

NEW LAWS

128th Legislature – Second Session

By MMA's State & Federal Relations staff

Effective dates. Emergency legislation became effective on the date it was signed by the Governor unless otherwise noted. If the new law was an emergency measure, it is so-noted before the Public Law citation. Non-emergency legislation becomes effective 90 days after adjournment of the legislative session in which it was enacted. The effective date of non-emergency legislation enacted in the Legislature's second regular session will be August 1, 2018. The effective date of non-emergency legislation enacted in the second special session will be described in the August/September edition of Maine Town & City.

Mandate preamble. Legislation enacted with a "mandate preamble" contains the following language: "*This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two-thirds of all of the members elected to each House have determined it necessary to enact this measure.*" If the new law was enacted with a mandate preamble, it is so-noted along with the Public Law citation.

Agriculture, Conservation & Forestry

LD 858 – An Act To Strengthen the Law Regarding Dangerous Dogs and Nuisance Dogs. (Sponsored by Rep. Nadeau of Winslow) **(Mandate) PL 2017, c. 404**

Enacted as a state mandate, this Act makes several changes to the animal welfare laws pertaining to court designated dangerous and nuisance dogs. The Act: (1) amends the definition of a "dangerous dog" and further defines dangerous behavior; (2) adds a new designation and definition of "nuisance dog"; (3) provides a new licensing fee for a dangerous dog of \$100, with \$98 deposited into the municipality's animal welfare fund and a \$30 fee for a nuisance dog license with \$28 deposited into the local animal welfare fund; (4) requires municipalities to annually report the number, animal involved and the final disposition of all animal control complaints received during the prior year; (5) directs the Department of Agriculture, Conservation and Forestry to develop and implement a dog licensing database within one year of the effective date of this legislation and provide access to municipalities at no cost; (6) prohibits a person from training or encouraging a dog to be aggressive toward or attack a person or domesticated animal unless the training program is recognized by the Department of Public Safety, Bureau of State Police; (7) prohibits transferring ownership of a dangerous dog without the permission of the court, unless the transfer is to an animal control officer or an animal shelter that has a contract with a community to euthanize the dog for the municipality; (8) requires an owner to notify a municipality of the death or transfer of ownership of a dangerous or nuisance dog, and of the owner's change of residence; (9) provides the court with a number of expanded actions against the owner of a dangerous or nuisance dog including an increase in the maximum fine of up to \$5,000, which is paid directly to the municipality's animal welfare fund; (10) further defines the protocol for the humane detention of a dangerous or nuisance dog and shifts the cost of the detention to the owner; and (11) establishes as a Class D crime the failure to comply with a court order, or any of the new

registration requirements in this Act.

LD 1773 – Resolve, Directing the Bureau of Parks and Lands To Transfer Land in the Town of Pittston. (Sponsored by Rep. Hanley of Pittston) **Resolves 2017, c. 51**

This Resolve directs the Director of the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry to transfer a portion of a parcel of land on Arnold Road in the Town of Pittston to the First Congregational Church of Pittston.

Appropriations & Financial Affairs

LD 247 – An Act To Amend the Retirement Laws Pertaining to Participating Local Districts. (Sponsored by Rep. Madigan of Rumford) **Emergency Enacted; PL 2017, c. 392 (4/18/18)**

This Act clarifies that the Board of Trustees of the Maine Public Employees Retirement System has rule-making authority to implement changes to the Participating Local District (PLD) Consolidated Retirement Plan and specifies that plan provisions pertaining to contribution rates, earnable compensation, service credit for unused sick or vacation leave, cost-of-living adjustments, early retirement reduction, and withdrawal liability payments, adopted by rule, apply to employers and members of the PLD. The Act also provides guidance for the adoption of rules to better implement the practice of retiring and returning to work.

LD 1510 – An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects. (Sponsored by Rep. Fredette of Newport) **PL 2017, c. 425**

This Act sends out to the voters a proposed \$30 million bond issue designed to improve water quality, support the planning and construction of wastewater treatment facilities and assist residents whose homes are served by substandard or malfunctioning wastewater treatment systems. \$2 million of the bond issue is dedicated to the Small Community Grant Program, administered by the Department of Environmental Protection, that can provide funds for the municipally-supervised repair of malfunctioning wastewater systems, \$350,000 of the issue is dedicated to the Overboard Discharge program which is similarly designed with respect to the malfunctioning residential wastewater systems in coastal watersheds, and \$27.65 million of the issue is dedicated to wastewater treatment facility planning and construction grants.

Criminal Justice & Public Safety

LD 1735 – An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement. (Sponsored by Sen. Thibodeau of Waldo County) **Emergency Enacted; PL 2017, c. 373 (4/10/18)**

This Act specifies that a regional medical control committee established to carry out a plan of quality improvement approved by the Department of Public Safety, Emergency Medical Services Board (Board) may have access to personally identifying data collected and retained by Maine EMS provided the release of the data is approved by the Board and its director, and the Medical Direction and Practices Board. The Act also clarifies Board responsibility to adopt the rules to ensure collected confidential information is accessible to the entity submitting the data and is in compliance with federal and state laws.

LD 1813 – An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons. (Spon-

sored by Rep. Pouliot of Augusta) **PL 2017, c. 354**

This Act creates a definition of “indirect contact” under the sexual assault statutes that prohibits a person convicted of a sexual assault against or sexual exploitation of another person under 14 years of age from photographing another person under 14 years of age, provided the person has been notified, in writing or otherwise, not to engage in this conduct. Notice must be provided by either a law enforcement, corrections or judicial officer and the prohibition expires one year after the person receives notice. The definition of “photographing” means making, capturing, generating or saving a print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material.

LD 1838 – An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos. (Sponsored by Sen. Carpenter of Aroostook County) **PL 2017, c. 397**

This Act establishes new variants of the crime of harassment by telephone or electronic communication device. The Act makes it a Class D crime to use a telephone or electronic communication device to send an image or video of a sexual act or of the actor’s or another person’s genitals with the intent of causing affront or alarm or for the purpose of arousing or gratifying sexual desire if the person called or contacted is: (1) under 14 years of age; (2) 14 or 15 years of age when the actor is at least 5 years older; or (3) suffers from a mental disability that is reasonably apparent or known to the actor. The Act also makes it a Class E crime to use a telephone or electronic communication device to send an image or video of a sexual act or the actor’s or another person’s genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos.

Education & Cultural Affairs

LD 51 – An Act To Amend the Process for a Single Municipality To Withdraw from a Regional School Unit. (Sponsored by Rep. Turner of Burlington) **PL 2017, c. 385**

This Act amends the procedures allowing a single municipality to withdraw from a Regional School Unit (RSU) by directing the commissioner of the Department of Education to set the date for the withdrawal referendum no later than Nov. 30 of the year prior to the intended July 1 effective date. The Act also adds requirements to the withdrawal agreement drafted by the community seeking to leave the RSU to include a plan for providing child nutrition services and an anticipated school budget for the first year of operation.

LD 1843 – An Act To Amend Career and Technical Education Statutes. (Sponsored by Sen. Langley of Hancock County) **PL 2017, c. 420**

This Act amends the calculation of state subsidy for career and technical education programs from an expenditure-driven model to a cost model recognizing expenses for direct instruction, central administration, supplies and services, operation of facilities, and student and administrative support. The Act also requires the state subsidy issued directly to a career and technical education center be transferred to the school unit operating an approved satellite program to support the cost of operating the program.

LD 1858 – An Act To Include Security Installations and Upgrades in Maine’s School Revolving Renovation Fund. (Sponsored by Sen. Millett of Cumberland County) **PL 2017, c. 389**

This Act amends the law governing the School Revolving Renovation Fund to allow Priority 1 status loans to be used to

fund school facility security-related installations and improvements.

Energy, Utilities & Technology

LD 1472 – An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure. (Sponsored by Rep. McLean of Gorham) **PL 2017, c. 344**

This Act requires applicants for permits for underground facilities in excess of 500 feet in length to notify the ConnectME Authority within five business days of submitting the application. The notice must describe the location of the project, and the Authority must provide notice of the proposed installation to all parties potentially interested in installing broadband conduit while the project is underway.

LD 1798 – Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority. (Reported by Rep. Berry of Bowdoinham for the ConnectME Authority) **Emergency Passed; Resolves 2017, c. 44 (4/08/18)**

This Resolve provides the legislative authorization necessary for the approval of the ConnectME Authority major substantive rulemaking to revise Chapter 101 of the Authority’s operational rules. The rulemaking is pursuant to statutory changes to Title 35-A, M.R.S., Chapter 93, enacted as LD 1063 during the 127th Legislature. That bill directed that the Authority’s rule ensure broadband grants are equitably distributed throughout the unserved and underserved areas of the State and that the grants encourage collaboration between multiple communities. Below is a summary of nine key changes made by the Authority’s rulemaking, followed by additional amendments imposed by the Legislature as a condition of its approval of the rule.

The rule approved pursuant to this resolve includes the following changes:

1. Expands the Authority’s membership from 5 to 7 while abolishing its Advisory Council;
2. Reorients the Authority’s responsibilities from monitoring and assessment towards grant funding administration;
3. Limits planning grant applicants to individual municipalities and collectives of municipalities, counties, and regional government entities;
4. Limits infrastructure grant applicants to communications service providers, and other entities determined by the Authority to be capable of providing the service;
5. Requires municipal applicants for planning grants to adhere to 12 requirements that include in-kind contributions from the municipality;
6. Requires the Authority to give preference to investments that provide the greatest relative improvement to existing broadband service in an unserved or underserved area and to evaluate planning grant applications according to four scoring categories: community support, project focus, project preparation, and financial commitment;
7. Requires that plans funded through grants include one or more potential network designs, cost estimates, operating models and potential business models based on input from broadband providers and any other parties that submit a design solution in the course of plan development;
8. Prohibits matching funds for broadband planning grants from consisting of in-kind contributions from the municipality or a party with a financial interest in a broadband infrastructure project that would be constructed pursuant to a planning grant; and
9. Requires plans funded through grants to be completed within one year (unless a waiver is granted) and allows the Authority to recapture funds awarded to plans that are not completed.

The Legislature's Resolve further requires the ConnectME Authority to make several technical amendments to its proposed rule prior to final adoption. The Legislature's amendments clarify some of the definitions in the rule, including the term "broadband service provider" (requiring them to be an entity which must file Form 477 with the Federal Communications Commission), establish guidelines for the receipt and dissemination of service providers' confidential proprietary information, and require project completion to be specified in a report within one year of receiving funding or within 180 days of receiving all necessary permits, licenses or governmental approvals, whichever is later.

LD 1814 – An Act To Amend the Charter of the Lisbon Water Department. (Sponsored by Sen. Mason of Androscoggin County) **P & SL 2017, c. 13**

This Act aligns the terms of office for the commissioners of the Lisbon Water Department with those of the members of Lisbon Town Council.

Environment & Natural Resources

LD 399 – An Act Regarding Municipal Satellite Wastewater Collection Systems. (Sponsored by Rep. Tucker of Brunswick) **PL 2017, c. 353**

This Act authorizes state regulation of "satellite" wastewater collection systems that directly or indirectly convey wastewater to another publicly owned sewerage treatment works. Specifically, the Act requires the owner of a municipal satellite collection system to register with the Department of Environmental Protection using a form issued by the department and provide: (1) contact information for the owner and operator of the system; (2) information on the publicly owned treatment systems to which the satellite system discharges; (3) information on the geographic areas served by the system; (4) a basic map or schematic diagram of the system; and (5) system specifications, including but not limited to, the number of miles of pipe in the system, number and locations of pump stations within the system, and the number of customers served by the system. Additionally, the Act creates a duty to orally report to the department any unauthorized discharge from the system within 24 hours of the owner or operator of the system becoming aware of the discharge, and follow up with a written report within five days.

LD 1298 – An Act To Update Maine's Water Quality Standards. (Submitted by Rep. Harlow of Portland on behalf of MDEP) **PL 2017, c. 319**

This Act updates Maine's water quality standards to align state statutes with federal Clean Water Act requirements when pesticides are used to control invasive plants and diminish mosquito-borne diseases. The Act further updates Maine's water quality standards to be consistent with U.S. Environmental Protection Agency guidelines regarding recreational water quality criteria for bacteria, and the non-target species impact threshold the Department of Inland Fisheries and Wildlife must consider when the department or its agents apply aquatic pesticides or chemicals.

LD 1534 – An Act To Reduce Food Waste in Maine. (Sponsored by Rep. Hickman of Winthrop) **PL 2017, c. 369**

This Act directs the Department of Environmental Protection, as resources allow, to develop and maintain on its publicly accessible website a food recovery database including guidance documents, model policies, program resources and other educational material and technical data relevant to food recovery and food waste reduction efforts that may be implemented by counties, municipalities, educational institutions, businesses and members of the public.

LD 1674 – Resolve, Regarding Legislative Review of Por-

tions of Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a Major Substantive Rule of the Department of Environmental Protection. (Reported by Rep. Tucker of Brunswick for the Joint Standing Committee on Environment & Natural Resources) **Emergency Passed; Resolves 2017, c. 30 (2/18/18)**

This Resolve authorizes the final adoption of portions of the provisionally adopted Chapter 502: Direct Watersheds of Lakes Most at Risk from New Development, Urban Impaired Streams, a major substantive rule of the Department of Environmental Protection, including a review and revision of the water bodies listed as most at risk from new development and the list of urban impaired streams. Added to the Department's previous list are: The Basin in Auburn, Kennedy and Whitney Brook in Augusta, Sucker Brook in Bangor and Hampden, Thatcher Brook in Biddeford, Moose Pond in Bridgton, Granger Pond in Denmark, Georges Pond in Franklin, Dole Brook in Portland, Goodall Brook in Sanford, an unnamed tributary to the Androscoggin River in Topsham, Mud Pond in Turner, and Papoose Pond in Waterford. Removed from the department's previous list are: Brown Brook in Limerick, Mattanawcook Stream in Lincoln, Sherman Lake in Newcastle, and Mill Stream in Winthrop.

LD 1847 – An Act To Amend the State's Electronic Waste Laws. (Reported by Rep. Tucker of Brunswick for the Joint Standing Committee on Environment & Natural Resources) **PL 2017, c. 391**

This Act amends the state's electronic waste laws by: (1) changing the basis on which consumer electronic device manufacturers are billed for recycling costs; (2) changing the due date for consumer electronic device manufacturer annual registration from July 1 to Apr.1; and (3) making additional changes to align Maine's electronic waste program more closely with similar programs in other states.

Inland Fisheries & Wildlife

LD 768 – An Act To Simplify Nonresident Hunting and Fishing Licenses. (Sponsored by Rep. Hilliard of Belgrade) **PL 2017, c. 427**

Effective Jan. 1, 2019, this Act eliminates all alien hunting and fishing licenses issued by the Department of Inland Fisheries and Wildlife and instead allows a person who is not a United States citizen to purchase a nonresident hunting and fishing license, provided eligibility criteria is met.

LD 1790 – An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a Handgun during the Regular Archery-only Season on Deer. (Sponsored by Sen. Cushing of Penobscot County) **PL 2017, c. 357**

This Act corrects a cross-reference in the section of law regarding carrying a firearm during the regular archery-only season on deer to reflect that current law does not require a person eligible to carry a concealed handgun to obtain a permit to carry the handgun. The Act also allows the commissioner to establish a youth hunting day through rule.

Judiciary

LD 1716 – An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs. (Sponsored by Rep. Fay of Raymond) **PL 2017, c. 338**

This Act creates a new category of trained professional called a "security services dog handler." Such handlers, as well as emergency services medical personnel and law enforcement officers who voluntarily render first aid, emergency treatment or rescue assistance to a law enforcement, search and rescue, or service dog that is unconscious, ill, injured, or in need of rescue

assistance are exempt from liability for damages for an injury or death of the dog, unless the injury or death was caused recklessly or negligently.

LD 1717 – An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains. (Sponsored by Rep. Moonen of Portland) PL 2017, c. 335

This Act allows the state’s Chief Medical Examiner to dispose of identified but abandoned human remains. Remains are deemed abandoned if no one takes custody and control of them within 30 days after the autopsy and the examiner is unable to locate next of kin or a person or governmental unit legally responsible or willing to assume responsibility. The examiner is required to file a certificate of abandonment in the municipality where the remains were recovered, and authorized but not obligated to seek to recover costs from the estate or the municipality of residence of the deceased.

Labor, Commerce, Research & Economic Development

LD 1856 – An Act Regarding Permits for Burial of Cremated Remains. (Sponsored by Sen. Jackson of Aroostook County) Emergency Enacted; PL 2017, c. 363 (4/04/18)

Current law requires a person in charge of a public burying ground or, if no such person exists, an official of the municipality where the public burying ground is located, to endorse and provide the date cremated remains were buried on the permit for burial of cremated remains and return the permit to the State Registrar of Vital Statistics or the clerk of the municipality in which the public burying ground is located. The existing law also requires the funeral director or authorized person to present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the municipality where the death occurred and to the clerk who issued the permit. This Act makes these required activities voluntary.

Marijuana Legalization Implementation

LD 1719 – An Act To Implement a Regulatory Structure for Adult Use Marijuana. (Sponsored by Rep. Pierce of Falmouth) Emergency Enacted; PL 2017, c. 409 (5/02/18)

This Act provides the regulatory framework necessary to implement the citizen initiated law legalizing the non-medical use of marijuana for persons 21 years of age or older, which as proposed in the Act is referred to as the “adult use” of marijuana. The Act provides such persons with a right to privately consume and possess marijuana, subject to restrictions described below, and creates a privilege requiring separate licensure for the operation of four types of commercial marijuana establishments – cultivation, manufacturing, testing, and retail sales. Public consumption of marijuana is not authorized under the Act, even in a licensed commercial establishment.

Local Control. Of greatest significance to municipal officials, the Act expressly authorizes towns, cities, and plantations to “opt-in” to regulate some or all types of marijuana establishments within the municipality, including prohibiting or limiting the number of any type of establishment that may be approved or licensed to operate in the community. Under the terms of this Act, all municipalities which have not taken action to opt-in are effectively deemed to be opted-out, meaning establishments are not allowed in those municipalities.

As such, applicants may not seek local authorization for commercial establishments until the state has issued them a conditional license and the municipality has passed a new ordinance, amended an existing ordinance, or approved a warrant article designating certain or all types of marijuana establishments to be a permissible use in that municipality’s jurisdiction.

The Act also expressly authorizes communities to adopt

land use ordinances regulating the location of all marijuana establishments within the community and to impose licensing requirements.

There are only two limitations on local approval: (1) municipalities may not authorize applications for establishments to be located within 1,000 feet of the property line of a preexisting public or private school, or within 500 feet of such a school if the municipality has approved a 500 foot setback distance instead; and (2) approval may not be granted to an applicant who has not demonstrated ownership or lease of the property from which the proposed establishment will operate.

Municipalities and the Department of Administrative and Financial Services are required to notify each other, on a form provided by the department, within 14 days of a decision by either the municipality or the department to: (1) approve or deny the location of a marijuana establishment; (2) issue or renew a license; (3) withdraw the approval or suspend or revoke a license; (4) approve the relocation of a licensed premises; or (5) approve a transfer of ownership interest in a licensed establishment.

As provided in the Act, a municipality’s failure to act on a request for approval or a license to operate a marijuana establishment cannot be construed to satisfy the approval or licensing process. After 90 days, subject to an additional 90-day extension by the municipality, failure to act on a request for authorization or licensure in a municipality which has authorized the type of establishment is deemed a denial which may be appealed by the applicant to Superior Court.

Personal Use. The Act establishes quantitative limits for the personal use, consumption, cultivation and possession of marijuana by persons 21 years of age or older. This includes limiting possession to 2.5 ounces except for additional amounts produced by home cultivation, which must be located at the person’s place of residence or the location of cultivation.

Home cultivation is capped at a maximum of 3 mature plants, 12 immature plants, and unlimited seedlings, with the added requirements that these plants only be grown on land where the person is domiciled, or on land owned by the person, or on land owned by another person pursuant to a written agreement. Visual and security precautions are required, as are legible tags on each mature plant with the grower’s name, driver’s license or other ID number, and, if the plant is located on another’s land, the name of the owner of the parcel of land who has granted permission.

Local governments are authorized to regulate personal cultivation provided the regulations: (1) allow persons 21 and over who are domiciled on the property to cultivate the same number of plants (3 mature and 12 immature); (2) do not generally prohibit or require licensure for home cultivation for personal adult use; and (3) do not designate specific areas in the municipality for home cultivation.

(Note: Maine’s Medical Use of Marijuana Act authorizes medical marijuana patients to cultivate and possess greater quantities of medical marijuana.)

Unorganized Territory. In townships, the legislative body required to authorize establishments is the relevant county commissioners. In addition to approval by the town, plantation, or county commissioners, commercial activities in unorganized areas must also obtain the approval of the Land Use Planning Commission.

Taxation. The Act assesses an overall effective tax rate of twenty percent, splitting this rate roughly evenly between a ten percent sales tax on products sold at marijuana retail stores and the remainder accruing in the form of excise taxes on wholesale products sold by cultivation facilities. The excise taxes are \$335 per pound of marijuana flower or mature plants, \$94 per pound of trim, \$1.50 per immature plant or seedling, and \$0.30 per seed. Additionally, nursery facilities’ sales are subject to excise taxes when the sale is to another licensee (cultivator, manufac-

turer, or retail store) and a sales tax on sales directly to consumers.

Twelve percent of the total monthly tax revenue must be transferred to the Adult Use Marijuana Public Health and Safety Fund to be used to facilitate public health and safety awareness education programs and for enhanced training for local, county and state law enforcement officers.

Otherwise, there is no provision for the sharing of sales or excise taxes with municipalities. Local return on investment in authorizing municipalities is limited to licensing fees, which are subject to restrictions imposed by Title 30-A, section 3702.

Nurseries. Cultivation facilities are to be licensed by the state according to 5 different tiers, one of which is a Nursery Cultivation Facility. Such facilities would be authorized under their state cultivation license, without a separate state retail license, to sell immature marijuana plants, seedlings, marijuana seeds and agricultural or gardening supplies relating to the cultivation of marijuana to other licensed cultivation facilities as well as directly to consumers, unless otherwise regulated by the municipality.

The Act also:

Regulation in the Workplace. Allows employers to: (1) prohibit the use, consumption, possession, trade, display, transport, sale or cultivation of marijuana in the workplace or within the course and scope of employment; (2) adopt policies restricting the use of marijuana by employees; and (3) discipline employees who are under the influence of marijuana in the workplace or within the course and scope of employment according to the employer's policies.

Operating, Testing, Labeling and Packaging Requirements. Sets into place the many operating, testing, labeling and packaging requirements for the cultivation, manufacturing and testing facilities, as well as for retail stores.

State Licenses. Establishes several initial, renewal, transfer of ownership, and relocation of premises licensing criteria. If an application is approved, the state is required to issue a conditional license, which expires after one year and does not permit operation until it becomes active. An active license to operate a marijuana establishment is issued only if and when the applicant obtains municipal approval to operate within the municipality's boundaries.

License Violation. Implements the process for fining a licensee or suspending or revoking licenses for violations of state law.

State Agency Authority. Regulatory implementation and oversight of the law is assigned primarily to the Department of Administrative and Financial Services (DAFS), in consultation with the Department of Agriculture, Conservation and Forestry as well as the Department of Labor and the Department of Public Safety. As proposed in the Act, DAFS is authorized to:

- Adopt the major substantive rules establishing: (1) initial license and renewal application processes; (2) qualifications for licensure; (3) licensing fees; (4) appeals process for a denial of an application and the conduct of appeals and hearings; (5) security requirements for retail stores; (6) cultivation, manufacturing and testing regulations; (7) additional workplace and employment regulations; and (8) public safety and law enforcement regulations;

- Implement and administer a system to track adult use marijuana from immature plant to the point of retail sale, disposal or destruction;

- Develop programs or initiatives to facilitate the collection and analysis of data regarding the impacts and effects of the use of marijuana in the state, including youth and adult marijuana use; school suspension and discipline; poison center calls, emergency department visits and hospitalizations; operating under the influence arrests; motor vehicle accidents; and violent crimes associated with the use of marijuana;

- Develop and implement programs, initiatives and campaigns focused on educating the public on the health and safety

matters related to the use of marijuana;

- Develop and implement programs or initiatives providing enhanced training for criminal justice agencies in the requirement and enforcement of the law, including training law enforcement officers in the inspections, investigations, searches, seizures, forfeitures and personal use and home cultivation allowances; and

- Annually submit a report to the joint standing committee of the Legislature with jurisdiction over adult use marijuana. The report must include information on the number and types of applications, total amount of application and license fees received and the amount of sales tax revenue collected; volume and value of adult use marijuana sold by stores, and cultivation facilities; number of inspections conducted; number of license violations committed; public health and safety data; and recommendations for legislation to address issues associated with adult use marijuana. The first report must be submitted on Feb. 15, 2020.

Marijuana Advisory Commission. The Act also creates the 15 member Marijuana Advisory Commission. The commission is tasked with reviewing the laws and rules pertaining to the adult use and medical marijuana industries and recommending changes to the laws and rules that are necessary to preserve public health and safety. Beginning Jan. 15, 2020, and annually thereafter, the commission is required to submit a report containing findings and recommendations to the joint standing committee or committees of the Legislature having jurisdiction over medical marijuana and adult use marijuana matters.

Marine Resources

LD 1519 – An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances. (Sponsored by Rep. Devin of Newcastle) **PL 2017, c. 350**

This Act defines the intertidal zone regulated by municipal shellfish conservation programs as the area below the high-water mark and above subtidal lands.

State & Local Government

LD 780 – An Act Authorizing the Deorganization of Cary Plantation. (Sponsored by Rep. Sherman of Hodgdon) **PL 2017, c. 403**

This Act authorizes the deorganization of Cary Plantation in Aroostook County, subject to approval at local referendum.

LD 1484 – An Act Authorizing the Deorganization of the Town of Atkinson. (Sponsored by Rep. Higgins of Dover-Foxcroft) **P & SL 2017, c. 14**

This Act authorizes the deorganization of the Town of Atkinson, subject to approval at local referendum.

LD 1588 – An Act To Maintain Access to Property on Discontinued Roads. (Sponsored by Rep. Hilliard of Belgrade) **PL 2017, c. 345**

This Act prospectively amends the existing procedure for discontinuing municipal roads to public maintenance and adds a new procedure for the process of discontinuing local roads where abutting properties are not otherwise accessible by another public road. With respect to the existing process, the Act makes two changes: (1) requires that the notice of the proposed discontinuance mailed to abutters include additional information regarding the potential municipal retention of a public easement following discontinuance, related maintenance obligations and access implications, and the abutters' right to negotiate private maintenance and access easements amongst themselves; and (2) requires the final order of discontinuance in municipalities where the legislative body is the town meeting to be adopted at the annual town meeting rather than at a spe-

cial town meeting. In addition to the notice and annual town meeting adoption procedures, the process for discontinuing a road with properties not otherwise accessible by another public road requires a one year delay in the post-notice process for the purpose of allowing abutters an opportunity to negotiate private maintenance agreements. If one or more of the abutters fail to file private access easements in the relevant registry of deeds in the year prior to discontinuance, the public easement must be retained. These changes are prospective, not retroactive, and effect road discontinuance procedures commencing on or after Oct. 1, 2018.

The Act also extends the residential property disclosure notice requirement in Title 33 section 173 regarding abandoned roads, discontinued roads, or public easements on or abutting the property to non-residential properties as well. Unlike the amendments mentioned above, the effective date of this property disclosure notice change is Aug. 1, 2018.

LD 1673 – An Act To Authorize the Deorganization of Codyville Plantation. (Sponsored by Rep. Turner of Burlington) **P & SL 2017, c. 11**

This bill provides for the deorganization of Codyville Plantation in Washington County, subject to approval at local referendum and allows Codyville Plantation to withdraw from the East Range II Community School District on June 30, 2019, if approved at referendum by the plantation’s voters.

LD 1679 – An Act Regarding the Registry of Deeds in Oxford County. (Sponsored by Rep. Winsor of Norway) **Emergency Enacted; PL 2017, c. 330 (3/07/18)**

This Act repeals the statute providing for the western registry district of Oxford County and eliminates its register of deeds, effective Dec. 31, 2018. It requires a single register of deeds to be elected for all of Oxford County at the next general election in November of 2018. The Act also specifies that the western registry will remain open until the repeal date, and that a “sub-registry” office will continue operations at the existing western registry district office in Fryeburg, remaining open during normal business hours and maintaining all records. The subregistry may be closed by the Oxford County Commissioners following at least two public hearings and providing for the preservation and electronic recording of all files and documents. Municipalities will be provided copies of maps and plot plans of their towns prior to the closure of the subregistry, and the county is prohibited from charging the county’s municipalities for the electronic recording work.

LD 1840 – An Act To Revise the Municipal Consolidation Referendum Process. (Sponsored by Sen. Brakey of Androscoggin County) **PL 2017, c. 398**

This Act amends the process by which municipalities may consolidate, requiring municipal officers to hold a referendum election to determine the willingness of the voters to form a joint charter commission in the event a municipality receives a petition proposing to form such a commission for the purpose of consolidating with one or more municipalities. The referendum must be held at least 90 days after the petition is filed to allow for election preparation. The referendum question must also inform the voters that a consolidation agreement prepared by the commission would not be final unless approved by the voters. If the referendum question is approved by a majority of voters in each municipality, the commission must be formed. The Act also doubles the length of time that a municipality is barred from becoming party to a consolidation agreement, now requiring 6 years instead of the 3 years in previous law, after the date a consolidation agreement is rejected. An exception in the law remains whereby a majority of the municipal officers in each municipality subject to the rejected consolidation agreement vote are allowed to form a joint charter commission within the

6-year timeframe. Finally, the Act clarifies that the number of signatures required for a citizen initiated petition to obtain an exception to the waiting period is now 30% of votes cast in the last gubernatorial election, rather than simply 30% of voters as provided in previous law.

LD 1877 – An Act to Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders. (Sponsored by Rep. Martin of Sinclair) **PL 2017, c. 393**

This Act clarifies existing law allowing a municipality to prohibit a sex offender from residing within 750 feet of municipally owned or state owned property that is leased to a nonprofit organization for use as a park, athletic field or recreational facility open to the public where children are the primary users. The clarification authorizes 750-foot setbacks from municipally owned or state owned property which is not leased, while also continuing to limit the types of property to parks, athletic fields or recreational facilities open to the public where children are the primary users.

Taxation

LD 1479 – An Act To Modernize and Improve Maine’s Property Tax System. (Sponsored by Rep. Stanley of Medway) **(Mandate) PL 2017, c. 367**

Enacted as a state mandate, this Act amends the process for assessing industrial properties by: (1) clarifying an assessor’s authority to request a “true and perfect” list and other information in a combined single notice to a taxpayer; and (2) revising existing confidentiality restrictions to allow assessors to share information and consult with other municipal officials, attorneys, consultants and experts whose input is necessary to properly assess more complex properties. The Act also amends the statutes dictating membership on the State Board of Property Tax Review by providing that when a term held by a public member expires or a vacancy occurs, that member’s seat must be filled by a person with expertise in taxation, finance or property valuation matters. The membership qualifications are also amended to allow current assessors, as well as retired assessors, to serve on the board. Under the terms of the amended law, mediation between the assessor and the taxpayer is mandated to take place after filing an appeal with the board, but before the hearing is scheduled, unless otherwise excused by the board chair. Finally, the Act creates a task force to examine the State Board of Property Tax Review and recommend changes to improve the appeal process. The task force must submit a report with its findings and recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters, which may report out legislation to the First Regular Session of the 129th Legislature.

LD 1862 – An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19. (Sponsored by Rep. Tipping of Orono) **Emergency Enacted; PL 2017, c. 424 (6/27/18)**

This Act establishes the “municipal cost components” for state and county services provided to the unorganized territory (UT). The municipal cost components form the basis of the property tax for the UT. After computing all the appropriations, identifying tax increment financing payments, and subtracting the general revenue and educational revenue deductions, the total UT tax assessment for FY 2019 is established at \$25.9 million (not counting overlay or county taxes), representing a 2.86% increase over the assessment for FY 2018.

Transportation

LD 209 – An Act To Amend the Laws Governing Temporary Sign Usage. (Sponsored by Rep. Parry of Arundel) **PL 2017, c. 321**

This Act makes two changes to the current state law on roadside sign placement, by allowing signs to be installed in the right of way for 12 weeks every calendar year, instead of 6 weeks, and providing that signs include the initial date of installation, rather than the intended duration of the installation, as was previously required.

LD 1685 – An Act To Create the Barbara Bush Children’s Hospital Registration Plate. (Sponsored by Sen. Collins of York County) **PL 2017, c. 400**

This Act creates a new specialty registration plate to generate funds to support The Barbara Bush Children’s Hospital.

LD 1692 – An Act To Amend the Motor Vehicle Laws. (Sponsored by Rep. McLean of Gorham) **PL 2017, c. 327**

This Act increases the maximum registered weight of a vehicle eligible for specialty plates from 10,000 to 26,000 pounds and repeals the requirement that specialty plates authorized after Jan. 1, 2007 be retired after 10 years, regardless of the number of active plates.

LD 1724 – Resolve, To Establish the Commission on Autonomous Vehicles and To Allow the Testing, Demonstration and Deployment of Automated Driving Systems. (Sponsored by Rep. Sanborn of Portland) **Resolves 2017, c. 46**

As finally passed, this Resolve establishes an 11-member Commission on Autonomous Vehicles to develop a process for testing an automated driving system on public ways. The members of the commission include representatives from seven state departments and agencies, including transportation, public safety, and health and human services; the Maine Turnpike Authority; a representative with expertise in autonomous vehicle technologies; a representative of a nonprofit transit provider; and a representative of the motor carrier industry. By Jan. 15, 2020, the Commissioner of Transportation must submit an initial written report on the progress of the commission and by Jan. 15, 2022, submit a final written report that includes findings and recommendations, including suggested legislation for presentation to the joint standing committee of the Legislature having jurisdiction over transportation matters. Under the terms of the Resolve, the Transportation Committee is authorized to submit a bill to the Second Regular Session of the 129th Legislature relating to the subject matter addressed in the initial report and to

the Second Regular Session of the 130th Legislature relating to the subject matter associated with the final report.

LD 1727 – Resolve, To Designate a Bridge in Surry the Old Surry Schoolhouse Bridge. (Sponsored by Sen. Langley of Hancock County) **Resolves 2017, c. 31**

This Resolve designates Bridge 5977 in the Town of Surry the Old Surry Schoolhouse Bridge.

LD 1818 – Resolve, To Designate a Bridge in Gorham the Corporal Joshua P. Barron Memorial Bridge. (Sponsored by Rep. Sheats of Auburn) **Resolves 2017, c. 40**

This Resolve designates Bridge 6443 in the Town of Gorham the Corporal Joshua P. Barron Memorial Bridge.

LD 1914 – Resolve, To Name the Bridge over the Kennebec River in the Town of Norridgewock the Corporal Eugene Cole Memorial Bridge. (Sponsored by Rep. Farrin of Norridgewock) **Emergency Passed; Resolves 2017, c. 59 (6/29/18)**

This Resolve directs the Department of Transportation to designate Bridge 2187 on Route 201A, which crosses the Kennebec River in the Town of Norridgewock, the Corporal Eugene Cole Memorial Bridge.

Veterans & Legal Affairs

LD 1738 – An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises. (Sponsored by Sen. Deschambault of York County) **PL 2017, c. 337**

This Act authorizes the state Bureau of Alcoholic Beverages and Lottery Operations to approve consumption of alcohol on “noncontiguous” real estate near, but not directly connected to, established businesses that have been licensed for the sale of liquor for consumption on premises. Conditions of state approval include requirements that the noncontiguous real estate is owned by the municipality in which the establishment is licensed, and that the licensee has obtained municipal approval for the exercise of this license privilege. Only employees of the licensed establishment are authorized to transport liquor between the main premises and the nearby premises, and liquor service is limited to the earlier of one hour after the end of food service, or 11 p.m. ■



CES INC
Engineers • Environmental Scientists • Surveyors

40 YEARS
of SENSIBLE SOLUTIONS

Working with communities across the state to serve their engineering, environmental and surveying needs.

ces-maine.com
207.989.4824

Find us on
  