



# 129th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2020

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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)

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

A handwritten signature in black ink, appearing to read 'D M Grant'.

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.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

## 19 PART C

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

22 **16-B. Medical Direction and Practices Board.** "Medical Direction and Practices  
23 Board" means the board consisting of each regional medical director, an emergency  
24 physician representing the Maine Chapter of the American College of Emergency  
25 Medicine Physicians, an at-large member, a toxicologist or licensed pharmacist, a person  
26 licensed under section 85 to provide basic emergency medical treatment, a person  
27 licensed under section 85 to provide advanced emergency medical treatment, a pediatric  
28 physician, the statewide associate emergency medical services medical director and the  
29 statewide emergency medical services medical director. The Medical Direction and  
30 Practices Board is responsible for creation, adoption and maintenance of Maine  
31 Emergency Medical Services protocols pursuant to section 88-B.

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

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

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

2           **§88-B. Medical Direction and Practices Board; powers and duties**

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

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

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

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

21   **PART D**

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

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

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

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

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

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

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

12 If ballots have been printed for the postponed election, the municipality may use  
13 those ballots despite inclusion of the original election date. If absentee ballots have been  
14 issued and returned, the municipality shall use the ballots printed for the originally  
15 scheduled election. The municipal clerk shall safeguard and secure any absentee ballots  
16 already returned until the date of the rescheduled election and shall process them as  
17 required by Title 21-A. During the interim period between the originally scheduled  
18 election and rescheduled election, the clerk may continue to issue and accept absentee  
19 ballots and applications and allow voting in the presence of the clerk pursuant to Title  
20 21-A.

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

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

## 25 **PART E**

26 **Sec. E-1. School budget.** Notwithstanding the Maine Revised Statutes, Title  
27 20-A, section 15693, subsection 2, paragraph C or any other law or municipal charter  
28 provision or ordinance to the contrary, if, due to a state of emergency declared by the  
29 Governor in accordance with Title 37-B, section 742 due to the outbreak of COVID-19  
30 and 30 days following the termination of that state of emergency, the level of state  
31 subsidy for the 2020-2021 school year is not finalized in accordance with Title 20-A,  
32 chapter 606-B before June 1, 2020, a school board may delay a school budget meeting  
33 otherwise required to be held before July 1, 2020 to a date on or after July 1, 2020. If a  
34 school board elects to delay a school budget meeting under this section, the meeting must  
35 be held and the budget approved within 30 days of the date the commissioner notifies the  
36 school board of the amount allocated to the school administrative unit under Title 20-A,  
37 section 15689-B or the termination of the state of emergency declared by the Governor  
38 due to COVID-19. When a school budget meeting is delayed under this section, the  
39 school administrative unit may continue operation of the unit at the same budget levels as  
40 were approved for the previous year. Continued operation under the budget for the  
41 previous year is limited to the time between July 1, 2020 and the date the new budget

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

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

## 6 **PART F**

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

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

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

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

32 **4. Registration or license fees due.** The extensions granted pursuant to subsections  
33 1 and 3 of this section do not change the registration or licensing interval for any vehicle  
34 or trailer or dog for which the registration or license period was extended, and all  
35 registration or licensing fees that would have been due but for the extension are due  
36 within 30 days of the termination of the state of emergency.

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

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

## 5 PART G

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

### 7 **§403-A. Public proceedings through remote access during declaration of state of** 8 **emergency due to COVID-19**

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

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

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

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

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

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

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

## 35 PART H

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

4           **4. Financial institution.** "Financial institution" has the same meaning as in Title  
5 9-B, section 131, subsection 17-A.

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

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

11           **7. Program.** "Program" means the Loan Guarantee Program established in section  
12 1100-CC.

13           **§1100-CC. Loan Guarantee Program established**

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

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

24           **§1100-DD. Eligibility of affected employees; loan terms; process**

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

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

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

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

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

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

6                   (a) The affected employee received per week during the period of March 15,  
7                   2020 to December 31, 2020; and

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

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

14                  A. Five thousand dollars; and

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

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

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

21                  A. A loan agreement may not:

22                   (1) Require repayment during the grace period;

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

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

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

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

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

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

3 **6. Treatment of deferred interest.** Notwithstanding any provision of Title 36, Part  
4 8 to the contrary, any interest deferred or not charged related to a loan issued pursuant to  
5 this section is exempt from all state taxes that may be applicable to such interest amounts  
6 as they relate to an affected employee. A credit union or financial institution shall  
7 disclose to eligible affected employee borrowers in the signed affidavit or loan documents  
8 that there may be federal tax consequences to the program loans and that loan information  
9 may be shared with the authority.

10 **§1100-EE. Loan guarantee**

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

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

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

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

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

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

34 **§1100-FF. Duties and powers of authority**

35 **1. Maintenance and review of records.** The authority shall maintain records in the  
36 regular course of administration of the program, including a record of loans issued  
37 pursuant to section 1100-DD and loan guarantee payments issued pursuant to section  
38 1100-EE, subsection 2 to honor claims on defaulted loans. The authority shall regularly  
39 review these records to monitor all the loans issued and identify duplicative applications.

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

7           **3. Termination of loan recovery guarantee based on excess claims.** If the amount  
8 **expended for loan guarantee payments under section 1100-EE equals 10% of the total of**  
9 **all loans issued, the authority shall immediately cease to approve claims and shall notify**  
10 **the Treasurer of State and each credit union or financial institution of the total amount of**  
11 **loan guarantee payments made and that the authority has ceased honoring loan claims.**  
12 **The authority may delay payment of claims until it has calculated an amount that equals**  
13 **10% of the total loans issued.**

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

19 **§1100-GG. Termination of program; repeal**

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

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

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

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

27           **C. Repayment or discharge of loan guarantee payments.**

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

29           **Sec. I-3. Transfer.** Notwithstanding any provision of law to the contrary, the State  
30 **Controller shall transfer \$500,000 from the General Fund unappropriated surplus to the**  
31 **Loan Guarantee Program Fund established within the Office of the Treasurer of State**  
32 **pursuant to the Maine Revised Statutes, Title 5, section 157 no later than April 1, 2020 to**  
33 **be used to guarantee the repayment of loans made by a credit union or financial**  
34 **institution to an eligible affected employee pursuant to Title 10, chapter 110, subchapter**  
35 **14.**

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

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

3 **TREASURER OF STATE, OFFICE OF**

4 **Administration - Treasury 0022**

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

8	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
9	All Other	\$500,000	\$500,000
10			
11	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$500,000</b>	<b>\$500,000</b>

12 **PART J**

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

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

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

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

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

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

30 **PART K**

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

33 **§822. Reporting**

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

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

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

## 15 PART L

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

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

## 27 SUMMARY

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

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

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

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



1 The authorization in Part A continues for the duration of the state of emergency and  
2 30 days after the termination of the state of emergency.

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

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

13 Part C also allows the Medical Direction and Practices Board to use  
14 videoconferencing and other technologies to conduct its meetings and, until December  
15 31, 2020, to delegate its duties to the statewide emergency medical services medical  
16 director and the statewide associate emergency medical services medical director.

17 Part D affects municipal budgets and elections by:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38           Part L authorizes the Governor, only for the elections scheduled to be held on June 9,  
39 2020, to take any reasonable administrative actions the Governor considers necessary to

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

4 **FISCAL NOTE REQUIRED**

5 **(See attached)**