

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

(6) A community broadband system or part of that system.

Sec. 2. 30-A MRSA §5402, sub-§1-A is enacted to read:

1-A. Need for broadband systems. Access to affordable, reliable, high-speed broadband Internet is necessary to the general welfare of the public, and the people of the State and its economy require connection to existing publicly built infrastructure as a means of cultivating entrepreneurial activity, attracting business, improving access to modernized methods of education and health care and encouraging people to move to this State;

Sec. 3. 30-A MRSA §5403, sub-§13, as amended by PL 2005, c. 556, §1, is further amended to read:

13. General powers. Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter; ~~and~~

Sec. 4. 30-A MRSA §5403, sub-§14, as enacted by PL 2005, c. 556, §2, is amended to read:

14. Community septic systems. As a means of facilitating compact growth patterns, including cluster developments, construct, maintain and operate a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems. The municipality may construct such a sewer system in anticipation of the establishment of a community sanitary district under Title 38, chapter 11-A, to which the municipality will transfer the system pursuant to Title 38, section 1232. For purposes of this subsection, "cluster development" has the same meaning as in section 4301, subsection 1-A; ~~and~~

Sec. 5. 30-A MRSA §5403, sub-§15 is enacted to read:

15. Communications services systems; community broadband systems. Construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. For the purposes of this subsection, "communications service" has the same meaning as in Title 35-A, section 9202, subsection 3 and "communications service provider" has the same meaning as in Title 35-A, section 9202, subsection 4.

Nothing in this chapter restricts a municipality from purchasing, leasing, constructing or equipping facilities that are designed to provide communications services. Nothing in this chapter restricts a municipality from using community broadband systems for internal municipal government purposes or, by written contract, leasing, selling capacity in or granting other similar rights to communications service providers to use the facilities in connection with the provider's offering communications services.

Sec. 6. 30-A MRSA §5413, 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:

§5413. Exemption from taxation

As proper revenue-producing municipal facilities are essential for the health and safety of the inhabitants of the municipalities, and as the exercise of the powers conferred to effect these purposes ~~constitute~~ constitutes the performance of essential governmental functions, and as municipal facilities acquired or constructed under this chapter constitute public property and are used for municipal purposes, no municipality may be required to pay any taxes or assessments upon any parking facility or system, water or sewer system, community broadband system or telecommunications system revenue-producing municipal facility, or any part of such a system, whether located within or outside the corporate limits of the municipality, or upon the income from those facilities. Any bonds issued under this chapter, and their transfer and the income from the bonds, including any profit made on the sale of the bonds, ~~shall at all times be~~ are free from taxation within the State, ~~provided~~ except that nothing in this section exempts any lessee or person in possession of a parking facility or part of a parking facility or the property so leased or possessed from taxes or assessments payable under Title 36, section 551.

See title page for effective date.

CHAPTER 109

H.P. 876 - L.D. 1212

**An Act To Adopt the Uniform
Interstate Depositions and
Discovery Act**

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

Sec. 1. 14 MRSA c. 15 is enacted to read:

CHAPTER 15

**UNIFORM INTERSTATE DEPOSITIONS AND
DISCOVERY ACT**

§401. Short title

This chapter may be known and cited as "the Uniform Interstate Depositions and Discovery Act."

§402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Foreign jurisdiction. "Foreign jurisdiction" means a state other than this State.

2. Foreign subpoena. "Foreign subpoena" means a subpoena issued under authority of a court of record of a foreign jurisdiction.

3. Person. "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality or any other legal or commercial entity.

4. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe or any territory or insular possession subject to the jurisdiction of the United States.

5. Subpoena. "Subpoena" means a document, however denominated, issued under authority of a court of record requiring a person to:

A. Attend and give testimony at a deposition;

B. Produce and permit inspection and copying of designated books, documents, records, electronically stored information or tangible things in the possession, custody or control of the person; or

C. Permit inspection of premises under the control of the person.

§403. Issuance of subpoena

The issuance of a subpoena is governed by this section.

1. Request issuance. To request issuance of a subpoena under this section, a party must submit a foreign subpoena to the clerk of a District Court in the district or to the clerk of the Superior Court of the county in which the discovery is to be conducted. A request for the issuance of a subpoena under this Act does not constitute an appearance in the courts of the State.

2. Submission of foreign subpoena. When a party submits a foreign subpoena to a clerk of court in the State, the clerk, in accordance with that court's procedure, shall promptly issue a subpoena for service upon the person to which the foreign subpoena is directed.

3. Requirements. A foreign subpoena submitted under subsection 2 must:

A. Incorporate the terms used in the foreign subpoena; and

B. Contain or be accompanied by the names, addresses and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

§404. Service of subpoena

A subpoena issued by a clerk of court under section 403 must be served in compliance with the Maine Rules of Civil Procedure, Rule 45.

§405. Deposition, production and inspection

The Maine Rules of Civil Procedure and the provisions of Title 16, sections 101, 102 and 251 apply to depositions and discovery carried out under this Act and subpoenas issued under section 403.

§406. Application to court

An application to the court for a protective order or to enforce, quash or modify a subpoena issued by a clerk of court under section 403 must comply with the Maine Rules of Civil Procedure and be submitted to the District Court in the district or to the Superior Court of the county in which the discovery is to be or is being conducted.

§407. Uniformity of application and construction

In applying and construing this 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.

§408. Application to pending actions

Notwithstanding Title 1, section 302, this Act applies to requests for discovery in cases pending on the effective date of this Act.

See title page for effective date.

CHAPTER 110

H.P. 907 - L.D. 1246

An Act To Protect the Health and Safety of Maine State Park Visitors and Staff

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

Sec. 1. 12 MRSA §1804, sub-§5, as amended by PL 2001, c. 604, §4; PL 2011, c. 657, Pt. W, §7; and PL 2013, c. 405, Pt. A, §24, is further amended to read:

5. Bureau budget. Prepare and submit to the commissioner the budget for the bureau; ~~and~~

Sec. 2. 12 MRSA §1804, sub-§6, as enacted by PL 2001, c. 604, §5 and amended by PL 2011, c. 657, Pt. W, §7 and PL 2013, c. 405, Pt. A, §24, is further amended to read:

6. Restrictions on public access. Post notice of any restrictions to public access at points commonly used to access the land or at a facility or structure where such rules and notices are regularly posted. The