

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Sec. 5. Disbursement of bond proceeds from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Act must be expended as designated in the following schedule under the direction and supervision of the Department of Environmental Protection.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Small Community Grant Program

Provides funds for grants to towns to help replace malfunctioning septic systems that are polluting coastal watersheds or causing a public nuisance.

Total \$2,000,000

Wastewater Treatment Facility Planning and Construction Grants

Provides funds for wastewater treatment facility planning, construction grants and hydrographic modeling in coastal watersheds, prioritizing areas with high-value shellfish resources.

Total \$27,650,000

Overboard Discharge

Provides funds to assist homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems, including straight pipe discharges, individual overboard discharge systems, subsurface wastewater disposal systems, septic tanks, leach fields and cesspools, which result in direct discharges of domestic pollutants to coastal watersheds.

Total \$350,000

Sec. 6. Contingent upon ratification of bond issue. Sections 1 to 5 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Act.

Sec. 7. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to the Office of the Treasurer of State to be used for the retirement of general obligation bonds.

Sec. 8. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued, within 5 years of ratification of this Act are deauthorized and may not be issued, except that the Legislature may, within 2

years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 9. Referendum for ratification; submission at election; form of question; effective date. This Act must be submitted to the legal voters of the State at a statewide election held in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor a \$30,000,000 bond issue to improve water quality, support the planning and construction of wastewater treatment facilities and assist homeowners whose homes are served by substandard or malfunctioning wastewater treatment systems?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Act, the Governor shall proclaim the result without delay and this Act becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purposes of this referendum.

Effective pending referendum.

**CHAPTER 426
S.P. 438 - L.D. 1286**

An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements

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

Sec. 1. 20-A MRSA §13026 is enacted to read:

§13026. Compliance with criminal history record check and fingerprinting requirements

1. List of school administrative unit employees. Beginning January 1, 2019, and quarterly thereafter, a school administrative unit shall submit to the department a list of the names of all employees subject to certification, approval or authorization and indicate for each person included on the list the date on which the person most recently commenced employment with the school administrative unit.

2. Notification of noncompliance. Upon receipt of a list from a school administrative unit pursuant to subsection 1, the department shall determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements of section 6103 and rules adopted by the state board. If the department determines that the person has failed to comply with any such applicable requirement, the department shall immediately notify the school administrative unit of the person's failure to comply.

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

**EDUCATION, DEPARTMENT OF
Learning Systems Team Z081**

Initiative: Provides ongoing funds for 90% of the cost to local school administrative units to submit the names of all employees subject to certification, approval or authorization along with the date that each employee began working for the school administrative unit.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$13,508
GENERAL FUND TOTAL	\$0	\$13,508

See title page for effective date.

**CHAPTER 427
H.P. 548 - L.D. 768
An Act To Simplify
Nonresident Hunting and
Fishing Licenses**

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

Sec. 1. 12 MRSA §10001, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 2. 12 MRSA §10001, sub-§53, as amended by PL 2009, c. 415, Pt. A, §8, is further amended to read:

53. Resident. "Resident" means a citizen of the United States or ~~an alien~~ a person who is not a citizen of the United States who has been domiciled in the State for one year who:

- A. If registered to vote, is registered in this State;
- B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State;
- C. If owning a motor vehicle located within the State, has registered each such vehicle in the State; and
- D. Is in compliance with the state income tax laws.

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.

Sec. 3. 12 MRSA §10263, as enacted by PL 2011, c. 370, §2, is amended to read:

§10263. Moose Research and Management Fund

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident ~~or alien~~ moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 4. 12 MRSA §10752, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 5. 12 MRSA §11109, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Hunting licenses; agent's fee. The commissioner may appoint clerks or other agents to issue licenses and permits under this Part. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of \$2 for each hunting license issued. The commissioner shall charge a fee of