

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

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-

ed by ongoing assessments and examples of student course work; and

- (5) Administration to all students in a proctored setting of all applicable assessments as required by the State.

Nothing in this subsection prohibits a virtual public charter school from reimbursing families of enrolled students for costs associated with their Internet connection for use in the program.

Only students enrolled in a virtual public charter school as full-time students may be reported in the virtual public charter school's average pupil count to the department for the purposes of receiving local, state and federal funds.

A virtual public charter school authorized by the commission may not expand to serve a grade level not included in the school's initial charter contract or, for a school whose charter was renewed prior to November 1, 2019, the renewed charter contract.

See title page for effective date.

CHAPTER 254
S.P. 168 - L.D. 546

**An Act To Enhance Highway
Safety by Strengthening the
So-called Move Over Law**

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

Sec. 1. 29-A MRSA §2054, sub-§9, as amended by PL 2015, c. 32, §4, is further amended to read:

9. Stationary vehicles. The operator of a vehicle passing a stationary authorized emergency vehicle using an emergency light or a stationary public service vehicle using its authorized lights, with due regard to the safety and traffic conditions, shall:

- A. Pass in a lane not adjacent to that of the authorized emergency vehicle or public service vehicle, if possible; or
- B. If passing in a nonadjacent lane is impossible or unsafe, pass the emergency vehicle or public service vehicle at a careful and prudent speed reasonable for passing the authorized emergency vehicle or public service vehicle safely.

A violation of this subsection is a traffic infraction for which a minimum fine of ~~\$250~~ \$275 must be adjudged.

See title page for effective date.

CHAPTER 255
S.P. 272 - L.D. 917

**An Act Increasing Municipal
Agent Fees for Motor Vehicle
Registrations**

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

Sec. 1. 29-A MRSA §201, sub-§3, ¶A, as amended by PL 2017, c. 229, §10, is further amended to read:

- A. A municipal agent may charge an applicant a fee not to exceed \$3 over the required fee for each renewal of a noncommercial driver's license or nondriver identification card ~~or~~ issued and a fee not to exceed \$5 over the required fee for each renewal of a registration issued and a fee not to exceed \$4 ~~\$6~~ over the required fee for each new registration issued.

See title page for effective date.

CHAPTER 256
H.P. 878 - L.D. 1218

**An Act To Allow Maine
Medical Marijuana Caregivers
To Measure Cultivation Limits
by Plant Canopy Size**

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

Sec. 1. 22 MRSA §2422, sub-§7-B is enacted to read:

7-B. Plant canopy. "Plant canopy" means the total surface area within a cultivation area that is dedicated to the cultivation of mature marijuana plants. The surface area of the plant canopy must be calculated in square feet and measured using the outside boundaries of the area and must include all of the area within the boundaries. If the surface area of the plant canopy consists of noncontiguous areas, each component area must be separated by identifiable boundaries. If a tiered or shelving system is used in the cultivation area the surface area of each tier or shelf must be included in calculating the area of the plant canopy. Calculation of the area of the plant canopy may not include the areas within the cultivation area that are used to cultivate immature marijuana plants and seedlings and that are not used at any time to cultivate mature marijuana plants.

Sec. 2. 22 MRSA §2423-A, sub-§2, ¶B, as amended by PL 2017, c. 452, §4, is further amended to read: