

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

a person presents proof of purchase of a bicycle helmet since the citation.

See title page for effective date.

**CHAPTER 401
S.P. 656 - L.D. 1840**

**An Act To Define the Process
for a Municipality To Secede
from a County**

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

Sec. 1. 30-A MRSA c. 113, sub-c. 3 is enacted to read:

SUBCHAPTER 3

**SECESSION BY MUNICIPALITY FROM
COUNTY**

§2174. Secession by a municipality from a county

This subchapter establishes a process by which a municipality may secede from one county and join another. The municipality must share a political subdivision border with both counties.

§2175. Initiation of procedure

1. **Petition.** Upon receipt of a petition that seeks to have a municipality secede from one county and join another county signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall call, advertise and hold a public hearing at least 14 days and no more than 60 days after certifying the petition. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

A. The purpose of the public hearing under this section is to allow municipal residents and officers to discuss secession. The public hearing must include a formal presentation by those initiating the petition that must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the municipality and the county from which the municipality is seceding. The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the county from which the municipality is seceding as well as in the municipality.

2. **Question.** When the municipal legislative body is the town meeting, no later than 90 days after the public hearing under this section, municipal officers shall prepare an article in the form below for inclusion in a town meeting warrant to be voted on by written ballot at a town meeting. In other municipalities, the vote must be by local referendum no later than 90 days after the public hearing under this section. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the Legislature for X (municipality) to secede from the County of X and join the County of Y. Following legislative approval, a countywide referendum is required before final secession is authorized. Do you support X (municipality) seeking the approval of the Legislature for X (municipality) to secede from the County of X?"

Yes No"

3. **Approval.** If the voters approve the question under subsection 2 by a majority vote of those voting and present, then the rest of the secession process set forth in this subchapter applies.

§2176. Legislative approval of secession

Upon a majority approval of the local referendum under section 2175, the municipality shall seek and, in order to secede, must receive approval from the Legislature for the proposed secession.

§2177. County approval of secession

Upon approval of the Legislature, both the county from which the municipality is seceding and the county that the municipality is joining under this subchapter shall hold a referendum vote during the next scheduled regular election. Both counties must agree by a majority vote in favor of secession. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the County of X and the County of Y to secede from the County of X and join the County of Y. Do you support X (municipality) seceding from the County of X and joining the County of Y and the municipality continuing to pay debt service owed to the County of X?"

Yes No"

§2178. Cost of referenda

The municipality petitioning to secede shall bear the expense of the 2 countywide referenda under section 2177.

§2179. Debt service of county

The municipality seceding under this subchapter must continue to pay the municipality's share of the debt service to the county from which the municipality is seceding. The time period for which the amount of debt service can be paid must be agreed upon between the municipality seceding and the county from which the municipality is seceding. Payment may not extend longer than the time in which the voters authorized the debt to be borne.

See title page for effective date.

**CHAPTER 402
S.P. 659 - L.D. 1842**

**An Act To Update Professional
and Occupational Licensing
Laws**

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

PART A

Sec. A-1. 9 MRSA §5002, as amended by PL 2005, c. 497, §1, is further amended to read:

§5002. Intent

It is the intent of the Legislature to require the ~~registration licensure~~ and financial reporting of charitable organizations, professional solicitors, professional fund-raising counsel and commercial co-venturers and the bonding of professional solicitors and commercial co-venturers.

Sec. A-2. 9 MRSA §5003, sub-§3, as amended by PL 2005, c. 497, §2, is further amended to read:

3. Commercial co-venturer. "Commercial co-venturer" means any person who, for profit, is regularly and primarily engaged in trade or commerce in this State, other than in connection with the raising of funds for charitable organizations or purposes, and who conducts a sale, performance, event or collection and sale of donated goods that is advertised in conjunction with the name of any charitable organization. Any such person who will benefit in good will only may not be considered a commercial co-venturer if the collection and distribution of the proceeds of the sale, performance or event, or the collection and sale of donated goods, are supervised and controlled by the benefiting charitable organization. Any such person whose annual contributions to charitable organizations do not exceed \$10,000 is exempt from the ~~registration licensure~~ requirement under section 5002.

Sec. A-3. 9 MRSA §5004, as amended by PL 2005, c. 497, §§6 to 8, is further amended to read:

§5004. Licensure of charitable organizations

Charitable organizations ~~shall register~~ must be licensed as follows.

1. License applications by charitable organizations. The following provisions govern ~~registration statements~~ license applications by charitable organizations.

A. Unless exempt pursuant to section 5006, a charitable organization that intends to solicit, accept or obtain contributions in this State or to have contributions solicited, accepted or obtained on its behalf within this State shall file a ~~registration statement~~ license application with the office at least 30 days before soliciting, accepting or obtaining contributions in each year in which the organization is engaged in soliciting, accepting or obtaining contributions. The charitable organization shall identify any affiliate organizations or chapters on its ~~registration statement~~ license application.

B. A parent organization may file a consolidated ~~registration statement~~ license application for its affiliates, chapters and branches in this State and shall pay a single fee for such a consolidated ~~registration statement~~ license application.

C. Before ~~approval of its statement~~ issuance of a license by the office in accordance with section 5008, a charitable organization that is required to file an initial ~~registration statement~~ license application or annual renewal ~~statement~~ application may not solicit, accept or obtain contributions or have contributions solicited, accepted or obtained on its behalf by any other person, charitable organization, commercial co-venturer or professional solicitor, or participate in charitable sales promotion.

2-A. Fee for license application. Charitable organizations shall pay the ~~required~~ application fee ~~and the required~~ initial fee and ~~the required~~ renewal fee as set under section 5015-A. The application fee is non-refundable.

3. Content of license application. ~~The commissioner shall prescribe the form of registration statements. These statements~~ A license application must be sworn to or affirmed by the principal officer of any charitable organization and must contain the following information, which must be updated within 10 days when any change occurs in the information filed:

- A. The name of the organization and the purpose for which it was organized;
- B. The principal address of the organization and the address of any offices in this State, or, if the organization does not maintain an office, the name and address of the person having custody of its financial records;