

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

GG. The disclosure to the Department of Inland Fisheries and Wildlife, ~~Bureau of Administrative Services~~ Division of Licensing, Registration and Engineering of whether the person seeking registration of a snowmobile, all-terrain vehicle or watercraft has paid the tax imposed by Part 3 with respect to that snowmobile, all-terrain vehicle or watercraft;

**Sec. 28. 36 MRSA §1503, sub-§3**, as amended by PL 1983, c. 819, Pt. A, §59, is further amended to read:

**3. Director.** "Director" means the Director of the Division of Licensing ~~and~~ Registration and Engineering, Department of Inland Fisheries and Wildlife.

See title page for effective date.

## CHAPTER 341

### H.P. 189 - L.D. 235

#### An Act To Provide Fiscal Information for Citizen Initiatives

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

**Sec. 1. 1 MRSA §353**, as amended by PL 2007, c. 695, Pt. A, §2, is further amended to read:

#### **§353. Explanation of proposed amendments and statewide referenda**

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement that must fairly describe the intent and content and what a "yes" vote favors and a "no" vote opposes for each constitutional resolution or statewide referendum that may be presented to the people and that must include any information prepared by the Treasurer of State under Title 5, section 152. The explanatory statement may not include comments of proponents or opponents as provided by section 354. In addition to the explanatory statement, ~~beginning with the November 2006 election~~ the Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations within 30 days after the adjournment of the legislative session immediately prior to the statewide election when the constitutional resolution or referendum will appear on the ballot 10 business days after the receipt of the application and full text of the proposed law by the Secretary of State. The fiscal impact estimate must summarize the aggregate impact that the constitutional resolution or referendum will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the State to local units of government. The Secretary

of State shall publish the explanatory statement and the fiscal estimate in each daily newspaper of the State, not more than 10 and not less than 7 days prior to the voting. This information may be published in the English language in a foreign language newspaper.

**Sec. 2. 21-A MRSA §625**, as amended by PL 1997, c. 436, §87, is further amended to read:

#### **§625. Posting of sample ballots, direct initiative fiscal impacts**

At least 7 days before an election, the clerk shall post a sample ballot, furnished to the clerk under section 603, and the fiscal impact statement for direct initiatives of legislation furnished to the clerk under section 629, subsection 1, paragraph D-1 in a conspicuous, public place in each voting district.

**Sec. 3. 21-A MRSA §629, sub-§1, ¶D-1** is enacted to read:

D-1. The Secretary of State shall provide adequate copies of the fiscal impact statement for each direct initiative of legislation prepared in accordance with Title 1, section 353, which must be placed in each voting booth.

**Sec. 4. 21-A MRSA §901, sub-§5**, as amended by PL 2007, c. 234, §3, is further amended to read:

**5. Summary of proposal.** For a direct initiative, the Secretary of State shall request the Revisor of Statutes to recommend a concise summary that objectively describes the content of the proposed law. The Secretary of State shall approve or amend the summary, and the summary and the fiscal impact statement required by Title 1, section 353 must be printed on the petition form immediately following the statements required by section 901-A.

**Sec. 5. 21-A MRSA §901-A**, as amended by PL 2007, c. 234, §4, is further amended to read:

#### **§901-A. Petition requirements for direct initiatives of legislation**

The following provisions apply to direct initiatives of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

**1. Opportunity to read direct initiative summary.** A person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary and fiscal impact statement required by section 901 prior to that voter signing the petition. The summary presented to the voter must be as it appears on a publicly accessible website established by the Secretary of State.

**2. Required statements; placement of information.** The Secretary of State shall include a space at the top right or left corner of each petition to be submitted to the voters, which must be filled in with the

name of the circulator collecting signatures on that petition, and include the fiscal impact of the initiative as described in Title 1, section 353 directly below the following ~~statements~~ statement at the top of the petition ~~to be submitted to voters~~ in a type size of no less than 16 points:

"Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary and fiscal impact statement prepared by the Secretary of State."

~~"Ballot questions during the 20.. election [most recent election cycle] cost taxpayers approximately \$..... [Secretary of State shall use fiscal information provided by the Office of Fiscal and Program Review] each to be placed on the ballot. As a citizen of Maine, you have a right to this information."~~

See title page for effective date.

## CHAPTER 342

### H.P. 811 - L.D. 1172

#### **An Act To Allow a Municipality To Grant a Variance for the Construction of a Parking Structure for a Person with a Permanent Disability**

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

**Sec. 1. 30-A MRSA §4353, sub-§4-A**, as amended by PL 1995, c. 212, §1, is repealed and the following enacted in its place:

**4-A. Disability variance; vehicle storage.** A disability variance may be granted pursuant to this subsection.

A. The board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this paragraph solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.

The board may impose conditions on the variance granted pursuant to this paragraph, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, the term "structures necessary for ac-

cess to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

B. If authorized by the zoning ordinance establishing the board, the board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the board.

The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, section 521 and owned by the person with the permanent disability.

The board may impose conditions on the variance granted pursuant to this subsection.

For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

See title page for effective date.

## CHAPTER 343

### H.P. 758 - L.D. 1103

#### **An Act To Amend the Animal Welfare Laws**

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

**Sec. 1. 7 MRSA §3906-C, sub-§2**, as repealed and replaced by PL 2001, c. 399, §3, is amended to read:

**2. Staff.** ~~The commissioner or the commissioner's designee serves as an ex officio nonvoting member.~~ The department shall provide necessary staffing services to the council.

**Sec. 2. 7 MRSA §3906-C, sub-§4**, as repealed and replaced by PL 2001, c. 399, §3, is amended to read:

**4. Terms of office.** Except for initial appointees ~~and the commissioner or the commissioner's designee~~, each member serves for a term of 3 years or until the