

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

ed by ongoing assessments and examples of student course work; and

- (5) Administration to all students in a proctored setting of all applicable assessments as required by the State.

Nothing in this subsection prohibits a virtual public charter school from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

Only students enrolled in a virtual public charter school as full-time students may be reported in the virtual public charter school's average pupil count to the department for the purposes of receiving local, state and federal funds.

A virtual public charter school authorized by the commission may not expand to serve a grade level not included in the school's initial charter contract or, for a school whose charter was renewed prior to November 1, 2019, the renewed charter contract.

See title page for effective date.

CHAPTER 254
S.P. 168 - L.D. 546

**An Act To Enhance Highway
Safety by Strengthening the
So-called Move Over Law**

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

Sec. 1. 29-A MRSA §2054, sub-§9, as amended by PL 2015, c. 32, §4, is further amended to read:

9. Stationary vehicles. The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights, with due regard to the safety and traffic conditions, shall:

- A. Pass in a lane not adjacent to that of the authorized emergency vehicle or public service vehicle, if possible; or
- B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or public service vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle or public service vehicle safely.

A violation of this subsection is a traffic infraction for which a minimum fine of ~~\$250~~ \$275 must be adjudged.

See title page for effective date.

CHAPTER 255
S.P. 272 - L.D. 917

**An Act Increasing Municipal
Agent Fees for Motor Vehicle
Registrations**

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

Sec. 1. 29-A MRSA §201, sub-§3, ¶A, as amended by PL 2017, c. 229, §10, is further amended to read:

- A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of a noncommercial driver's license or nondriver identification card ~~or~~ issued and a fee not to exceed \$5 over the required fee for each renewal of a registration issued and a fee not to exceed \$4 ~~\$6~~ over the required fee for each new registration issued.

See title page for effective date.

CHAPTER 256
H.P. 878 - L.D. 1218

**An Act To Allow Maine
Medical Marijuana Caregivers
To Measure Cultivation Limits
by Plant Canopy Size**

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

Sec. 1. 22 MRSA §2422, sub-§7-B is enacted to read:

7-B. Plant canopy. "Plant canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶B, as amended by PL 2017, c. 452, §4, is further amended to read:

B. Cultivate up to 30 mature marijuana plants or 500 square feet of plant canopy, 60 immature marijuana plants and unlimited seedlings;

See title page for effective date.

CHAPTER 257

H.P. 1086 - L.D. 1484

**An Act To Create a System
Using the Permit for
Disposition of Human Remains
To Track the Burial of
Cremated Remains in a Public
Cemetery**

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

Sec. 1. 22 MRSA §2843, sub-§3-A, as amended by PL 2017, c. 363, §1, is further amended to read:

3-A. Authorization for burial of cremated remains in public burying ground. The State Registrar of Vital Statistics shall provide an authorization to be used for the purposes of this subsection. If cremated remains are buried in a public burying ground in this the State, the person in charge of the public burying ground may shall endorse and provide record the date the cremated remains were buried on each permit with which that person is presented an authorization for the remains and return # the authorization to the State Registrar of Vital Statistics or to the clerk of the municipality in which the public burying ground is located within 7 days after the cremated remains were buried. If there is no person in charge of the public burying ground, an official of the municipality in which the public burying ground is located may shall endorse and provide record the date the cremated remains were buried on each such permit the authorization and present # the authorization to the State Registrar of Vital Statistics or the clerk of the municipality. The If an authorization is not returned to the State Registrar of Vital Statistics within 7 days after cremated remains were buried, the funeral director or authorized person may present a copy of each permit the authorization, if the permit authorization has been endorsed, to the State Registrar of Vital Statistics or the clerk of the municipality where death occurred and to the clerk who issued the permit. For the purposes of this subsection, "public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4 authorization.

For purposes of this subsection, unless the context otherwise indicates, the following terms have the following meanings.

A. "Authorization" means the form or electronic process prescribed and furnished by the State Registrar of Vital Statistics for the purpose of recording the consent of an authorized person for the burial or removal of cremated remains in a public burying ground as specified by department rule.

B. "Burial" means all manner of dispersal or deposit in or on the ground or in a structure.

C. "Public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4.

See title page for effective date.

CHAPTER 258

H.P. 442 - L.D. 614

**An Act To Increase Electric
Vehicles in Maine**

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

Sec. 1. 35-A MRSA §§10124 and 10125 are enacted to read:

§10124. Electric Vehicle Fund

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Battery electric vehicle" means a fully electric, zero-emission vehicle that has an on-board electrical energy storage device that is designed to be recharged using an external energy source.

B. "Eligible electric vehicle" means a battery electric vehicle or a plug-in hybrid electric vehicle that:

(1) Is sold or offered for sale by its original equipment manufacturer or an authorized licensee of the original equipment manufacturer or a licensed automobile dealer;

(2) Is listed by the trust in accordance with subsection 4; and

(3) If the vehicle has a gross vehicle weight rating of 10,000 pounds or less, has a manufacturer's suggested retail price of not more than \$50,000.

C. "Fund" means the Electric Vehicle Fund established in subsection 2.

D. "Plug-in hybrid electric vehicle" means a vehicle that uses an on-board electrical energy storage device that is designed to be recharged using an external energy source to power an electric mo-