

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

any period of incarceration that may have been ordered, the person has served the period of suspension ordered by the court.

Sec. 4. 17-A MRSA §1158-A, sub-§1, ¶A, as amended by PL 2009, c. 336, §13, is further amended to read:

A. That firearm constitutes the basis for conviction under:

- (1) Title 15, section 393;
- (2) Section 1105-A, subsection 1, paragraph C-1;
- (3) Section 1105-B, subsection 1, paragraph C;
- (4) Section 1105-C, subsection 1, paragraph C-1; ~~or~~
- (5) Section 1105-D, subsection 1, paragraph B-1; or
- (6) Section 1118-A, subsection 1, paragraph B;

Sec. 5. 17-A MRSA §1252, sub-§5-A, as amended by PL 2013, c. 133, §15, is further amended to read:

5-A. Notwithstanding any other provision of this Code, for a person convicted of violating section 1105-A, 1105-B, 1105-C, ~~or~~ 1105-D or 1118-A:

A. Except as otherwise provided in paragraphs B and C, the minimum sentence of imprisonment, which may not be suspended, is as follows: When the sentencing class is Class A, the minimum term of imprisonment is 4 years; when the sentencing class is Class B, the minimum term of imprisonment is 2 years; and, with the exception of a conviction under section 1105-A, 1105-B, 1105-C or 1105-D when the drug that is the basis for the charge is marijuana, when the sentencing class is Class C, the minimum term of imprisonment is one year;

B. The court may impose a sentence other than a minimum unsuspended term of imprisonment set forth in paragraph A, if:

- (1) The court finds by substantial evidence that:
 - (a) Imposition of a minimum unsuspended term of imprisonment under paragraph A will result in substantial injustice to the defendant. In making this determination, the court shall consider, among other considerations, whether the defendant did not know and reasonably should not have known that the victim was less than 18 years of age;

(b) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not have an adverse effect on public safety; and

(c) Failure to impose a minimum unsuspended term of imprisonment under paragraph A will not appreciably impair the effect of paragraph A in deterring others from violating section 1105-A, 1105-B, 1105-C ~~or~~ 1105-D or 1118-A; and

(2) The court finds that:

(c) The defendant's background, attitude and prospects for rehabilitation and the nature of the victim and the offense indicate that imposition of a sentence under paragraph A would frustrate the general purposes of sentencing set forth in section 1151.

If the court imposes a sentence under this paragraph, the court shall state in writing its reasons for its findings and for imposing a sentence under this paragraph rather than under paragraph A; and

C. If the court imposes a sentence under paragraph B, the minimum sentence of imprisonment, which may not be suspended, is as follows: When the sentencing class is Class A, the minimum term of imprisonment is 9 months; when the sentencing class is Class B, the minimum term of imprisonment is 6 months; and, with the exception of trafficking or furnishing marijuana under section 1105-A or 1105-C, when the sentencing class is Class C, the minimum term of imprisonment is 3 months.

See title page for effective date.

CHAPTER 486

H.P. 1141 - L.D. 1670

An Act To Attract Investment to Loring Commerce Centre

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

Sec. 1. 5 MRSA §13080-Q, sub-§1, as enacted by PL 1995, c. 644, §2, is amended to read:

1. Fund to receive income tax revenues from job creation. Subject to the provisions of subsection 2 ~~and section 13080-S~~, the fund must receive annually from the State ~~50% the amount~~ determined in accordance with section 13080-S.

Sec. 2. 5 MRSA §13080-S, sub-§§1 and 2, as enacted by PL 1995, c. 644, §2, are amended to read:

1. Certification by authority. The authority shall certify annually to the assessor by ~~September 30th~~ October 31st of each year, beginning in ~~1997~~ 2016, the following information:

A. Employment, payroll and state withholding data necessary to calculate the base level of employment;

B. The total number of employees added during the previous year within the base area above the base level of employment, including additional associated payroll and withholding data necessary to calculate the gross employment tax increment and establish the appropriate payment to the fund;

C. A listing of all employers within the base area that pay withholding taxes, the locations of those employers and the number of employees at each location; and

D. A listing of all affiliated businesses and affiliated groups, data regarding current employment, payroll and state income withholding taxes for each affiliated business within the base area.

2. Approval of payment. Upon receipt of the information required by this section, the assessor shall review the information ~~in a timely fashion by December 1st~~ immediately following receipt of the information and shall determine the amount of the employment tax increment. If the assessor determines that the requirements of this article are satisfied, the assessor shall approve payment to the fund.

Sec. 3. 5 MRSA §13080-S, sub-§3, as amended by PL 2009, c. 571, Pt. LL, §1, is further amended to read:

3. Deposit and payment of revenue. On or before July 15th of each year, ~~if the approval of the assessor has been issued pursuant to subsection 2, the Commissioner of Administrative and Financial Services~~ shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the ~~Commissioner of Administrative and Financial Services~~ State Controller. On or before July 31st of each year, the ~~Commissioner of Administrative and Financial Services~~ assessor shall pay that amount to the fund.

Sec. 4. 5 MRSA §13080-S, sub-§4 is enacted to read:

4. Additional deposit and payment of revenue in December 2016. On or before December 15, 2016, the assessor shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and

administered by the State Controller. On or before December 31, 2016, the assessor shall pay that amount to the fund.

Sec. 5. Effective date. This Act takes effect August 1, 2016.

Effective August 1, 2016.

CHAPTER 487

S.P. 705 - L.D. 1699

An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity

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

Sec. 1. Property fiscal capacity determination for fiscal year 2016-17 for municipality with decline in valuation. Notwithstanding the Maine Revised Statutes, Title 20-A, section 15672, subsection 23, paragraph C, for fiscal year 2016-17, if a municipality's 2016 certified state valuation declines in an amount that is greater than 4.5% from the next most recently certified state valuation and that decline is due to the loss in value attributable to a single taxpayer, the State Tax Assessor shall certify to the Commissioner of Education that the municipality's property fiscal capacity is the average of the 2016 certified state valuation for that municipality and the property fiscal capacity under Title 20-A, section 15672, subsection 23, paragraph C.

Sec. 2. Maintenance of mill rate for fiscal year 2016-17. The Commissioner of Education shall identify savings resulting from unused debt service in order to maintain the mill rate expectation of 8.30 for fiscal year 2016-17 as established in Public Law 2015, chapter 389, Part C, section 11, pursuant to the Maine Revised Statutes, Title 20-A, section 15671-A.

See title page for effective date.

CHAPTER 488

S.P. 671 - L.D. 1646

An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program

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