

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

transfer of funds between investor-owned transmission and distribution utilities.

4. Rules. The commission may adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

Sec. 3. 35-A MRSA §3603, sub-§2, ¶C, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed.

Sec. 4. 35-A MRSA §3604, sub-§8, as enacted by PL 2009, c. 329, Pt. A, §4, is repealed and the following enacted in its place:

8. Cost and benefit allocation. The commission shall ensure that all costs and benefits associated with contracts involving investor-owned transmission and distribution utilities entered into under this section are allocated to electricity consumers in accordance with section 3210-F.

Sec. 5. Transition; intent. The cost and benefit allocation mechanism set forth in the Maine Revised Statutes, Title 35-A, section 3210-F applies to all costs and benefits incurred after the effective date of this Act, including the costs and benefits from long-term energy contracts entered into prior to the effective date of this Act and including contracts entered into pursuant to Public Law 2009, chapter 615, Part A, section 6, as amended. This Act is not intended to change which customer or ratepayer classes within each investor-owned transmission and distribution utility receive the benefits or pay the costs of long-term energy contracts but rather to distribute the benefits and costs of the State's long-term energy contracts equitably among the State's investor-owned transmission and distribution utilities based on a utility's pro rata share of total retail kilowatt-hour energy sales to ratepayers that receive the benefits and pay the costs of long-term contracts.

See title page for effective date.

CHAPTER 455

H.P. 1179 - L.D. 1607

An Act To Reinstate Statutory Authority for Local Property Tax Assistance Programs

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

Whereas, Public Law 2013, chapter 368 discontinued the Circuitbreaker Program and the legislative authorization of municipal property tax assistance programs, effective August 1, 2013; and

Whereas, although municipal property tax assistance programs may be linked to the Circuitbreaker Program, it was not the intent of the Legislature to discontinue the authorization of municipalities to offer property tax assistance programs; and

Whereas, this legislation needs to take effect as soon as possible to restore the ability of municipalities to offer property tax assistance programs; 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. 36 MRSA §6231, as enacted by PL 2005, c. 395, §4, is repealed.

Sec. 2. 36 MRSA §6232, sub-§2, as enacted by PL 2005, c. 395, §4, is repealed.

Sec. 3. 36 MRSA §6233, as corrected by RR 2013, c. 1, §56, is repealed.

Sec. 4. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 36, section 6233 applies retroactively to June 26, 2013.

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

Effective March 9, 2014.

CHAPTER 456

H.P. 1162 - L.D. 1591

An Act To Amend the Process Controlling the Transfer of a Student between School Administrative Units

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

Sec. 1. 20-A MRSA §5205, sub-§6, ¶A, as amended by PL 2013, c. 337, §1, is further amended to read:

A. Two superintendents may approve the transfer of a student from one school administrative unit to another if:

- (1) They find that a transfer is in the student's best interest; and
- (2) The student's parent approves.

The superintendents shall notify the commissioner of any transfer approved under this paragraph. If

either of the superintendents ~~decide~~ decides not to approve the transfer, ~~the superintendents that superintendent~~ shall provide to the parent of the student requesting transfer under this paragraph a written description of the basis of ~~their that superintendent's~~ determination ~~that the transfer is not in the student's best interest.~~

Sec. 2. 20-A MRSA §5205, sub-§6, ¶B, as repealed and replaced by PL 2013, c. 424, Pt. J, §1, is amended to read:

B. On the request of the parent of a student requesting transfer under paragraph A, the commissioner shall review the transfer. The commissioner shall review the superintendents' ~~determination~~ determinations and communicate with the superintendents and with the parent of the student prior to making a decision. The commissioner may approve or disapprove the transfer and shall provide to the parent of the student and to the superintendents a written decision describing the basis of the commissioner's determination ~~that the transfer is or is not in the student's best interest.~~

Sec. 3. 20-A MRSA §5205, sub-§6, ¶F, as enacted by PL 2013, c. 337, §2, is amended to read:

F. If dissatisfied with the commissioner's decision, a parent of a student requesting transfer or either superintendent may, within 10 calendar days of the commissioner's decision, request that the state board review the transfer. The state board shall review the ~~commissioner's determination~~ superintendents' determinations and communicate with the commissioner, the superintendents and the parent of the student. The state board may approve or disapprove the transfer. The state board shall make a decision within ~~30~~ 45 calendar days of receiving the request and shall provide to the parent of the student, the superintendents and the commissioner a written decision describing the basis of the state board's determination ~~that the transfer is or is not in the student's best interest.~~ The state board's decision is final and binding.

See title page for effective date.

CHAPTER 457

H.P. 1187 - L.D. 1615

An Act To Amend the Election Laws

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

Whereas, changes to the election laws should apply to both the primary and general elections and

thus should be effective prior to the June primary election; 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. 21-A MRSA §23, sub-§4, as amended by PL 2013, c. 131, §4, is further amended to read:

4. Receipts for ballots. The Secretary of State and each clerk shall keep a record of receipts for ballots issued and received under sections 606 and 651 ~~in the office of the Secretary of State~~ in their respective offices for 6 months.

Sec. 2. 21-A MRSA §144, sub-§3, as amended by PL 2013, c. 131, §8 and c. 173, §1, is repealed and the following enacted in its place:

3. Restrictions during change of enrollment. Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change enrollment. A voter may sign a primary nomination petition during the 15-day period after filing an application to change enrollment, and the voter's signature must be counted as valid, as long as the 15-day period has elapsed by the time the petition is certified pursuant to section 335, subsection 7 and the voter otherwise is qualified to sign a petition for that office. Notwithstanding subsection 4, a voter must file an application to change enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.

Sec. 3. 21-A MRSA §753-B, sub-§6, ¶A, as amended by PL 2005, c. 364, §7, is further amended to read:

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the ballot was requested, issued and received; and a notation of whether the application and the ballot were accepted or rejected; ~~and a place for the registrar to certify the voter registration status of the absentee voters.~~ The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted or rejected and the reasons for such rejections. This list, re-