

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

3. Display. "Display" means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks, flame effects or special effects. "Display" includes a special effects display.

Sec. 2. 8 MRSA §227-A, sub-§1, as amended by PL 2003, c. 521, §1, is further amended to read:

1. Permits; requirements. A person may not conduct a display without a permit. The commissioner shall issue a permit to possess and conduct a fireworks or flame effects display to an applicant who:

A. Applies in writing to the commissioner for a permit at least 20 days in advance of the proposed display;

B. Applies on forms furnished by the department. An application for a permit must include:

(1) A certificate of public liability insurance in the amount of \$1,000,000 to cover loss, damage or injuries to persons or property that might result from the display; and

(2) A site plan for the proposed display depicting a diagram of the grounds or facilities at which or in which the display will be held. The diagram must show points of discharge, fallout areas, any buildings or other structures in proximity to the display site and the location of any audience that may be present. Distances of and distances between the points of discharge and any buildings or structures must be stated on the diagram; and

C. Submits with the application fees set out in subsection 3.

Sec. 3. 8 MRSA §227-A, sub-§3, as amended by PL 2003, c. 521, §2, is further amended to read:

3. Fees. The fee for a permit is \$30 per display and the fee for a site inspection is \$111. The fee for all ~~monitored inspected~~ indoor pyrotechnic and flame effects events that occur outside of normal business hours is \$100.

Sec. 4. 8 MRSA §227-A, sub-§§4 and 5, as enacted by PL 2003, c. 452, Pt. C, §6 and affected by Pt. X, §2, are amended to read:

4. Permits; violation. A person may not conduct a fireworks or flame effects display in violation of the permit issued under subsection 1.

5. Penalties. The following penalties apply.

A. A person who conducts a fireworks or flame effects display without a permit commits a Class D crime.

B. A person who conducts a fireworks or flame effects display in violation of a permit issued under subsection 1 commits a Class E crime.

Sec. 5. 8 MRSA §227-A, sub-§7, as enacted by PL 2003, c. 521, §3, is amended to read:

7. Indoor pyrotechnics and flame effects. All indoor pyrotechnic and flame effects events must be ~~monitored inspected~~ by the State Fire Marshal or the State Fire Marshal's designee.

See title page for effective date.

CHAPTER 250

H.P. 1124 - L.D. 1541

An Act To Establish "Ballad of the 20th Maine" as the Official State Ballad

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

Sec. 1. 1 MRSA §210-B is enacted to read:

§210-B. State ballad

The official ballad of the State is the ballad entitled "Ballad of the 20th Maine," as recorded and performed by the band The Ghost of Paul Revere and written by Griffin Sherry.

See title page for effective date.

CHAPTER 251

S.P. 494 - L.D. 1559

An Act To Require the Public Utilities Commission To Permit the Public Advocate To Access Certain Information Related to a Management Audit

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

Sec. 1. 35-A MRSA §113, sub-§5 is enacted to read:

5. Public Advocate; access to information.

Throughout the course of a management audit performed pursuant to this section, the commission, upon request of the Public Advocate, shall:

A. Permit the Public Advocate to access information supplied by a public utility to the auditor and information supplied by the auditor to the commission; and

B. Provide the Public Advocate the opportunity to comment on information received under this subsection.

See title page for effective date.

CHAPTER 252

S.P. 566 - L.D. 1712

**An Act To Amend and Clarify
the Maine Uniform Securities
Act and To Make a Technical
Correction in the Law
Concerning Financial Planners**

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

PART A

Sec. A-1. 32 MRSA §16202, sub-§26, as amended by PL 2009, c. 500, §1, is further amended to read:

26. Nonpublic offerings under 4(2). A security offered in a nonpublic offering under Section 4(2) of the federal Securities Act of 1933, 15 United States Code, Section 77d(2) if, no later than 15 days after the first sale in this State, a notice on "Form D," as promulgated by the Securities and Exchange Commission, is filed with the administrator together with a consent to service of process complying with section 16611, signed by the issuer, and the payment of a nonrefundable filing fee of \$300 for each type or class of security sold. If the Form D includes a consent to service of process, a separate document need not be filed for this purpose, and if the consent to service of process on the Form D is executed in a manner accepted by the Securities and Exchange Commission, it is deemed to comply with the requirement in this section and section 16611, subsection 1 that the consent be signed. An additional nonrefundable late filing fee of \$500 must be paid for a filing made ~~between 16 and 30~~ or more days after the first sale in this State.

Sec. A-2. 32 MRSA §16302, sub-§3, ¶C, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

C. The payment of a nonrefundable fee of \$300 per type or class of security sold.

A notice filer making a filing ~~between 16 and 30~~ or more days after the first sale in this State shall pay an additional nonrefundable late filing fee of \$500.

PART B

Sec. B-1. 32 MRSA c. 99, as amended, is repealed.

See title page for effective date.

CHAPTER 253

H.P. 370 - L.D. 513

**An Act To Limit the Number
of Students and Prevent the
Addition of Grade Levels at
Virtual Public Charter Schools**

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

Sec. 1. 20-A MRSA §2404, sub-§4 is enacted to read:

4. Maximum virtual public charter school enrollment. The total enrollment at all virtual public charter schools authorized by the commission may not exceed 1,000 students.

Sec. 2. 20-A MRSA §2408, sub-§2, as enacted by PL 2011, c. 414, §5, is amended to read:

2. Virtual public charter schools. The charter contract of a virtual public charter school must require the governing board to:

A. Provide each student enrolled in the virtual public charter school with online courses that meet or exceed state standards and all instructional materials required for the student's participation in the school;

B. Ensure that the persons who operate the virtual public charter school on a day-to-day basis comply with and carry out all applicable requirements, statutes, regulations, rules and policies of the school;

C. Ensure that a parent of each student verifies the number of hours of educational activities completed by the student each school year; and

D. Adopt a plan by which the governing board provides:

(1) Frequent, ongoing monitoring to ensure and verify that each student is participating in the virtual public charter school, including synchronous contact between teachers and students and between teachers and parents to ensure and verify student participation and learning;

(2) Regular instructional opportunities in real time that are directly related to the virtual public charter school's curricular objectives, including, but not limited to, meetings with teachers and educational field trips and outings;

(3) Verification of ongoing student attendance in the virtual public charter school;

(4) Verification of ongoing student progress and performance in each course as document-