

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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FIRST REGULAR SESSION
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

CHAPTER 384
H.P. 1131 - L.D. 1561

**An Act To Amend the Laws
Governing Secession from a
Municipality**

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

Whereas, the law regarding the municipal secession process is unclear as it pertains to residents attempting to secede from a municipality; and

Whereas, without the changes effected by this legislation, a municipality could be required to undertake the secession process, including mediation, at great cost to the municipality; 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. 30-A MRSA §2171-C-1 is enacted to read:

§2171-C-1. Legislative authorization to proceed

Within one year following the public hearing held pursuant to section 2171-C, a representative from the secession territory shall cause legislation to be submitted to the Legislature to obtain the authorization of the Legislature to proceed with the secession process. Unless authorization to proceed is received from the Legislature, the question of secession may not proceed to the advisory referendum held pursuant to section 2171-D. The authorization of the Legislature to proceed with the secession process does not affect the ultimate determination of the Legislature on the proposal for secession submitted pursuant to section 2171-E or 2171-G.

Sec. 2. 30-A MRSA §2171-D, first ¶, as enacted by PL 1999, c. 381, §2, is amended to read:

Unless a majority of the secession territory representatives withdraws support for secession by filing written notice of such withdrawal with the municipal officers, the municipality shall conduct an advisory referendum within the secession territory as long as the Legislature has authorized the secession process to proceed pursuant to section 2171-C-1. The referendum must be held at least 30 days but not more than 120 days after the initial public hearing the next regularly scheduled election and must be conducted pursuant to Title 21-A, chapter 9, subchapter I, article II and

~~subchapter II sections 2528, 2529 and 2532, even if the town or plantation has not accepted the provisions of section 2528.~~ The question at the referendum must be:

"Do you favor secession of the territory described below from the municipality of _____?"

(description of ~~secession~~ secession territory)

Sec. 3. Authorization to report out a bill.

The Joint Standing Committee on State and Local Government may report out a bill related to secession from a municipality to the Second Regular Session of the 126th Legislature.

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

Effective July 1, 2013.

CHAPTER 385
S.P. 611 - L.D. 1570

**An Act To Delay the
Implementation of Changes to
the Business Equipment Tax
Exemption**

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

Whereas, the changes made by Public Law 2013, chapter 368, Part O apply retroactively to property tax years beginning on or after April 1, 2013; and

Whereas, the reporting requirements for a taxpayer seeking a business equipment tax exemption, if applied to the current property tax year, could eliminate the ability to get that exemption for the 2013 property tax year; and

Whereas, in order to preserve the business equipment tax exemption and prevent the unintended consequence caused by the retroactive application, this legislation needs to take effect as soon as possible; 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. PL 2013, c. 368, Pt. O, §11 is repealed and the following enacted in its place:

Sec. O-11. Retroactive application. Those sections of this Part that repeal the Maine Revised Statutes, Title 5, section 1532, subsection 7; amend Title 36, section 208-A, subsections 1, 2 and 5; and repeal and replace Title 36, section 208-A, subsections 3 and 4 apply retroactively to property tax years beginning on or after April 1, 2013.

Sec. 2. PL 2013, c. 368, Pt. O, §12 is enacted to read:

Sec. O-12. Application. Those sections of this Part that enact the Maine Revised Statutes, Title 36, section 693, subsection 4 and amend Title 36, section 693, subsection 1; section 694, subsection 1; and section 694, subsection 2, paragraph B apply to property tax years beginning on or after April 1, 2014.

Sec. 3. Retroactivity. This Act applies retroactively to June 26, 2013.

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

Effective July 1, 2013.

CHAPTER 386

S.P. 61 - L.D. 172

An Act To Make Permanent the Reciprocal Agreement between Maine and Other States Regarding a Snowmobile Weekend

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

Sec. 1. 12 MRSA §13104, sub-§15, as enacted by PL 2011, c. 437, §1, is amended to read:

15. Reciprocity. The commissioner may allow a nonresident to operate in this State a snowmobile that is not registered in this State during one 3-consecutive-day period, 2 days of which are weekend days, annually if:

- A. The nonresident's snowmobile has a valid registration from another state; and
- B. The nonresident's state of residency allows a snowmobile registered in Maine to be operated in that state for a period of time of at least 3 consecutive days without being registered in that state.

This subsection may not be construed to authorize the operation of a snowmobile in a manner contrary to this chapter except as provided in this subsection.

~~This subsection is repealed October 1, 2013.~~

See title page for effective date.

CHAPTER 387

H.P. 161 - L.D. 200

An Act To Expand Wild Turkey Hunting Opportunities

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

Sec. 1. 12 MRSA §11155, sub-§1-B, as repealed and replaced by PL 2009, c. 213, Pt. OO, §8, is amended to read:

1-B. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a combined fall and spring wild turkey hunting permit that allows an eligible person to take one male wild turkey in the spring and one wild turkey in the fall. The fee for a combined fall and spring wild turkey hunting permit is \$20 for residents and \$54 for non-residents and aliens. The holder of a combined fall and spring wild turkey hunting permit is eligible to purchase a 2nd spring wild turkey permit that allows the taking of one additional male wild turkey at a cost of \$20 for residents, nonresidents and aliens. This subsection is repealed January 1, 2014.

Sec. 2. 12 MRSA §11155, sub-§1-C is enacted to read:

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a combined fall and spring wild turkey hunting permit that allows an eligible person to take wild turkeys in the spring and fall seasons in accordance with section 11701. The fee for a combined fall and spring wild turkey hunting permit is \$20 for residents and nonresidents.

Sec. 3. 12 MRSA §11701, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §179 and affected by §422 and Pt. C, §§2 and 6, is further amended to read:

§11701. Authority of commissioner; wild turkey hunting

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other