

# 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.**

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**Augusta, Maine**  
**2015**

under this section and who is not otherwise prohibited from holding the moose permit. A transferor and a transferee are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. For purposes of this subsection, "family member" means the transferor's spouse, child, stepchild, grandchild, parent, grandparent, stepparent, brother, sister, half-sister, half-brother or adopted child.

The commissioner shall adopt rules to implement this subsection and may establish a transfer fee to recover administrative costs associated with transferring moose permits. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

## CHAPTER 96

### H.P. 355 - L.D. 516

#### An Act Regarding Gaming

**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 laws governing the Maine State Lottery are vague with regard to the authority of the State Liquor and Lottery Commission to conduct certain games of chance; and

**Whereas**, the Legislature should have the opportunity to provide input if the commission intends to offer games of chance to the public in a manner substantially different from the way lottery tickets and shares are currently sold to the public; and

**Whereas**, information has been presented that indicates the commission intends, within the next 6 months, to offer games of chance in a manner substantially different from the way lottery tickets and shares are currently sold; 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. 8 MRSA §374, first ¶,** as enacted by PL 1987, c. 505, §2, is amended to read:

The commission shall meet with the director, not less than once each month, to ~~promulgate~~ adopt and amend rules, subject to the approval of the commissioner, relating to the lotteries; to make recommenda-

tions and set policy for state lotteries and to transact other business that may be properly brought before the commission. A lottery under this section may include, but is not limited to, a draw game in which the prize paid to a winning player is calculated as a share of the prize pool. A lottery may not include a draw game that has more than 5 daily drawings and that pays a player a set prize amount based on the wager made by the player and in which the operator keeps all losing wagers, as with the draw game commonly known as keno. Rules adopted by the commission shall must be adopted in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375.

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

Effective May 20, 2015.

## CHAPTER 97

### H.P. 53 - L.D. 59

#### An Act To Protect Students' Rights and Privacy Regarding Their School Records

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

**Sec. 1. 20-A MRSA §6001, sub-§1,** as amended by PL 2003, c. 181, §3, is further amended to read:

**1. Federal and state law.** The provisions of this section, the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the ~~United States Education of All Handicapped Children Act, Public Law 94-142~~ federal Individuals with Disabilities Education Act, 20 United States Code, Section 1400 et seq., as amended, govern the dissemination of education records and personally identifiable information about students in public schools, private schools approved by the department pursuant to chapter 117 and private schools recognized by the department as providing equivalent instruction pursuant to section 5001-A, subsection 3, paragraph A, subparagraph (1), division (b), as well as written notices of intent to provide equivalent instruction through home instruction and all education records of students receiving equivalent instruction through home instruction.

**Sec. 2. Penalty.** Not later than January 15, 2016, the Commissioner of Education shall report back to the Joint Standing Committee on Education and Cultural Affairs with recommendations for an appropriate penalty for a violation of the Maine Revised Statutes, Title 20-A, section 6001, subsection 1, including any necessary implementing legislation.

The Joint Standing Committee on Education and Cultural Affairs may report out a bill to the Second Regular Session of the 127th Legislature to implement a penalty for a violation of Title 20-A, section 6001, subsection 1.

See title page for effective date.

## CHAPTER 98

### H.P. 353 - L.D. 514

#### **An Act To Amend the Laws Governing the Location of Motor Vehicle Excise Tax Collection for Motor Vehicles Owned by Public Utilities**

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

**Sec. 1. 36 MRSA §1484, sub-§3, ¶C**, as amended by PL 2007, c. 627, §33, is repealed and the following enacted in its place:

C. The excise tax on a motor vehicle owned by a corporation or a partnership must be paid to the place in which the owner's registered or main office is located, except that if the owner has an additional permanent place of business where motor vehicles are customarily kept, the tax on these vehicles must be paid to the place where that permanent place of business is located. The temporary location of an office and the stationing of vehicles in connection with a construction project of less than 24 months' duration are not considered to constitute a permanent place of business. If the owner is a foreign corporation or partnership not maintaining a place of business within the State, the excise tax must be paid to the Secretary of State.

Within 3 years from the date of an excise tax levy under the authority of this paragraph, a municipality, county or motor vehicle owner that feels the excise tax has been improperly levied may request a determination of this question by the State Tax Assessor. The State Tax Assessor's determination is limited to the same 3-year period and is binding on all of the parties. Any of the parties may seek review of the determination in accordance with the Maine Rules of Civil Procedure, Rule 80-C. Within 30 days after receipt of notice of a determination made by the State Tax Assessor under this paragraph, a municipality or county that has incorrectly accepted excise tax money must pay the money, together with interest at the maximum rate established by the Treasurer of State pursuant to section 505, to the municipality or county identified in the determination as the proper place of payment.

**Sec. 2. Effective date.** This Act takes effect January 1, 2017.

Effective January 1, 2017.

## CHAPTER 99

### H.P. 134 - L.D. 176

#### **An Act To Amend the Law Governing the Gathering of Signatures for Direct Initiatives and People's Veto Referenda**

**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 integrity of the process for collecting signatures of direct initiative and people's veto referenda is paramount to the implementation of this form of direct democracy; and

**Whereas**, the collection of signatures for new direct initiatives and potential people's veto referenda may occur before the 90-day period has expired; 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 §903-A, first ¶**, as enacted by PL 1989, c. 92, §1, is amended to read:

Petitions issued under this chapter may be circulated by any Maine resident who is a registered voter acting as a circulator of a petition. A circulator of a petition solicits signatures for the petition by presenting the petition to the voter, asking the voter to sign the petition and personally witnessing the voter affixing the voter's signature to the petition. The circulator of the petition must comply with the provisions of section 902.

**Sec. 2. 21-A MRSA §903-C, sub-§1**, as enacted by PL 2009, c. 611, §4, is amended to read:

**1. Registration.** Prior to organizing, supervising or managing the circulation of petitions for a direct initiative of legislation or a people's veto referendum, a petition organization, in addition to meeting any other requirement to transact business in this State, shall register with the Secretary of State on a form prescribed by the Secretary of State. The registration form must include the following: