland Fisheries and Wildlife to allow a resident of this State to renew the registration of a motor vehicle, trailer, all-terrain vehicle or watercraft, regardless of whether the municipality in which that resident resides participates in the online registration service maintained by the bureau or department, for the duration of the state of emergency and 30 days following the end of the state of emergency.

Part G amends the Freedom of Access Act to allow entities subject to that Act, not including the Legislature, a legislative committee or the legislative body of a county, municipality or other public entity, to conduct a public proceeding through telephonic, video, electronic or other similar means of communication as long as certain specified conditions are met, including notice of the means of holding the meeting, ensuring that members of the body can speak and be heard by the other members of the body and requiring that all votes are taken by roll call. This authorization applies only during the state of emergency.

Part H provides the Governor additional powers under the Maine Emergency Management Act including:

1. To reasonably adjust time frames and deadlines imposed by law for state, county and municipal governments and other entities when such an adjustment is reasonably necessary to mitigate a substantial effect of the state of emergency;

2. In consultation with the Public Utilities Commission, to suspend the termination of residential electricity and water services during the period of the state of emergency and up to 60 days after the state of emergency is terminated; and

3. To modify or suspend the requirements for professional or occupational licensing or registration by any agency, board or commission if strict compliance with such requirements would in any way prevent, hinder or delay necessary action in dealing with the state of emergency.

These additional powers terminate 30 days after the termination of the state of emergency, except for the suspension of termination of electricity and water services.

Part I establishes the Loan Guarantee Program. The program, administered by the Finance Authority of Maine, provides easier access to no-interest loans for residents of this State, including self-employed residents, who experience a reduction in income due to the state of emergency arising from COVID-19. The program guarantees up to 10% of the loans eligible credit unions and financial institutions make to affected employees. Under the program, affected employees are eligible for up to 3 loans, each equal to their monthly after-tax pay, up to $5,000, less unemployment benefits. Repayment is due starting 90 days after the end of the state of emergency and during the subsequent 6 months; during that period, interest may not be charged or accrue on the loan. Following the end of the 270 days, a credit union or financial institution that made a loan under the program, after a good faith effort to collect the principal amount of the loan, may apply to the authority for repayment of the uncollected amount of the loan in default. The authority is required to make reasonable efforts to recoup the amount of any payments made to credit unions and financial institutions from the employee who defaulted on the loan. The authority may not make any loans after December 31, 2020 and the program ends once all obligations for payment, repayment or discharge of the loans are satisfied. The bill gives the Joint Standing Committee on Appropriations and Financial Affairs authority to report out legislation to address any funding needs of the program.

Part J delays from April 22, 2020 to January 15, 2021 the requirement that a retail establishment charge a fee of at least 5¢ per recycled paper or reusable plastic bag used at the point of sale. Part J also moves up from April 22, 2020 to March 17, 2020 the date on which the State occupies the whole field of regulation of single-use carry-out bags at retail establishments, but delays until January 15, 2021 the voiding of any municipal ordinance in conflict with state law.

Part K authorizes the Department of Health and Human Services to require a designated health care facility to report specific information to the department, such as the health care facility's emergency management plan and, on a daily basis, the number of beds available within that facility.

Part L authorizes the Governor, only for the elections scheduled to be held on June 9, 2020, to take any reasonable administrative actions the Governor considers necessary to

facilitate voting by all residents registered to vote in this State in a manner that preserves and protects public health in response to COVID-19, including, but not limited to, issuance and receipt of absentee ballots for the June 9, 2020 elections.

FISCAL NOTE REQUIRED

(See attached)

Revised: 03/17/20 mac

129th MAINE LEGISLATURE

LD 2167 **LR 3296(01)**

An Act To Implement Provisions Necessary to the Health, Welfare and Safety of the Citizens of Maine in Response to the COVID-19 Public Health Emergency

Fiscal Note for Original Bill
Committee: Not Referred
Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - Unemployment Compensation Trust Fund
Potential current biennium cost increase - All Funds

	FY 2019-20	FY 2020-21	Projections FY 2021-22	Projections FY 2022-23
Net Cost (Savings)				
General Fund	$500,000	$0	$0	$0
Appropriations/Allocations				
Other Special Revenue Funds	$500,000	$500,000	$0	$0
Transfers				
General Fund	($500,000)	$0	$0	$0
Other Special Revenue Funds	$500,000	$0	$0	$0

Fiscal Detail and Notes

Part A of this bill allows the Governor, in consultation with the Commissioner of Education, to implement a plan to continue to provide lunches to students who are currently receiving free or reduced-priced meals at a school that is closed due to the COVID-19 virus. According to the Department of Education, schools that experience an unanticipated closure are allowed to serve students meals through the summer food service program if they meet certain requirements. Eligible schools that participate in the summer food service program will be federally reimbursed for the meals served.

Part B of this legislation may result in more benefits being distributed from the Unemployment Compensation Trust Fund (Fund) as a result of more individuals being eligible for the benefit in a time of a public health emergency. The cost to the Fund will depend on the number of individuals who experience a work disruption during this time.

Under Part B of the bill, benefits paid to individuals who are dislocated or temporarily laid off as a result of a public health emergency are not to be charged against the experience rating record of any employer. This means that the future contribution rate of employers will not be increased for unemployment benefits attributable to a public health emergency. The Department of Labor has estimated that if the unemployment rate were to increase from the approximately 3% rate (as of December 2019) to 4% from April 1, 2020 to May 30, 2020, the impact to the Fund would be approximately $8.4 million. If the unemployment rate were to increase to 5% over the same time period, the impact to the Fund would be approximately $16.2 million. The additional cost will depend on actual experience. Direct reimbursement employers would continue to be charged for benefits to their employees.

Legislation in Part B of this bill also waives the one week waiting period that must be served before an individual who is dislocated or temporarily laid off as a result of a public health emergency can begin collecting unemployment benefits. The cost to the State as a direct reimbursement employer will depend on such factors as the number of employees affected, the length of the work stoppage and the amount of leave employees have available to use during the time they are out.

Additional costs to the Department of Public Safety, Emergency Medical Services, associated with Part C can be absorbed within existing budgeted resources.

Part I of this bill establishes the Loan Guarantee Program Fund (Fund) within the Office of Treasurer of State with a one-time transfer of $500,000 from the General Fund in fiscal year 2019-20. It also includes an Other Special Revenue Funds allocation to the Office of the Treasurer of State of $500,000 in fiscal years 2019-20 and 2020-21 to expend the funds. If this amount is not sufficient to cover the State's liability, additional funding will be required. The Fund will be used to guarantee the repayment of the amount of loans made by eligible financial institutions to Maine residents who have experienced a reduction in income since January 1, 2020 until December 31, 2020 due to COVID-19. The bill allows loans up to a maximum of the lesser of $5,000 or an individual's most recent monthly after-tax pay reduced by any unemployment compensation benefits. Individuals are eligible to apply for up to 3 loans under the program. Administrative costs incurred by the Office of Treasurer of State can be absorbed within existing budgeted resources. Part I also includes a provision that allows the Finance Authority of Maine (FAME) to retain a portion of the money it recovers from loans in default to pay for its costs to administer the loan guarantee program. FAME will not require a General Fund appropriation. However, this provision will reduce the amount of funds returned to the Loan Guarantee Program Fund from the recovery of defaulted loans.

Additional costs to the Department of Health and Human Services associated with Part K can be absorbed within existing budgeted resources.

Depending upon the actions the Governor takes, additional election costs to the Department of Secretary of State may be incurred. No estimate can be made until any such actions are determined. Additional costs to the Office of the Governor associated with Part L can be absorbed within existing budgeted resources.