

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

district established according to Title 30-A, section 2203, subsection 9 or a corporation wholly or partially owned by an entity specified in this paragraph.

C. "Unserved or underserved area" has the same meaning as in section 9202, subsection 5.

2. Access to poles; make-ready requirements.
Notwithstanding any provision of law to the contrary, for the purpose of safeguarding access to infrastructure essential to public health, safety and welfare, an owner of a shared-use pole and each entity attaching to that pole is responsible for that owner's or entity's own expenses for make-ready work to accommodate a municipality's attaching its facilities to that shared-use pole:

A. For a governmental purpose consistent with the police power of the municipality; or

B. For the purpose of providing broadband service to an unserved or underserved area.

See title page for effective date.

CHAPTER 128

H.P. 870 - L.D. 1206

An Act Regarding Utility Poles in Public Rights-of-way

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

Sec. 1. 23 MRSA §3651, sub-§1, as enacted by PL 1987, c. 583, §1, is amended to read:

1. Legal objects not defects. Trees, structures, utility poles and facilities and other things which that exist in accordance with municipal ordinances are not defects in a public way. For the purposes of this subsection, "facilities" has the same meaning as in Title 35-A, section 2502, subsection 3.

Sec. 2. Report. No later than January 31, 2020, the Public Utilities Commission shall submit to the Joint Standing Committee on Energy, Utilities and Technology a report regarding orders adopted or other actions taken by the commission during calendar year 2019 to address issues related to abandoned utility poles and associated facilities, as that term is defined in the Maine Revised Statutes, Title 35-A, section 2502, subsection 3, in the public right-of-way. Commission actions may include amendments to commission rules regarding removal or relocation of utility poles and any associated facilities located within the public right-of-way and restoration of a pole site to a safe condition. The report may include findings and recommendations, including suggested legislation. The committee may report out a bill to the Second Regular Session of the 129th Legislature related to the report.

See title page for effective date.

CHAPTER 129

S.P. 388 - L.D. 1268

An Act To Update and Clarify the Laws Governing Raffles

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

Sec. 1. 17 MRSA §1832, sub-§1, as amended by PL 2017, c. 284, Pt. KKKKK, §15, is further amended to read:

1. License or registration required. A Except as provided in section 1837-A, a person, firm, corporation, association or organization may not hold, conduct or operate a game of chance without a license issued by or, as applicable, without registering with the Gambling Control Unit in accordance with this section. A license is not required when a game of chance constitutes social gambling.

Sec. 2. 17 MRSA §1834, sub-§2, as amended by PL 2017, c. 284, Pt. KKKKK, §16, is further amended to read:

2. Operation of games of chance. Except for electronic video games as provided in this section, the registration fee for a license or registration to operate a game of chance is \$15 for each week computed on a Monday to Sunday basis or for a portion of a week. The fee for a license issued, \$60 for a calendar month is \$60 and the fee for licenses issued or \$700 for a calendar year is \$700.

The Gambling Control Unit may issue any combination of weekly or monthly licenses for the operation of games of chance. Registration to conduct any authorized game of chance may be issued for a period of up to 12 months on one application.

Sec. 3. 17 MRSA §1837-A, as amended by PL 2017, c. 365, §1, is further amended to read:

§1837-A. Raffles

1. Registration required. Unless otherwise specified by this section, a person or organization may not conduct a raffle without registering with the Gambling Control Unit.

2. Raffle with a prize of \$2,500 or less. A Except for raffles conducted by an eligible organization under subsection 2-A, a person or organization is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$2,500. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$2,500.

2-A. Raffle with a prize of \$10,000 or less conducted by eligible organization. An eligible organization as described in section 1832, subsection 2 is not required to register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered to the holder of the winning chance does not exceed \$10,000. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000.

3. Raffle with a noncash prize greater than \$2,500 but not greater than \$10,000. A Except for raffles conducted by an eligible organization under subsection 4, a person or organization may conduct a raffle in which the total value of the prize offered to the holder of the winning chance is greater than \$2,500 and does not exceed \$10,000 upon the acceptance of a registration by the Gambling Control Unit. The Gambling Control Unit may not accept a registration for a raffle under this subsection unless the registration states a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$10,000. A prize offered for a raffle conducted under this subsection may not be in the form of cash and may not be exchanged for cash.

4. Raffle with a noncash prize of up to \$75,000 or a cash prize of up to \$20,000 conducted by eligible organization. An eligible organization as described in section 1832, subsection 2 may register with the Gambling Control Unit to conduct a raffle in which the total value of the prize offered or prizes awarded to the holder of the a winning chance or to the holders of the winning chances does not exceed \$75,000 upon the acceptance of a registration by the Gambling Control Unit. The registration must state a verifiable charitable purpose for which the proceeds of the raffle are dedicated to benefit. If the raffle is conducted in a manner in which there are multiple winning chances, the total value of all prizes offered may not exceed a value of \$75,000. A noncash prize for a raffle conducted under this subsection may not be exchanged for cash. The total amount of cash prizes that may be awarded for a raffle conducted under this subsection may not exceed \$20,000 with no more than one \$10,000 prize for the holder of a winning chance. An eligible organization may not conduct more than one raffle under this subsection in a 12-month period.

A. Seventy-five thousand dollars that is not in the form of cash and may not be exchanged for cash; or

B. Twenty thousand dollars in cash, with no more than one \$10,000 cash prize for the holder of a winning chance.

At the time of registration, the eligible organization shall state a verifiable charitable purpose that the proceeds of the raffle are dedicated to benefit.

5. Raffle conducted by persons 18 years of age or older; exception. Raffle chances or tickets may not be sold by a person under 18 years of age, except for raffles conducted under subsections 2 and 3 designed to benefit activities of children at an event generally attended by persons under 18 years of age.

6. Multiple raffles. An eligible organization as described in section 1832, subsection 2 may conduct more than one raffle at a time that meet the requirements of subsections 2-A, 3 and 4, except that an eligible organization may not conduct more than one registered raffle at the same time under subsection 4, paragraph A and may not conduct more than one registered raffle at the same time under subsection 4, paragraph B. This subsection does not prevent an eligible organization from conducting one registered raffle under subsection 4, paragraph A at the same time that the eligible organization conducts one registered raffle under subsection 4, paragraph B. When an eligible organization conducts multiple raffles as permitted by this subsection, the eligible organization is not required to begin and end those raffles on the same dates.

See title page for effective date.

CHAPTER 130

H.P. 158 - L.D. 195

**An Act To Continue
MaineCare Coverage for
Parents During the
Rehabilitation and
Reunification Process**

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

Sec. 1. 22 MRSA §3174-BBB is enacted to read:

§3174-BBB. Coverage for parents participating in rehabilitation and reunification efforts

Notwithstanding any other provision of law to the contrary, a parent receiving benefits under this chapter as a parent of one or more dependent minor children who have been removed from the home of that parent pursuant to section 4036-B continues to be eligible for benefits under this chapter until either the department discontinues rehabilitation and reunification efforts pursuant to section 4041 or parental rights have been terminated pursuant to section 4055, whichever occurs first. The department shall adopt rules to implement this section. Rules adopted pursuant to this section are