

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

B. When the Secretary of State determines the disability to be permanent from the application, the disability plate or placard expires upon the expiration date of that person's driver's license or nondriver identification card issued by this State. The applicant is not required to continue to provide proof of disability upon renewal of the applicant's disability plate or placard.

C. When the applicant's need for the disability plate or placard terminates or the applicant dies, the disability plate or placard must be returned to the Secretary of State. Notwithstanding subsection 2, paragraphs B and C, the provisions of this subsection, as regards the issuance of a disability plate or placard for a person with a permanent disability, apply only to that person.

Sec. 11. 29-A MRSA §523, sub-§4, as enacted by PL 1997, c. 69, §1, is amended to read:

4. Veterans vanity plates. Upon request and as provided by section 453, the Secretary of State shall issue veterans registration plates that are also vanity plates. Veterans registration vanity plates are issued in accordance with this section and section 453. ~~The annual service fee of \$15 for vanity plates is credited to the Highway Fund.~~

Sec. 12. 29-A MRSA §956, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 13. 29-A MRSA §1304, sub-§1, ¶H, as amended by PL 2013, c. 381, Pt. B, §16, is further amended to read:

H. A person under 21 years of age may not apply for a license unless:

(1) A period of 6 months has passed from the date the person was issued a learner's permit; and

(2) The person has completed a minimum of 70 hours of driving, including 10 hours of night driving, while accompanied by a parent, guardian or licensed driver at least 20 years of age. The parent, stepparent or guardian, or a spouse or employer pursuant to section 1302, subsection 1, paragraphs B and C, must certify the person's driving time on a form prescribed by the Secretary of State. A parent, stepparent, guardian, spouse or employer who certifies a driving log pursuant to this subsection and was not the licensed driver accompanying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the ~~35~~ 70 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or

employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the ~~35~~ 70 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

Sec. 14. 29-A MRSA §1851, sub-§§5 and 6, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

5. Left after repair completed. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work; or

6. Left on residential property. Left on an individual's residential property for more than 6 months; or

Sec. 15. 29-A MRSA §1851, sub-§7 is enacted to read:

7. Left at storage facility. Left at a storage facility, if the owner has failed to pay storage or rental fees.

Sec. 16. 29-A MRSA §2472, sub-§2-B, as enacted by PL 2011, c. 654, §12, is amended to read:

2-B. Reexamination. The holder of a juvenile provisional license convicted of an offense listed in section 2551-A, subsection 1, paragraph A, as limited by section 2551-A, subsection 3, must successfully complete an examination pursuant to section 1301, subsection 4 as prescribed by the Secretary of State ~~before the suspension may be terminated~~ within 90 days after that license is restored. Failure to successfully complete the examination results in a subsequent suspension.

See title page for effective date.

CHAPTER 497

S.P. 651 - L.D. 1657

An Act To Ensure Equity in Teacher Retirement Costs for Private Academies

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to be in place in time to apply to the 2013-2014 school year; 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. 20-A MRSA §5806, sub-§2, as amended by PL 2013, c. 368, Pt. C, §3 and c. 418, §1, is repealed and the following enacted in its place:

2. Maximum allowable tuition. The maximum allowable tuition charged to a school administrative unit by a private school is the rate established under subsection 1 or the state average per public secondary student cost as adjusted, whichever is lower, plus an insured value factor. The insured value factor is computed by dividing 5% of the insured value of school buildings and equipment by the average number of pupils enrolled in the school on October 1st and April 1st of the year immediately before the school year for which the tuition charge is computed. From school year 2009-2010 to school year 2013-2014, a school administrative unit is not required to pay an insured value factor greater than 5% of the school's tuition rate or \$500 per student, whichever is less, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. For the 2014-2015 school year, a school administrative unit is not required to pay an insured value factor greater than 6% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay a higher insured value factor that is no greater than 10% of the school's tuition rate per student. Beginning in the 2015-2016 school year, a school administrative unit is not required to pay an insured value factor greater than the amount of the prior school year's insured value factor adjusted by a percentage equal to the percentage change in the state share percentage of the total cost of funding public education in the prior school year as determined by section 15671, subsection 7, paragraph C as compared to the applicable percentage for the current school year. In no case may the insured value factor be less than 6% or greater than 10% of the school's tuition rate per student, unless the legislative body of the school administrative unit votes to authorize its school board to pay an insured value factor that exceeds the amount otherwise permitted by this subsection by no more than 5% of the school's tuition rate per student. For the 2013-2014 school year only, the maximum allowable tuition charged to a school administrative unit by a private school that participates in the Maine Public Employees Retirement System must be increased above the amount otherwise permitted under this section by an amount equal to the calculated normal cost

of teacher retirement for that school divided by the number of enrolled students as of October 1, 2012.

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

Effective April 2, 2014.

CHAPTER 498

S.P. 641 - L.D. 1674

An Act To Further Ensure the Provision of Safe Medical Marijuana to Maine Patients

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 people of Maine voted in support of access for patients to legal and safe medical marijuana in both 1999 and 2009; and

Whereas, the First Regular Session of the 126th Legislature enacted a law to restrict the use of pesticides in the cultivation of marijuana to those exempt from federal registration requirements and registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control; and

Whereas, the effect of this law has been to severely restrict the options available to persons cultivating marijuana for medical purposes; and

Whereas, immediate enactment of this Act is necessary to ensure continued access to safe medical marijuana for the thousands of Maine patients currently recommended this medicine; 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. 22 MRSA §2423-A, sub-§2, ¶J, as reallocated by RR 2013, c. 1, §39, is amended to read:

J. Use a pesticide in the cultivation of marijuana if the pesticide is ~~exempt from the federal registration requirements pursuant to 7 United States Code, Section 136w(b)~~ used consistent with federal labeling requirements, is registered with the Department of Agriculture, Conservation and Forestry, Board of Pesticides Control pursuant to Title 7, section 607 and is used consistent with best management practices for pest management