

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

UU. Least bittern, *Ixobrychus exilis*, endangered;

Sec. 5. 12 MRSA §12803, sub-§3, ¶¶VV to AAA are enacted to read:

VV. Cobblestone tiger beetle, *Cicindela marginipennis*, endangered;

WW. Frigga fritillary, *Boloria frigga*, endangered;

XX. Little brown bat, *Myotis lucifugus*, endangered;

YY. Northern long-eared bat, *Myotis septentrionalis*, endangered;

ZZ. Eastern small-footed bat, *Myotis leibii*, threatened; and

AAA. Six-whorl vertigo, *Vertigo morsei*, endangered.

See title page for effective date.

CHAPTER 122

S.P. 294 - L.D. 820

An Act To Amend and Clarify Certain Notice and Assessment Provisions of the Maine Condominium Act

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

Sec. 1. 33 MRSA §1603-103, sub-§(c), as enacted by PL 1981, c. 699, is amended to read:

(c) Within 30 days after adoption of any proposed budget for the condominium, the executive board shall provide a summary of the budget to all the unit owners, and shall set a date for a meeting of the unit owners to consider ratification of the budget not less than ~~14~~ 10 nor more than 30 days after mailing of the summary. Unless at that meeting a majority of all the unit owners or any larger vote specified in the declaration reject the budget, the budget is ratified, whether or not a quorum is present. In the event the proposed budget is rejected, the periodic budget last ratified by the unit owners ~~shall~~ must be continued until such time as the unit owners ratify a subsequent budget proposed by the executive board.

Sec. 2. 33 MRSA §1603-103, sub-§(g) is enacted to read:

(g) The executive board may make a special assessment, subject to the following ratification requirements.

(1) A special assessment must be ratified by unit owners in accordance with subsection (c), except

that, if payment of any portion of the proposed special assessment is due after the end of the association's current budget year, ratification requires approval of a majority in interest of all unit owners.

(2) If the amount of the special assessment does not exceed 2 months' common charges and the board determines that the assessment is necessary to meet an emergency, the board may make the special assessment immediately in accordance with the terms of the board's vote, without ratification by unit owners.

Sec. 3. 33 MRSA §1603-108, first ¶, as amended by PL 2011, c. 368, §5, is further amended to read:

A meeting of the association must be held at least once each year. Special meetings of the association may be called as provided in the Maine Nonprofit Corporation Act. The bylaws must specify which of the association's officers, not less than 10 nor more than 60 days in advance of any meeting, shall cause notice to be hand delivered or sent prepaid by United States' mail to the mailing address of each unit or to any other mailing address designated in writing by the unit owner or sent by electronic means to any other address, including an e-mail address, specifically designated by the unit owner. The notice of any meeting must state the time and place of the meeting and the items on the agenda, including the general nature of any proposed amendment to the declaration or bylaws, any budget changes and any proposal to remove a director or officer.

See title page for effective date.

CHAPTER 123

H.P. 737 - L.D. 1068

An Act To Require That Certain Active Duty Military Personnel Are Eligible for the Resident Application Fee for a Concealed Handgun Permit

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

Sec. 1. 25 MRSA §2003, sub-§15, ¶C, as enacted by PL 1993, c. 524, §12, is amended to read:

C. If the Chief of the State Police is the issuing authority because the applicant is ~~either~~ a resident of an unorganized territory ~~or~~, a nonresident, or an applicant under subsection 18, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police.

Sec. 2. 25 MRSA §2003, sub-§18 is enacted to read:

18. Certain persons on active duty in United States Armed Forces. A person on active duty in the United States Armed Forces who qualifies as a resident of the State under the Department of Administrative and Financial Services, Bureau of Revenue Services rules and is otherwise qualified to be issued a permit under this section is eligible for a permit under this section issued by the Chief of the State Police upon payment of the application fee for a resident specified in subsection 1, paragraph E, subparagraph (4), division (a).

See title page for effective date.

**CHAPTER 124
S.P. 397 - L.D. 1128**

**An Act To Make Minor
Changes and Corrections to
Statutes Administered by the
Department of Environmental
Protection**

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

Sec. 1. 38 MRSA §343-H, sub-§4, as amended by PL 2009, c. 121, §4, is repealed.

Sec. 2. 38 MRSA §353, sub-§9, as amended by PL 2007, c. 655, §1, is further amended to read:

9. Finance charges. In addition to other remedies specifically authorized in this Title, the department shall charge interest at a rate of 15% per annum, unless the commissioner finds the amount too small or the likelihood of recovery too uncertain, and may pursue enforcement, including, but not limited to, penalties pursuant to section 349 and suspension or revocation pursuant to section ~~341-D~~ 342, subsection ~~3~~ 11-B for the failure of a licensee to pay any portion of licensing fees owed by the date due.

Sec. 3. 38 MRSA §353-A, sub-§8, as amended by PL 2007, c. 589, §3 and affected by §9, is further amended to read:

8. Nonpayment of fee. Failure to pay the annual fee within 60 days of the anniversary date of a license is sufficient grounds for revocation of the license under section ~~341-D~~ 342, subsection ~~3~~ 11-B.

Sec. 4. 38 MRSA §353-B, sub-§5, as enacted by PL 1997, c. 794, Pt. B, §7, is amended to read:

5. Nonpayment of fees. Failure to pay an annual fee within 30 days of the anniversary date of a license is sufficient grounds for revocation of the license,

permit or privilege under section ~~341-D~~ 342, subsection ~~3~~ 11-B.

Sec. 5. 38 MRSA §420-B, sub-§4, as amended by PL 2007, c. 565, §5, is further amended to read:

4. Report. No later than ~~March 31st of each year~~ April 30th in the first regular legislative session, the commissioner shall ~~prepare a~~ report on the monitoring program and shall provide an executive summary of the report to the joint standing committees of the Legislature having jurisdiction over natural resources matters and marine resources matters, shall publish the full report on the department's publicly accessible website and shall provide a copy or copies of the full report to the State Librarian as required under Title 1, section 501-A. This report must contain:

A. ~~At the start of each 5 year period, the 5 year monitoring plan;~~

B. The annual work program for the past year and the current year;

C. The commissioner's conclusions as to the levels of toxic contamination in the State's waters and fisheries;

D. Any trends of increasing or decreasing levels of contaminants found; and

E. The results of the dioxin monitoring program required under subsection 1-A.

Sec. 6. 38 MRSA §464, sub-§3, ¶C, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §55, is further amended to read:

C. The commissioner shall report ~~annually to each the first~~ regular session of the ~~each~~ Legislature on the status of licensed discharges.

Sec. 7. 38 MRSA §570-K, sub-§5, as amended by PL 2005, c. 212, §1, is further amended to read:

5. Spill prevention and control. An above-ground oil storage facility used in the marketing and distribution of oil to others must be operated in compliance with the federal requirements for the preparation and implementation of spill prevention control and countermeasure plans under 40 Code of Federal Regulations, 112 in effect on April 17, 2003. Failure to comply with those federal requirements in accordance with the deadlines set by the United States Environmental Protection Agency constitutes a violation of this Title. If the department believes that a facility's plan does not satisfy those federal requirements, the department shall request an opinion from the United States Environmental Protection Agency as to the legal adequacy of the plan and any amendment necessary to bring the facility into compliance with those federal requirements. The department shall prepare educational and technical materials for use by facilities