

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

Sec. 9. 20-A MRSA §15689-D, as amended by PL 2013, c. 368, Pt. C, §18, is further amended to read:

§15689-D. Governor's recommendation for funding levels

1. Annual recommendations. The Department of Administrative and Financial Services, Bureau of the Budget shall annually certify to the Legislature the funding levels that the Governor recommends under sections 15683, 15683-A, 15683-B, 15688-A, 15689 and 15689-A and the amount for any other components of the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations must be transmitted to the Legislature within the time schedules set forth in Title 5, section 1666 and in the form and manner described in subsection 2 and these recommendations must be posted on the department's publicly accessible website. The commissioner may adjust, consistent with the Governor's recommendation for funding levels, per-pupil amounts not related to staffing pursuant to section 15680 and targeted funds pursuant to section 15681.

2. Funding level computations. The Governor's recommendations under subsection 1 must specify the amounts that are recommended for the total operating ~~allocation~~ allocations pursuant to section 15683 including the total allocation pursuant to section 15683-B, the total of other subsidizable costs pursuant to section 15681-A, the total debt service allocation pursuant to section 15683-A, the total costs of enhancing student performance and opportunity pursuant to section 15688-A, the total adjustments pursuant to section 15689, the total miscellaneous costs pursuant to section 15689-A, the amount for any other components of the total cost of funding public education from kindergarten to grade 12 and the total cost of funding public education from kindergarten to grade 12 pursuant to this chapter. The Governor's recommendations regarding the adjustments and miscellaneous costs components also must delineate each amount that is recommended for each subsection and paragraph under sections 15689 and 15689-A and the purposes for each cost in these sections. For each amount shown in the Governor's recommendations, the Governor's recommendations must also show the amount for the same component or purpose that is included in the most recently approved state budget, the differences between the amounts in the most recently approved state budget and the Governor's recommendations and the reasons for the changes. These computations must be posted on the department's publicly accessible website.

Sec. 10. 20-A MRSA §15689-E, sub-§1, ¶B, as amended by PL 2013, c. 368, Pt. C, §19, is further amended to read:

B. The state share of the total operating allocation and the total debt service allocation described in sections 15683 ~~and~~, 15683-A and 15683-B;

Sec. 11. Reports to the Legislature. Beginning on the effective date of this section and until one year after the effective date of this section, a virtual public charter school shall also submit to the Legislature each report that the virtual public charter school is required to submit to the Commissioner of Education or to the Department of Education.

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

Effective May 8, 2015.

CHAPTER 55

S.P. 91 - L.D. 253

An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs

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

Sec. 1. 12 MRSA §8842-A, sub-§1, ¶A, as enacted by PL 2003, c. 452, Pt. F, §40 and affected by Pt. X, §2, is amended to read:

A. Cut Christmas trees or evergreen boughs on land of another without securing written permission or a bill of sale from the owner or the owner's authorized agents and having a copy of this written permission or bill of sale in immediate possession. ~~Only one such permit is needed per work crew.~~ Violation of this paragraph is a Class E crime; or

See title page for effective date.

CHAPTER 56

H.P. 324 - L.D. 485

An Act To Allow Licensed Foresters To Use Mechanics Liens

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

Sec. 1. 10 MRSA §3251, as amended by PL 1997, c. 264, §1, is further amended to read:

§3251. Lien established

Whoever performs labor or furnishes labor or materials, including repair parts of machines used, or

performs services as a surveyor, an architect, a forester licensed under Title 32, chapter 76 or an engineer, or as a real estate licensee, or as an owner-renter, owner-lessee, or owner-supplier of equipment used in erecting, altering, moving or repairing a house, building or appurtenances, including any public building erected or owned by any city, town, county, school district or other municipal corporation, or in constructing, altering or repairing a wharf or pier, or any building thereon, including the surveying, clearing, grading, draining, excavating or landscaping of the ground adjacent to and upon which any such objects are constructed, or in selling any interest in land, improvements or structures, by virtue of a contract with or by consent of the owner, has a lien thereon and on the land on which it stands and on any interest such owner has in the same, to secure payment thereof, with costs. If the owner of the building has no legal interest in the land on which the building is erected or to which it is moved, the lien attaches to the building, and if the owner of the wharf or pier has no legal interest in the land on which the wharf or pier is erected, the lien attaches to the wharf or pier, and in either case may be enforced as provided. If the owner of such land, building, wharf or pier, so contracting, is a minor or married woman, such lien exists and such minority or coverture does not bar a recovery in any proceeding brought to enforce it.

See title page for effective date.

CHAPTER 57

H.P. 394 - L.D. 570

An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Postpone or Cancel an Open Hunting Season

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

Sec. 1. 12 MRSA §10105, sub-§17 is enacted to read:

17. Postpone or cancel the start of an open hunting season. Notwithstanding any provision of subpart 4, the commissioner, based on sound scientific wildlife management principles, may postpone or cancel an open hunting season on any game species if the commissioner has concerns regarding disease, weather conditions, reduction in population or other unforeseen factors that may prevent publicly derived management goals from being met.

See title page for effective date.

CHAPTER 58

S.P. 291 - L.D. 817

An Act Regarding Aerial Pesticide Spray Projects

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

Sec. 1. 22 MRSA §1444, sub-§2, as enacted by PL 1997, c. 215, §1, is amended to read:

2. Aerial spraying. When the infestation causing a public health nuisance may be controlled by the aerial spraying of pesticides, the municipal officers in the affected municipality may conduct aerial spraying subject to rules adopted by the Board of Pesticides Control, pursuant to Title 7, section 610 and Title 22, section 1471-R, subsection 3, paragraph C 1471-M, except that:

A. The municipality ~~rather than the applicator~~ is responsible for compliance with the notification and consent regulations;

B. Landowners who are sent written notification by mail, sent to the landowner's last known address as contained in the municipal assessing records and who fail to respond to the notice within 30 days are deemed to have consented to aerial spraying;

C. A landowner's written consent to spray remains valid unless the municipal officers are notified in writing at least 90 days before spraying is to occur that:

(1) The landowner withdraws consent; or

(2) Ownership of the property has been transferred and the notice contains the name and mailing address of the new owner;

~~D. Any such notice sent or consent received in calendar year 1997 prior to the effective date of this chapter constitutes adequate notice or consent under the law;~~

E. Written notice to the landowners must identify the chemicals to be used in the aerial spraying; and

F. Public notice of the date of the aerial spraying, subject to change because of weather conditions, must be given 24 hours prior to the spraying.

Sec. 2. 22 MRSA §1471-C, sub-§5, as amended by PL 2007, c. 245, §1, is further amended to read:

5. Commercial applicator. "Commercial applicator" means any person, ~~except a government pesticide supervisor~~, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesti-