

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

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

Augusta, Maine
2019

In the instance of preparing a new charter, the lettering at the top of the form must read: "Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter or preparing a New Municipal Charter."

In the instance of revising a charter, the lettering at the top of the form must read: "Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter."

Each signature to a petition must be in ink or other indelible instrument and must be followed by the residence of the voter with street and number, if any. ~~No~~ A petition may not contain any party or political designation.

(2) The clerk shall note the date of each petition form issued. All petitions must be filed within 120 days of the date of issue or they are void.

(3) Each petition form ~~shall~~ must have printed on its back an affidavit to be executed by the circulator, stating:

- (a) That the circulator personally circulated the form;
- (b) The number of signatures on the form;
- (c) That all the signatures were signed in the circulator's presence;
- (d) That the circulator believes them to be genuine signatures of the persons whose names they purport to be;
- (e) That each signer has signed no more than one petition; and
- (f) That each signer had an opportunity to read the petition before signing.

Sec. 2. 30-A MRSA §2102, sub-§5, ¶A, 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:

A. The question to be submitted to the voters ~~shall~~ must be in substance as follows:

~~"Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?"~~

In the instance of establishing a new charter, the question must read: "Shall a Charter

Commission be established for the purpose of establishing a New Municipal Charter?"

In the instance of revising a charter, the question must read: "Shall a Charter Commission be established for the purpose of revising the Municipal Charter?"

See title page for effective date.

**CHAPTER 150
H.P. 1010 - L.D. 1396**

**An Act To Update the Laws
Governing the Regional
Library Systems**

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

Sec. 1. 5 MRSA §12004-I, sub-§5-D is enacted to read:

5-D.

<u>Culture</u>	<u>Maine</u>	<u>Not</u>	<u>27 MRSA</u>
	<u>Library</u>	<u>Authorized</u>	<u>§114-A</u>
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 27 MRSA §110, sub-§2, as corrected by RR 1991, c. 2, §101, is amended to read:

2. Area reference and resource center. "Area reference and resource center" means a large public, school or academic library designated by the State Librarian and receiving state aid for the purposes of making its resources and services available without charge to all residents ~~of the district~~ within a library region, of providing supplementary library services to local libraries within the ~~district~~ library region and of coordinating the services of all local libraries within the ~~district~~ library region that by contract become part of the library ~~district~~ region.

Sec. 3. 27 MRSA §110, sub-§4, as amended by PL 1977, c. 125, §1, is further amended to read:

4. Maine State Library consultant or specialist. ~~"District Maine State Library consultant or specialist"~~ means one an individual who acts as a general library consultant or specialist to one or more ~~districts~~ library regions.

Sec. 4. 27 MRSA §110, sub-§5, as repealed and replaced by PL 1981, c. 464, §29, is repealed.

Sec. 5. 27 MRSA §110, sub-§6, as enacted by PL 1973, c. 626, §6, is repealed.

Sec. 6. 27 MRSA §110, sub-§7, as enacted by PL 1973, c. 626, §6, is amended to read:

7. **Library region.** "Library ~~district~~ region" or "region" means a defined geographic area consisting of local libraries. Libraries from multiple regions may be joined cooperatively to an area reference and resource center and a research center. Local libraries within the ~~district~~ library region may also be joined cooperatively with other types of libraries.

Sec. 7. 27 MRSA §110, sub-§9, as enacted by PL 1973, c. 626, §6, is repealed.

Sec. 8. 27 MRSA §110, sub-§9-A is enacted to read:

9-A. Maine Library Advisory Council. "Maine Library Advisory Council" means an advisory body representing a constituency of participating libraries from all geographical library regions, as described in section 114-A.

Sec. 9. 27 MRSA §110, sub-§11, as enacted by PL 1973, c. 626, §6, is amended to read:

11. Regional library system. "Regional library system" means a network of library ~~districts~~ regions interrelated by formal or informal contract, for the purpose of organizing library resources and services for research, information and recreation to improve statewide library service and to serve collectively the entire population of the State.

Sec. 10. 27 MRSA §111, sub-§1, as amended by PL 1993, c. 349, §57, is repealed and the following enacted in its place:

1. Maine Library Commission. There is created the Maine Library Commission, as established by Title 5, section 12004-G, subsection 7-E, which consists of 15 members appointed by the Governor. The commission membership must be broadly representative of the State's libraries and ensure geographic diversity and broad individual experiences and consist of the following:

- A. Two members representing public libraries;
- B. Two members representing kindergarten to grade 12 libraries;
- C. One member representing a large university library;
- D. One member representing a small college library;
- E. One member representing a community college library;
- F. One member representing a special or institution library;
- G. One member representing persons with disabilities;
- H. One member serving as a trustee for a library in the State;

I. One member of the Maine Library Advisory Council pursuant to section 114-A, subsection 1;

J. One member representing underserved and rural communities;

K. One member representing a Native American community; and

L. Two at-large members.

The term of each appointed member is 3 years or until a successor is appointed and qualified. A member may not serve more than 2 successive terms. In the case of a vacancy other than the expiration of a term, the appointment of a successor must be made in like manner for the balance of the term.

In addition to the 15 appointed members, the directors of the area reference and resource centers shall serve as permanent, nonvoting ex officio members of the Maine Library Commission.

The commission shall meet at least 4 times a year. It shall elect a chair and vice-chair for terms of 2 years and frame and modify bylaws for its internal organization and operation.

The State Librarian shall serve as secretary to the commission. The members of the commission are compensated according to the provisions of Title 5, chapter 379.

Sec. 11. 27 MRSA §112, sub-§2, as amended by PL 1989, c. 700, Pt. B, §27, is further amended to read:

2. Policies. Establish the policies and operations of the Maine State Library and the State's library program including minimum standards of library service, the apportionment of state aid to libraries, the designation of library ~~districts~~ regions and their boundaries, the endorsement of the designation of area reference and resource centers and the designation of research centers after full consideration of the advice of the ~~district council~~ State Librarian;

Sec. 12. 27 MRSA §113, as repealed and replaced by PL 1989, c. 700, Pt. B, §29, is amended to read:

§113. Library regions

The Maine Library Commission shall divide the State into as many ~~districts~~ regions as the commission determines are required and shall establish or modify the geographical boundaries of each ~~district~~ region.

Sec. 13. 27 MRSA §114, as amended by PL 1981, c. 464, §30, is repealed.

Sec. 14. 27 MRSA §114-A is enacted to read:

§114-A. Maine Library Advisory Council

There is created the Maine Library Advisory Council, as established in Title 5, section 12004-I.

subsection 5-D and referred to in this section as "the council."

1. Membership. The council consists of one member from each established library region appointed in accordance with the council's bylaws. An additional member is appointed by the Governor to serve as a liaison with the Maine Library Commission pursuant to section 111, subsection 1, paragraph I. The council shall elect from its membership officers as appropriate. The council shall meet at least 4 times a year.

2. Duties. The council shall:

A. Serve as an advisory body for the regions;

B. Evaluate library services in all regions in order to advise the Maine State Library and the Maine Library Commission regarding services that encourage cooperative activity among all types of libraries;

C. Provide liaison services among all local libraries in a region;

D. Make recommendations to Maine State Library staff and the Maine Library Commission regarding programs and services that help to make libraries accessible to all; and

E. Advise the State Librarian on the need for and the designation of area reference and resource centers and research centers in any region.

Sec. 15. 27 MRSA §115, as amended by PL 1989, c. 700, Pt. B, §§30 and 31, is further amended to read:

§115. Area reference and resource centers

~~Each district shall~~ library region must be affiliated with an area reference and resource center which shall be designated by the Maine Library Commission State Librarian.

1. Duties. ~~The~~ An area reference and resource center may:

A. Provide a common borrower's card for ~~member~~ libraries and residents within library regions, as determined through contractual arrangements between the Maine State Library and the area reference and resource center;

B. Participate with the ~~district~~ Maine State Library consultant or specialist in planning and conducting workshops on community-library planning;

C. Provide office space and support services to the extent able to the ~~district consultant~~ Maine State Library consultant or specialist; and

D. ~~Join with the district council in assigning priorities to implement the district plan; and~~

E. ~~Such~~ Provide other cooperative activities and services as ~~member~~ libraries may need or require.

Sec. 16. 27 MRSA §116, sub-§1, ¶C, as enacted by PL 1973, c. 626, §6, is amended to read:

C. Provide such other cooperative activities and services as ~~member~~ libraries may need or require.

Sec. 17. 27 MRSA §117, as amended by PL 2013, c. 82, §10, is further amended to read:

§117. Maine State Library consultants or specialists

Staff of the Maine State Library holding the position of consultant or specialist shall provide consulting or specialist services to libraries in all library regions. The State Librarian, with the advice of the ~~district council~~ Maine Library Advisory Council, shall appoint a staff member, ~~or contract with an area reference and resource center, to provide district consultant services holding the position of consultant or specialist to serve as a primary point of contact or liaison to one or more districts~~ library regions.

1. Duties. ~~The district consultant shall serve as secretary of the district council and further~~ A Maine State Library consultant or specialist shall:

A. ~~Serve as a professional consultant to libraries within the district or districts;~~

B. Study the needs of the ~~district~~ library region or regions and make recommendations to the ~~district council~~ Maine Library Advisory Council;

C. Coordinate services among libraries of all types;

D. Provide liaison between the ~~district, other districts~~ library region or regions and the Maine State Library;

E. Encourage local initiative and commitment to regional cooperative library service; and

F. Work with area reference and resource center staff members in planning area reference and interlibrary loan service; and,

G. ~~Help evolve a district plan of service.~~

Sec. 18. 27 MRSA §118, as amended by PL 1989, c. 700, Pt. B, §32, is further amended to read:

§118. School libraries

Any school library ~~or media center~~ in a community with no public library service, or serving communities with no public libraries, ~~which~~ that agrees to offer service as a public library; is entitled to all the benefits accruing to a public library with the approval of the State Librarian.

Sec. 19. Transition. Notwithstanding the Maine Revised Statutes, Title 27, section 111, subsection 1, members of the Maine Library Commission

serving on the commission immediately prior to the effective date of this Act continue to serve as members of the commission for the terms for which they were appointed until the Governor appoints their successors.

See title page for effective date.

CHAPTER 151

H.P. 1074 - L.D. 1467

**An Act To Implement
Recommendations of the
Department of Environmental
Protection Regarding the
State's Cellular Telephone
Recycling Law**

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

Sec. 1. 38 MRSA §2143, sub-§4, as amended by PL 2013, c. 315, §8, is repealed.

See title page for effective date.

CHAPTER 152

H.P. 873 - L.D. 1209

**An Act To Require Legislative
Hearings on Citizen-initiated
Legislation**

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

Sec. 1. 21-A MRSA §907 is enacted to read:

§907. Public hearing on direct initiatives

A petition for direct initiative of legislation under the Constitution of Maine, Article IV, Part Third, Section 18 that is determined valid by the Secretary of State pursuant to section 905, subsection 1 and is submitted to the Legislature in accordance with the procedure established in the Constitution of Maine, Article IV, Part Third, Section 18, Subsection 1 must be afforded a public hearing conducted by the joint standing committee of the Legislature having jurisdiction over the subject matter of the petition or by a special legislative committee established for that purpose by the Legislative Council. The public hearing must be conducted in the same manner as other public hearings. The requirement to hold a public hearing may be waived by a vote of 2/3 of the members present in each House of the Legislature.

See title page for effective date.

CHAPTER 153

H.P. 407 - L.D. 563

**An Act To Help Municipalities
Prepare for Sea Level Rise**

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

Sec. 1. 30-A MRSA §4312, sub-§3, ¶J, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

Sec. 2. 30-A MRSA §4312, sub-§3, ¶K, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; and

Sec. 3. 30-A MRSA §4312, sub-§3, ¶L is enacted to read:

L. To plan for the effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant state, regional, municipal or privately held infrastructure, property or resources.

Sec. 4. 30-A MRSA §4326, first ¶, as amended by PL 2001, c. 578, §13, is further amended to read:

A growth management program must include at least a comprehensive plan, as described in subsections 1 to ~~4~~ 4-A, and an implementation program as described in subsection 5.

Sec. 5. 30-A MRSA §4326, sub-§4-A is enacted to read:

4-A. Addressing sea level rise. A municipality or multimunicipal region that is in the coastal area may include in its comprehensive plan projections regarding changes in sea level and potential effects of the rise in sea level on buildings, transportation infrastructure, sewage treatment facilities and other relevant municipal, multimunicipal or privately held infrastructure or property and may develop a coordinated plan for addressing the effects of the rise in sea level. For the purposes of this subsection, "coastal area" has the same meaning as in Title 38, section 1802, subsection 1.