

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

Sec. 1. 17 MRSA §1837-A, sub-§§2 to 4, as enacted by PL 2017, c. 284, Pt. KKKKK, §25, are amended to read:

2. Raffle with a prize of \$2,500 or less. A person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed ~~\$1,000~~ \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of ~~\$1,000~~ \$2,500.

3. Raffle with a noncash prize of \$2,501 to \$10,000. A person or organization may conduct a raffle in which the total value of the prize offered to the holder of the winning chance is greater than ~~\$1,001~~ \$2,501 and does not exceed \$10,000 upon the acceptance of a registration by the Gambling Control Unit. The Gambling Control Unit may not accept a registration for a raffle under this subsection unless the registration states a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000. A prize offered for a raffle conducted under this subsection may not be in the form of cash and may not be exchanged for cash.

4. Raffle with a noncash prize up to \$75,000 conducted by eligible organization; cash prizes up to \$20,000. An eligible organization as described in section 1832, subsection 2 may conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$75,000 upon the acceptance of a registration by the Gambling Control Unit. The registration must state a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$75,000. A noncash prize for a raffle conducted under this subsection ~~may not be in the form of cash and~~ may not be exchanged for cash. The total amount of cash prizes that may be awarded for a raffle conducted under this subsection may not exceed \$20,000 with no more than one \$10,000 prize for the holder of a winning chance. An eligible organization may not conduct more than one raffle under this subsection in a 12-month period.

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

Effective April 8, 2018.

**CHAPTER 366
H.P. 1266 - L.D. 1824**

**An Act Regarding the
Termination of the Authority
To Issue a Permit for a Noise
Suppression Device on a
Firearm for Hunting**

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 validity of noise suppression device permits and the authority of the Commissioner of Inland Fisheries and Wildlife to issue noise suppression device permits for use of a noise suppression device with a firearm when hunting may expire before the effective date of nonemergency legislation passed during the current session of the Legislature; and

Whereas, immediately extending the validity of noise suppression device permits and the authority of the commissioner to continue issuing noise suppression device permits will ensure the uninterrupted and continued use of noise suppression devices with firearms when hunting; 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. 12 MRSA §11161, sub-§2, as enacted by PL 2015, c. 262, §1, is amended to read:

2. Permit. In accordance with this subsection, the commissioner may issue a permit to a person allowing that person to use a noise suppression device with a firearm when hunting any wild animals or wild birds the person is licensed to hunt under this chapter and for which use of the firearm is allowed or for the purpose of killing a wild animal or wild turkey under section 12401 or 12402.

- A. A person applying for a permit:
 - (1) Shall show proof of lawful possession of the noise suppression device; and
 - (2) May not have had a hunting license revoked as a result of a serious hunting violation.
- B. A permit is valid ~~until August 1, 2018~~, unless revoked under this section.

~~The commissioner may not issue a permit under this section after July 31, 2018.~~

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

Effective April 8, 2018.

CHAPTER 367

H.P. 1018 - L.D. 1479

An Act To Modernize and Improve Maine's Property Tax System

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 36 MRSA §271, sub-§1, as amended by PL 1989, c. 503, Pt. B, §165, is further amended to read:

1. Organization; meetings. The State Board of Property Tax Review, as established by Title 5, section 12004-B, subsection 6, ~~shall consist~~ consists of 15 members appointed by the Governor for terms of 3 years, ~~except for initial appointments which shall be 1/3 of the membership for one year, 1/3 of the membership for 2 years and 1/3 of the membership for 3 years.~~ Vacancies on the board ~~shall~~ must be filled for the remainder of the unexpired term. The membership ~~shall~~ must be equally divided among attorneys, real estate brokers or appraisers, engineers, ~~retired~~ assessors who have a current certificate of eligibility from the State Tax Assessor under section 311, except assessors employed by the bureau, and public members. Beginning August 1, 2018, at least one vacancy in the term of a public member or a position open as the result of an expired term of a public member must be filled by a member of the public with expertise in taxation, finance or property valuation matters. The board shall annually elect a chair and secretary. The secretary need not be chosen from the members of the board.

Sec. 2. 36 MRSA §271, sub-§5-A is enacted to read:

5-A. Mediation. For appeals pursuant to section 843 or 844, if the board determines that the appeal is within the jurisdiction of the board and all rights to

appeal the determination of jurisdiction have expired, within 120 days after filing a petition for appeal, the assessor or assessors, chief assessor of a primary assessing area or State Tax Assessor in the case of the unorganized territory and the taxpayer shall retain the services of a mutually agreed-upon mediator knowledgeable in taxation, valuation matters or conflict resolution, unless otherwise excused by the chair of the board. The cost of mediation must be shared equally between the municipality, or the State Tax Assessor in the case of the unorganized territory, and the taxpayer. Unless the parties have been excused by the chair of the board from mediation, the board may not schedule a hearing until after it is notified by the parties that mediation has been completed. Upon the completion of mediation, the parties must notify the board in writing stating whether further board action is necessary.

Sec. 3. 36 MRSA §611, 2nd ¶ is amended to read:

When the assessors are informed by the owner or otherwise of the presence within the town of such personal property, the assessors shall give notice in writing to the owner to furnish to the assessors a true and perfect list of such property within 15 days from the receipt of such notice and, except as otherwise provided in this section, ~~section 706 shall be~~ 706-A is applicable to this section.

Sec. 4. 36 MRSA §706, as amended by PL 2013, c. 544, §5 and affected by §7, is repealed.

Sec. 5. 36 MRSA §706-A is enacted to read:
§706-A. Taxpayers to list property; notice; penalty; verification

1. Taxpayers to list property; inquiries. Before making an assessment, the assessor or assessors, chief assessor of a primary assessing area or State Tax Assessor in the case of the unorganized territory may give seasonable notice in writing to all persons liable to taxation or qualifying for exemption pursuant to subchapter 4-C in the municipality, the primary assessing area or the unorganized territory to furnish to the assessor or assessors, chief assessor or State Tax Assessor true and perfect lists of all the property the taxpayer possessed on the first day of April of the same year and may at the time of the notice or thereafter require the taxpayer to answer in writing all proper inquiries as to the nature, situation and value of the taxpayer's property liable to be taxed in the State or subject to exemption pursuant to subchapter 4-C. The list and answers are not conclusive upon the assessor or assessors, chief assessor or State Tax Assessor.

As may be reasonably necessary to ascertain the value of property according to the income approach to value pursuant to the requirements of section 208-A or generally accepted assessing practices, these inquiries may seek information about income and expense.