

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

19. Change in identity or form of ownership. Any transfer of real property, whether accomplished by deed, conversion, merger, consolidation or otherwise, if it consists of a mere change in identity or form of ownership of an entity. This exemption is limited to those transfers when no change in beneficial ownership is made and may include transfers involving corporations, partnerships, limited liability companies, trusts, estates, associations and other entities; ~~and~~

Sec. E-3. 36 MRSA §4641-C, sub-§20, as enacted by PL 2001, c. 559, Pt. I, §8 and affected by §15, is amended to read:

20. Controlling interests. Transfers of controlling interests in an entity with a fee interest in real property if the transfer of the real property would qualify for exemption if accomplished by deed of the real property between the parties to the transfer of the controlling interest; and

Sec. E-4. 36 MRSA §4641-C, sub-§21 is enacted to read:

21. Transfers pursuant to transfer on death deed. Any transfer of real property effectuated by a transfer on death deed pursuant to Title 18-C, Article 6, Part 4.

Sec. E-5. 36 MRSA §4641-D, sub-§4, as amended by PL 2007, c. 437, §14, is further amended to read:

4. Deed affecting previous deed. Any deed that, without additional consideration, confirms, corrects, modifies or supplements a previously recorded deed; ~~and~~

Sec. E-6. 36 MRSA §4641-D, sub-§6, as enacted by PL 1987, c. 568, §2, is amended to read:

6. Deed of distribution. Any deed of distribution made pursuant to Title ~~18-A, 18-C;~~ 18-C; ~~and~~

Sec. E-7. 36 MRSA §4641-D, sub-§7 is enacted to read:

7. Transfer on death deed. Any transfer on death deed under Title 18-C, Article 6, Part 4.

PART F

Sec. F-1. Effective date. Parts A to E of this Act take effect July 1, 2019.

PART G

Sec. G-1. Maine Comments. The Probate and Trust Law Advisory Commission, in consultation with the Family Law Advisory Commission and other interested parties, shall compose Maine Uniform Probate Code Comments that explain and aid in the interpretation of the Maine Uniform Probate Code as enacted by this Act. The Probate and Trust Law Advisory Commission shall report the recommended Maine Uniform Probate Code Comments to the joint standing

committee of the 129th Legislature having jurisdiction over judiciary matters no later than January 15, 2019.

Sec. G-2. Legislation. The joint standing committee of the 129th Legislature having jurisdiction over judiciary matters may report out legislation to the First Regular Session of the 129th Legislature to correct errors and inconsistencies created by recent legislation and this Act and address any additional issues raised in the recodification and revision of the Maine Probate Code.

Sec. G-3. Effective date. This Part is effective 90 days after the adjournment of the Second Regular Session of the 128th Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 403

H.P. 560 - L.D. 780

**An Act Authorizing the
Deorganization of Cary
Plantation**

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

PART A

Sec. A-1. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2013, c. 408, §21, is further amended to read:

B. The following areas are classified as state-owned wildlife management areas, or "WMAs":

- (1) Blanchard/AuClair WMA (Roach River Corridor) - T1 R14 WELS - Piscataquis County;
- (2) Major Gregory Sanborn WMA - Brownfield, Denmark, Fryeburg - Oxford County;
- (3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon - Kennebec County;
- (4) Caesar Pond WMA - Bowdoin - Sagadahoc County;
- (5) Chesterville WMA - Chesterville - Franklin County;
- (6) Coast of Maine WMA - all state-owned coastal islands that are owned or managed by the Department of Inland Fisheries and Wildlife;
- (7) Dickwood Lake WMA - Eagle Lake - Aroostook County;
- (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7 WELS - Penobscot County;

- (9) Fahi Pond WMA - Embden - Somerset County;
- (10) Lyle Frost WMA (formerly Scammon) - Eastbrook, Franklin - Hancock County;
- (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) - Augusta, Windsor, Vassalboro, China - Kennebec County;
- (12) Great Works WMA - Edmunds Township - Washington County;
- (13) Jamies Pond WMA - Manchester, Farmingdale, Hallowell - Kennebec County;
- (14) Jonesboro WMA - Jonesboro - Washington County;
- (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden - Lincoln County;
- (16) Kennebunk Plains WMA - Kennebunk - York County;
- (17) Bud Leavitt WMA (Bull Hill) - Atkinson, Charleston, Dover-Foxcroft, Garland - Penobscot County and Piscataquis County;
- (18) Gene Letourneau WMA (Frye Mountain) - Montville, Knox, Morrill - Waldo County;
- (19) Long Lake WMA - St. Agatha - Aroostook County (all of Long Lake within the Town of St. Agatha);
- (20) Madawaska WMA - Palmyra - Somerset County;
- (20-A) Maine Youth Conservation WMA - T32MD - Hancock County;
- (21) Mainstream WMA - Cambridge, Ripley - Somerset County;
- (22) Lt. Gordon Manuel WMA - Hodgdon, Cary ~~Plantation~~ Township, Linneus - Aroostook County;
- (23) Maynard F. Marsh WMA (Killick Pond) - Hollis, Limington - York County;
- (24) Mercer Bog WMA - Mercer - Somerset County;
- (25) Merrymeeting Bay WMA - Dresden, Bowdoinham, Woolwich, Bath, Topsham - Lincoln County and Sagadahoc County;
- (26) Morgan Meadow WMA - Raymond - Cumberland County;
- (27) Mt. Agamenticus WMA - York, South Berwick - York County;
- (28) Muddy River WMA - Topsham - Sagadahoc County;
- (29) Narraguagus Junction WMA - Cherryfield - Washington County;
- (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot County;
- (31) Orange River WMA - Whiting - Washington County;
- (32) Peaks Island WMA - Portland - Cumberland County;
- (33) Pennamaquam WMA - Pembroke, Charlotte - Washington County;
- (34) Steve Powell WMA - Perkins Township - Sagadahoc County (being the islands in the Kennebec River near Richmond known as Swan Island and Little Swan Island, formerly known as Alexander Islands);
- (35) David Priest WMA (Dwinal Pond) - Lee, Winn - Penobscot County;
- (36) James Dorso Ruffingham Meadow WMA - Montville, Searsmont - Waldo County;
- (37) St. Albans WMA - St. Albans - Somerset County;
- (38) Sandy Point WMA - Stockton Springs - Waldo County;
- (39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland County and York County;
- (40) Steep Falls WMA - Standish, Baldwin - Cumberland County;
- (41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;
- (42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;
- (43) R. Waldo Tyler Weskeag Marsh WMA - South Thomaston, Thomaston, Rockland, Owl's Head, Friendship - Knox County;
- (43-A) Kennebec River Estuary WMA - Arrowsic, Bath, Georgetown, Phippsburg, West Bath, Woolwich - Sagadahoc County;
- (43-B) Tolla Wolla WMA - Livermore - Androscoggin County;
- (43-C) Green Point WMA - Dresden - Lincoln County;
- (43-D) Hurds Pond WMA - Swanville - Waldo County;
- (43-E) Sherman Lake WMA - Newcastle, Damariscotta - Lincoln County;
- (43-F) Ducktrap River WMA - Belmont, Lincolnville - Waldo County;

(45) Stump Pond WMA - New Vineyard - Franklin County;

(46) Bog Brook WMA - Beddington, Deblois - Washington County;

(47) Cobscook Bay WMA - Lubec, Pembroke, Perry, Trescott Township - Washington County;

(48) Mattawamkeag River System WMA - Drew Plantation, Kingman Township, Prentiss Township, Webster Township - Penobscot County;

(49) Booming Ground WMA - Forest City - Washington County;

(50) Butler Island WMA - Ashland - Aroostook County;

(51) Pollard Flat WMA - Masardis - Aroostook County;

(52) Caribou Bog WMA - Old Town, Orono - Penobscot County;

(53) Delano WMA - Monson - Piscataquis County;

(54) Egypt Bay WMA - Hancock - Hancock County;

(55) Spring Brook WMA - Hancock - Hancock County;

(56) Strong WMA - Strong - Franklin County;

(57) Plymouth Bog WMA - Plymouth - Penobscot County; and

(58) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state-owned wildlife management areas.

Sec. A-2. 20-A MRSA §8451, sub-§2, ¶B, as amended by PL 2013, c. 390, Pt. A, §1 and affected by §2, is further amended to read:

B. Region 2. SOUTHERN AROOSTOOK COUNTY. Units located in this region include:

(2) Benedicta Township;

(3) Orient;

(4) Regional School Unit No. 29 doing business as School Administrative District No. 29 (Hammond, Houlton, Littleton and Monticello);

(5) Regional School Unit No. 50 (Crystal, Dyer Brook, Hersey, Island Falls, Merrill, Moro Plantation, Mount Chase, Oakfield, Patten, Sherman, Smyrna and Stacyville);

(6) Regional School Unit No. 70 doing business as School Administrative District No. 70 (Amity, ~~Cary Plantation~~, Haynesville and Hodgdon) and Linneus, Ludlow and New Limerick; and

(7) Regional School Unit No. 84 doing business as School Administrative District No. 14 (Danforth and Weston).

Sec. A-3. 36 MRSA §4602, sub-§3, ¶D, as repealed and replaced by PL 2001, c. 164, §2, is amended to read:

D. District 4: Amity, Benedicta, Cary ~~Plantation~~ Township, Crystal, Dyer Brook, Hammond Plantation, Hershey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Merrill, Monticello, New Limerick, Oakfield, Patten, Sherman and Sherman Mills; and

Sec. A-4. Effective date. This Part takes effect July 1, 2019, if the legal voters of Cary Plantation approve the referendum under Part B, section 8.

PART B

Sec. B-1. Deorganization of Cary Plantation. Notwithstanding any contrary requirement of the Maine Revised Statutes, Title 30-A, chapter 302, in accordance with Title 30-A, section 7207 a majority of the voters in Cary Plantation approve the deorganization procedure developed in accordance with Title 30-A, section 7205 and if the question of Cary Plantation's deorganization is approved by the registered voters of Cary Plantation pursuant to section 8 of this Part, Cary Plantation in Aroostook County is deorganized, except that the corporate existence, powers, duties and liabilities of the plantation survive for the purposes of prosecuting and defending all pending suits to which the plantation is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the plantation or exist in favor of any creditor.

Sec. B-2. Financial obligations and other liabilities. Any financial obligations or other liabilities that were incurred by Cary Plantation as a municipality or that were incurred by Cary Plantation as a member of School Administrative District No. 70 or Regional School Unit No. 70 are excepted and reserved in accordance with the Maine Revised Statutes, Title 30-A, section 7303 and remain liabilities for the inhabitants of lawful age residing in the territory included in the deorganized Cary Township for the duration of the liabilities. The State Tax Assessor shall assess taxes against the property owners in the deorganized municipality of Cary Township to provide funds to satisfy any municipal or educational obligations or other liabilities. These financial obligations or other liabilities are not the responsibility of either the Department of Education or the taxpayers in the Unor-

ganized Territory Tax District as described in Title 36, chapter 115.

Sec. B-3. Deorganization procedure. The deorganization of Cary Plantation must be conducted in accordance with the approved deorganization procedure developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 for the municipality.

Sec. B-4. Unexpended school funds. The treasurer of the plantation or any other person who has custody of the funds of the plantation shall pay the Treasurer of State all unexpended school funds that, together with the credits due the plantation for school purposes, are to be used by the State Tax Assessor to settle any school obligations incurred by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be deposited to the Unorganized Territory Education and Services Fund, as directed in the Maine Revised Statutes, Title 36, chapter 115.

Sec. B-5. Unexpended municipal funds and property. The treasurer of the plantation or any other person who has custody of the funds of the plantation shall pay the Treasurer of State all unexpended funds of the plantation that, together with the credits due the plantation for its purposes, are to be used by the State Tax Assessor to settle any obligations of the plantation incurred by the plantation before deorganization. The State Tax Assessor shall approve any written requests or invoices for payments and shall submit the approved documents to the fiscal administrator of the unorganized territory within the Office of the State Auditor to process through the Office of the State Controller. Pursuant to the Maine Revised Statutes, Title 30-A, section 7304, at the end of a 5-year period during which the powers, duties and obligations relating to the affairs of the plantation are vested in the State Tax Assessor or when in the judgment of the State Tax Assessor final payment of all known obligations against the plantation has been made, any funds that have not been expended must be deposited with the county commissioners of Aroostook County as undedicated revenue for the unorganized territory fund of that county.

Any property of the plantation that has not been sold must be held by the State in trust for the unorganized territory or transferred to Aroostook County to be held in trust for the unorganized territory. Income from the use or sale of that property held by the State must be credited to or deposited in the Unorganized Territory Education and Services Fund under Title 36,

chapter 115. Income from the use or sale of that property held by Aroostook County must be credited to the unorganized territory fund of the county pursuant to Title 36, section 1604, subsection 4.

Sec. B-6. Provision of education services. Notwithstanding any other law, education in the unorganized territory of Cary Township must be provided under the direction of the Commissioner of Education as described in the Maine Revised Statutes, Title 20-A, chapter 119 and must meet the general standards for elementary and secondary schooling and special education established pursuant to Title 20-A. The provisions described in subsections 1 to 3 must be implemented at the time of deorganization.

1. Students in prekindergarten to grade 12 whose parents or legal guardians are legal residents of the unorganized territory of Cary Township must be provided educational services at Regional School Unit No. 70 school facilities located in the Town of Hodgdon. Transportation services to and from school must be provided under the direction of the Department of Education.

2. Special education services must be provided to eligible resident students as required by federal and state laws, rules and regulations.

3. Career and technical education must be provided to eligible resident students pursuant to Title 20-A, section 3253-A.

Tuition to schools other than those identified in this section may be provided on behalf of resident students with the prior approval of the director of state schools within the Department of Education. Tuition payments may not exceed the limits established in Title 20-A, section 3304 and transportation is the responsibility of the parents or legal guardians. The receiving school must be approved by the Commissioner of Education for the purpose of tuition.

The provision of educational services in this section is subject to modification in response to educational conditions.

Sec. B-7. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in Cary Plantation as of April 1, 2019, as provided in the Maine Revised Statutes, Title 36, section 1602.

Sec. B-8. Referendum; certificate to Secretary of State. This Part takes effect 90 days after its approval only for the purpose of permitting its submission by the municipal officers to the legal voters of Cary Plantation by ballot at the next statewide election held in the month of November. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The Cary Plantation clerk shall prepare the

required ballots on which the clerk shall reduce the subject matter of this Part to the following question:

"Shall Cary Plantation be deorganized?"

The voters shall indicate their opinion on this question by a cross or check mark placed against the word "Yes" or "No." Before becoming effective, the question posed to voters must be approved by at least 2/3 of the legal voters casting ballots during the state-wide election, and the total number of votes that are cast for and against the deorganization in the election must equal or exceed 50% of the total number of votes cast in the plantation for Governor at the last gubernatorial election.

The municipal officers of Cary Plantation shall declare the result of the vote. The clerk of Cary Plantation shall file a certificate of the election result with the Secretary of State within 10 days from the date of the election.

Sec. B-9. Effective date. Sections 1 to 7 of this Part take effect July 1, 2019 if the legal voters of Cary Plantation approve the referendum under section 8 of this Part.

PART C

Sec. C-1. Register and transmit copy of approved deorganization procedure. Before the effective date of the deorganization of Cary Plantation pursuant to Part B, the fiscal administrator of the unorganized territory within the Office of the State Auditor shall transmit a copy of the approved deorganization procedure developed in accordance with the Maine Revised Statutes, Title 30-A, section 7205 to the Aroostook County administrator, and shall register the approved deorganization procedure with the Aroostook County Registry of Deeds.

Sec. C-2. Effective date. This Part takes effect upon approval of the referendum under Part B, section 8.

Effective pending referendum.

CHAPTER 404

H.P. 607 - L.D. 858

**An Act To Strengthen the Law
Regarding Dangerous Dogs
and Nuisance Dogs**

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. 7 MRSA §3907, sub-§8-B is enacted to read:

8-B. Bodily injury. "Bodily injury" has the same meaning as in Title 17-A, section 2, subsection 5.

Sec. 2. 7 MRSA §3907, sub-§12-D, as amended by PL 2011, c. 100, §3, is repealed and the following enacted in its place:

12-D. Dangerous dog. "Dangerous dog" means a dog or wolf hybrid that causes the death of or inflicts serious bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury or death; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf hybrid owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent serious bodily injury by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog or wolf hybrid that inflicts bodily injury on an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury and has previously been determined by a court of competent jurisdiction to be a nuisance dog.

"Dangerous dog" does not include:

A. A dog certified by the State and used for law enforcement use;

B. A dog or wolf hybrid that injures or threatens to assault an individual who is on the dog or wolf hybrid owner's or keeper's premises if the dog or wolf hybrid has no prior history of assault and was provoked by the individual immediately prior to the injury or threatened assault; or

C. A dog or wolf hybrid that inflicts serious bodily injury on or causes the death of an individual who is committing a crime against an individual or property owned by the dog or wolf hybrid owner or keeper.

For the purposes of this definition, "dog or wolf hybrid owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog or wolf hybrid.

Sec. 3. 7 MRSA §3907, sub-§20-A is enacted to read:

20-A. Nuisance dog. "Nuisance dog" means a dog or wolf hybrid that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf hybrid owner's or keeper's premises at the time of the injury; a dog or wolf hybrid that causes a reasonable and prudent person who is not on the dog or wolf