

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

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Sec. 1. 36 MRSA §1484, sub-§3, ¶C, as amended by PL 2007, c. 627, §33, is repealed and the following enacted in its place: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

A. The ballot question or title of each direct initiative of legislation or people's veto referendum for which the petition organization will receive compensation;

B. Contact information for the petition organization, including the name of the petition organization, street address or post office box, telephone number and e-mail address; ~~and~~

C. The name and signature of a designated agent for the petition organization; ~~and~~

D. A list containing the names of all individuals hired by the petition organization to assist in circulating petitions or in organizing, supervising or managing the circulation. The list must be updated and resubmitted to the Secretary of State when the petitions are filed pursuant to the Constitution of Maine, Article IV, Part Third, Section 17 or 18.

The information contained in the registration form must be made available for public inspection and must be posted on the publicly accessible website of the Secretary of State.

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

Effective May 24, 2015.

**CHAPTER 100
H.P. 283 - L.D. 416**

An Act To Provide for Direct Appeals under the Maine Juvenile Code to the Supreme Judicial Court

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

Sec. 1. 15 MRSA §1, sub-§2, ¶D, as enacted by PL 1999, c. 731, Pt. ZZZ, §9 and affected by §42, is repealed.

Sec. 2. 15 MRSA §3401, sub-§1, as repealed and replaced by PL 1979, c. 512, §8, is amended to read:

1. Structure. Except as otherwise provided, appeals from the juvenile court ~~shall be~~ are to the ~~Superior~~ Supreme Judicial Court ~~and appeals from the Superior Court shall be to the Law Court.~~

Sec. 3. 15 MRSA §3402, as amended by PL 2013, c. 234, §11, is further amended to read:

§3402. Appeals to Supreme Judicial Court

1. Matters for appeal. Appeals of the following matters may be taken from the juvenile court to the

Superior Supreme Judicial Court by a party specified in subsection 2:

A. An adjudication, ~~provided that no~~ as long as the appeal shall be ~~is~~ is taken ~~until~~ after an order of disposition;

B. An order of disposition, or of any subsequent order modifying disposition, for an abuse of discretion; and

D. A detention order entered pursuant to section 3203-A, subsection 5 or any refusal to alter a detention order upon petition of the juvenile pursuant to section 3203-A, subsection 11, for abuse of discretion, provided that the appeal must be handled expeditiously.

2. Who may appeal. An appeal may be taken by the following parties:

A. The juvenile; or

B. The juvenile's parents, guardian or legal custodian on behalf of the juvenile, if the juvenile is not emancipated and the juvenile does not wish to appeal.

2-A. Appeal from a bind-over order of the juvenile court. A bind-over order of the juvenile court by a party specified in subsection 2 may be reviewed only by the Supreme Judicial Court pursuant to an appeal of a judgment of conviction following bind-over.

3. Appeals by the State. The State may appeal from a decision or order of the juvenile court to the Supreme Judicial Court to the same extent and in the same manner as in criminal cases under section 2115-A. The State may appeal from the juvenile court to the ~~Superior~~ Supreme Judicial Court for the failure of the juvenile court to order a bind-over.

4. Stays and releases. On an appeal pursuant to subsection 1, paragraphs A and B, the ~~Superior~~ Supreme Judicial Court shall consider a stay of execution and release pending the appeal.

5. Time for appeals. An appeal from the juvenile court to the ~~Superior~~ Supreme Judicial Court must be taken within ~~7~~ 21 days after the entry of an order of disposition or other appealed order or such further time as the Supreme Judicial Court may provide pursuant to a rule of court.

Sec. 4. 15 MRSA §3403, as repealed and replaced by PL 1979, c. 512, §10, is amended to read:

§3403. Rules for appeals

Procedure for appeals from the juvenile court to the ~~Superior~~ Supreme Judicial Court, including provision for a record, subject to section 3405, ~~shall be~~ is as provided by rule ~~promulgated~~ adopted by the Supreme Judicial Court.