

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

§949-J. Limitations on civil liability for volunteer health practitioners

A volunteer health practitioner who provides health services or veterinary services in accordance with this chapter is immune from liability for injury or death arising from the provision of those services to the extent provided in Title 24, section 2904.

§949-K. Uniformity of application and construction

In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

See title page for effective date.

CHAPTER 397

S.P. 690 - L.D. 1838

An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos

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

Sec. 1. 17-A MRSA §506, as amended by PL 2011, c. 464, §14 and affected by §30, is further amended to read:

§506. Harassment by telephone or by electronic communication device

1. A person is guilty of harassment by telephone or by electronic communication device if:

A. By means of telephone or electronic communication device the person makes any comment, request, suggestion or proposal that is, in fact, offensively coarse or obscene, without the consent of the person called or contacted. Violation of this paragraph is a Class E crime;

A-1. By means of telephone or electronic communication device the person, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, sends an image or video of a sexual act as defined in section 251, subsection 1, paragraph C or of the actor's or another person's genitals and:

(1) The person called or contacted is in fact under 14 years of age;

(2) The person called or contacted is in fact 14 or 15 years of age and the actor is at least

5 years older than the person called or contacted; or

(3) The person called or contacted suffers from a mental disability that is reasonably apparent or known to the actor.

Violation of this paragraph is a Class D crime;

A-2. By means of telephone or electronic communication device the person sends an image or a video of a sexual act as defined in section 251, subsection 1, paragraph C or of the actor's or another person's genitals without the consent of the person called or contacted after the person called or contacted has notified the actor, in writing or otherwise, that the person does not consent to receiving such images or videos. Violation of this paragraph is a Class E crime;

B. The person makes a telephone call or makes a call or contact by means of an electronic communication device, whether or not oral or written conversation ensues, without disclosing the person's identity and with the intent to annoy, abuse, threaten or harass any person at the called or contacted number or account. Violation of this paragraph is a Class E crime;

C. The person makes or causes the telephone or electronic communication device of another repeatedly or continuously to ring or activate or receive data, with the intent to harass any person at the called or contacted number or account. Violation of this paragraph is a Class E crime;

D. The person makes repeated telephone calls or repeated calls or contacts by means of an electronic communication device, during which oral or written conversation ensues, with the intent to harass any person at the called or contacted number or account. Violation of this paragraph is a Class E crime; or

E. The person knowingly permits any telephone or electronic communication device under the person's control to be used for any purpose prohibited by this section. Violation of this paragraph is a Class E crime.

2. The crime defined in this section may be prosecuted and punished in the county in which the defendant was located when the defendant used the telephone or electronic communication device, or in the county in which the telephone called or made to ring or the electronic communication device called or made to ring or be activated or receive data by the defendant was located.

2-A. As used in this section, "electronic communication device" means any electronic or digital product that communicates at a distance by electronic transmission impulses or by fiber optics, including any software capable of sending and receiving communi-

cation, allowing a person to electronically engage in the conduct prohibited under this section.

~~3. Harassment by telephone or by electronic communication device is a Class E crime.~~

See title page for effective date.

CHAPTER 398

S.P. 692 - L.D. 1840

**An Act To Revise the
Municipal Consolidation
Referendum Process**

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

Sec. 1. 30-A MRSA §2152, sub-§1, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Be signed by a number of voters of the municipality equal to at least 10% of the voters of that municipality total number of votes cast in that municipality in the last gubernatorial election, except that only 1,000 signatures are necessary in municipalities of 10,000 or more voters;

(1) In municipalities with 10,000 or more votes cast in the last gubernatorial election, 1,000 signatures are required unless the municipal charter requires an amount greater than 1,000; and

(2) When a petition is subject to section 2155;

Sec. 2. 30-A MRSA §2152, sub-§1-A is enacted to read:

1-A. Referendum on forming joint charter commission. If a petition is filed pursuant to subsection 1, the municipal officers shall call and conduct a referendum to determine the willingness of the voters of the municipality to form a joint charter commission with the municipality or municipalities named in the petition. The referendum must be held at the next scheduled regular election that is held at least 90 days after the petition is filed. The question to be voted on at the referendum must be in substantially the following form: "Do you favor forming a joint charter commission to draft a consolidation agreement for the purpose of consolidating with _____ (municipality or municipalities named in the petition)?" The consolidation agreement is not final unless approved by the voters of each municipality.

Sec. 3. 30-A MRSA §2152, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106

and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Joint charter commission. If a petition is filed as required under subsection 1 and a majority of those casting ballots pursuant to subsection 1-A approve the referendum question in each municipality or if a majority of municipal officers vote to hold elections for a joint charter commission under section 2155, the 3 members of a joint charter commission shall must be elected at the next special or regular election in the manner provided for the election of municipal officers. The election of members by 2 or more municipalities authorizes the commission to draft the consolidation agreement. If a municipality does not elect members, it may not participate in the consolidation.

Sec. 4. 30-A MRSA §2155, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2155. Limitation

If the voters of a municipality reject a consolidation agreement, that municipality may not be a party to any consolidation agreement for 3 6 years after the date of the rejection, except when a number of voters equal to at least 30% of the qualified voters have requested an agreement by signing total number of votes cast in that municipality in the last gubernatorial election file a petition under section 2152, subsection 1 or when a majority of the municipal officers in each municipality proposed for consolidation in the rejected consolidation agreement vote to hold municipal elections to elect members of a joint charter commission in accordance with section 2152, subsection 2 to draft a consolidation agreement.

See title page for effective date.

CHAPTER 399

H.P. 1207 - L.D. 1755

**An Act To Provide a Sales Tax
Exemption for Nonprofit
Heating Assistance
Organizations**

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

Sec. 1. 36 MRSA §1760, sub-§102 is enacted to read:

102. Nonprofit heating assistance organizations. Sales to organizations that have been determined by the United States Internal Revenue Service to be exempt from taxation under Section 501(c)(3) of the Code and whose primary purpose is to provide