

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

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

residential heating assistance to low-income individuals.

Sec. 2. Effective date. This Act takes effect October 1, 2018.

Effective October 1, 2018.

CHAPTER 400
S.P. 621 - L.D. 1685

**An Act To Create The Barbara
Bush Children's Hospital
Registration Plate**

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

Sec. 1. 29-A MRSA §456-H is enacted to read:

§456-H. The Barbara Bush Children's Hospital registration plates

1. The Barbara Bush Children's Hospital registration plates. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the annual motor vehicle registration fee required by section 501 or 504 and the contribution provided for in subsection 3, shall issue a registration certificate and a set of The Barbara Bush Children's Hospital special registration plates to be used in lieu of regular registration plates.

2. Design; review; vanity plates. The Secretary of State, in consultation with The Barbara Bush Children's Hospital, shall determine a design for The Barbara Bush Children's Hospital special registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. The Secretary of State shall issue upon request The Barbara Bush Children's Hospital special registration plates that are also vanity plates. The Barbara Bush Children's Hospital special registration plates are issued in accordance with the provisions of this section and section 453.

3. Contribution; credit to funds. In addition to the regular motor vehicle registration fee prescribed by law for the particular class of vehicle registered, the initial contribution for The Barbara Bush Children's Hospital special registration plates is \$20, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to The Barbara Bush Children's Hospital to support ongoing pediatric programs;

B. Nine dollars to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund established under section 469.

4. Renewal fee. In addition to the regular motor vehicle registration fee prescribed by law, the annual renewal contribution for The Barbara Bush Children's Hospital special registration plates is \$15, which must be deposited with the Treasurer of State and credited as follows:

A. Ten dollars to The Barbara Bush Children's Hospital to support ongoing pediatric programs;

B. Four dollars to the Highway Fund for administrative and production costs; and

C. One dollar to the Specialty License Plate Fund established under section 469.

5. Payment for costs associated with the production and issuance of the first 2,000 plates. The sponsor of The Barbara Bush Children's Hospital special registration plates shall provide \$50,000 to the Secretary of State for costs associated with the production and issuance of The Barbara Bush Children's Hospital registration plates. The Secretary of State shall deposit these funds in the Specialty License Plate Fund established under section 469. In accordance with section 468, subsection 3-A, the Secretary of State shall provide 2,000 credit receipts to the sponsor to provide to each supporter who contributed \$25. A credit receipt may be used only to obtain one set of special registration plates.

6. Transfer of fees. On a quarterly basis, the Secretary of State shall transfer the revenue from the issuance and renewal of The Barbara Bush Children's Hospital special registration plates to the Treasurer of State for deposit and crediting pursuant to subsections 3 and 4.

7. Duplicate plates prohibited. The Secretary of State shall issue The Barbara Bush Children's Hospital special registration plate in a unique 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

8. Date of first issue. The Secretary of State shall issue the first The Barbara Bush Children's Hospital special registration plate by October 1, 2018.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

**SECRETARY OF STATE, DEPARTMENT OF
Administration - Motor Vehicles 0077**

Initiative: Allocates funds for the costs of manufacturing The Barbara Bush Children's Hospital specialty registration plates.

HIGHWAY FUND

2017-18

2018-19