

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2015

32 Code of Federal Regulations, Section 578.63 (2006); and

D. A grandparent of a member of the United States Armed Forces, if that member dies while serving on active duty or while assigned in the reserve components of the United States Armed Forces or Army National Guard unit in a drill status.

2. Application. An application for gold star family registration plates must be accompanied by proof that the applicant is eligible ~~for the gold star lapel button~~. The Secretary of State, in consultation with the Department of Defense, Veterans and Emergency Management, shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may issue gold star family registration plates for display only on an automobile or pickup truck. An applicant may be issued gold star family registration plates for no more than one vehicle.

Sec. 2. 29-A MRSA §524-B, sub-§4 is enacted to read:

4. Gold star family vanity plates. Upon request and as provided by section 453, the Secretary of State shall issue gold star family registration plates that are also vanity plates. Gold star family vanity registration plates are issued in accordance with this section and section 453.

Sec. 3. Contingent effective date. That section of this Act that amends the Maine Revised Statutes, Title 29-A, section 524-B, subsections 1 and 2 does not take effect unless the Department of the Secretary of State receives donations from any public or private source to cover the costs of gold star family registration plates for those eligible as a result of this Act. Donations under this section must be deposited into the Specialty License Plate Fund established in Title 29-A, section 469. The Secretary of State shall notify the Secretary of the Senate, the Clerk of the House of Representatives and the Revisor of Statutes when the Department of the Secretary of State has received the donations required under this section.

See title page for effective date, unless otherwise indicated.

**CHAPTER 18
H.P. 36 - L.D. 38**

**An Act To Allow Sufficient
Time for Implementation of the
Performance Evaluation and
Professional Growth System
for Educators**

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

Whereas, it is necessary that this Act take effect prior to the beginning of the next school year, which begins in late summer 2015; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §13705, as enacted by PL 2011, c. 635, Pt. A, §3, is amended to read:

§13705. Phase-in of requirements

The requirements of this chapter apply to all school administrative units beginning in the ~~2015-2016~~ 2016-2017 school year. In the ~~2013-2014~~ 2014-2015 school year, each unit shall develop a system that meets the standards of this chapter, in collaboration with teachers, principals, administrators, school board members, parents and other members of the public. In the ~~2014-2015~~ 2015-2016 school year, each unit shall operate as a pilot project the system developed in the prior year by applying it in one or more of the schools in the unit or by applying it without using results in any official manner or shall employ other means to provide information to enable the unit to adjust the system prior to the first year of full implementation. Nothing in this section prohibits a unit from fully implementing the system earlier than the ~~2015-2016~~ 2016-2017 school year.

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

Effective April 12, 2015.

**CHAPTER 19
H.P. 13 - L.D. 10**

**An Act To Establish Native
American Heritage and
Culture Day**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §150-L is enacted to read:

§150-L. Native American Heritage and Culture Day

In recognition of the service and sacrifice of Maine Indian tribes since the beginning of our nation in support for its liberties, and to recognize the thousands of years of Native American heritage and the culture Maine Indian tribes have contributed to the State, the Governor annually shall issue a proclamation designating March 20th as Native American Heritage and Culture Day, and the Governor shall urge the people of the State to observe this day in suitable places and with appropriate ceremony and activity.

See title page for effective date.

**CHAPTER 20
S.P. 13 - L.D. 12**

An Act To Limit the Liability of Landowners Who Allow Recreational Climbing on Their Land

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 2009, c. 156, §1, is further amended to read:

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, environmental education and research, hiking, rock climbing, ice climbing, bouldering, rappelling, recreational caving, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, noncommercial aviation activities, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting or gathering of forest, field or marine products. It includes entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial agricultural or timber harvesting.

See title page for effective date.

**CHAPTER 21
H.P. 37 - L.D. 43**

An Act To Specify That Theft by Deception Includes False Claims Regarding Military Service

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 17-A MRSA §354, sub-§2, ¶A, as repealed and replaced by PL 2001, c. 383, §34 and affected by §156, is amended to read:

A. Creates or reinforces an impression that is false and that the person does not believe to be true, including false claims that the person is a veteran or a member of the Armed Forces of the United States or a state military force and false impressions as to identity, law, value, knowledge, opinion, intention or other state of mind; except that an intention not to perform a promise, or knowledge that a promise will not be performed, may not be inferred from the fact alone that the promise was not performed;

Sec. 2. 37-B MRSA §509, sub-§6 is enacted to read:

6. Release of information about military status; false claims. Upon request by a law enforcement officer or a prosecutor, the bureau may release information regarding a person's military service for the purposes of investigating alleged false claims of service or decoration awarded for service in the Armed Forces of the United States or a state military force.

See title page for effective date.

**CHAPTER 22
H.P. 65 - L.D. 71**

An Act To Amend the Laws Governing Service of Process in Eviction Actions

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6004, as repealed and replaced by PL 2013, c. 135, §1, is amended to read:

§6004. Commencement of action

~~Until September 1, 2016, the~~ The process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons