

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
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THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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See title page for effective date.

CHAPTER 351

S.P. 329 - L.D. 1097

An Act To Protect Tenants from Sexual Harassment

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

Sec. 1. 14 MRSA §6000, sub-§2-A is enacted to read:

2-A. Sexual harassment. "Sexual harassment" means verbal or physical conduct of a sexual nature directed at a specific person, including, but not limited to, unwelcome sexual advances; sexually suggestive remarks or actions; unwanted hugs, touches or kisses; and requests for sexual favors. Sexual harassment" includes retaliation for communicating about or filing a complaint of sexual harassment.

Sec. 2. 14 MRSA §6001, sub-§3, as amended by PL 2015, c. 293, §§2 to 4, is further amended to read:

3. Presumption of retaliation. In any action of forcible entry and detainer there is a rebuttable presumption that the action was commenced in retaliation against the tenant if, within 6 months prior to the commencement of the action, the tenant has:

- A. Asserted the tenant's rights pursuant to section 6021 or section 6030-D;
- B. Complained as an individual, or if a complaint has been made in that individual's behalf, in good faith, of conditions affecting that individual's dwelling unit that may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute, presently or hereafter adopted, to a body charged with enforcement of that code, ordinance, regulation or statute, or such a body has filed a notice or complaint of such a violation;
- C. Complained in writing or made a written request, in good faith, to the landlord or the landlord's agent to make repairs on the premises as required by any applicable building, housing or sanitary code, or by section 6021, or as required by the rental agreement between the parties;
- E. Prior to being served with an eviction notice, filed, in good faith, a fair housing complaint for which there is a reasonable basis with the Maine Human Rights Commission or filed, in good faith, a fair housing complaint for which there is a rea-

sonable basis with the United States Department of Housing and Urban Development concerning acts affecting that individual's tenancy; or

F. Prior to being served with an eviction notice, provided the landlord or the landlord's agent with notice that the tenant or tenant's minor child is a victim; or

G. Prior to being served with an eviction notice, communicated to the landlord or the landlord's agent about an act of sexual harassment or filed a complaint with a law enforcement agency, the Maine Human Rights Commission or a court of an act of sexual harassment by the landlord or the landlord's agent against the tenant or a family or household member of the tenant.

If an action of forcible entry and detainer is brought for failure to pay rent or for causing substantial damage to the premises any reason set forth in section 6002, subsection 1 or for violation of a lease provision, the presumption of retaliation does not apply, unless the tenant has asserted a right pursuant to section 6026.

No writ of possession may issue in the absence of rebuttal of the presumption of retaliation.

Sec. 3. 14 MRSA §6001, sub-§6, ¶D-1 is enacted to read:

D-1. A tenant who is the victim of sexual harassment by a landlord or the landlord's agent may terminate a lease as set forth in paragraph D if the tenant provides documentation set forth in paragraph H.

Sec. 4. 14 MRSA §6016-A is enacted to read:

§6016-A. Sexual harassment prohibited; Maine Human Rights Act

A landlord or a landlord's agent may not subject a tenant to sexual harassment.

Nothing in this subchapter limits the application of the Maine Human Rights Act.

See title page for effective date.

CHAPTER 352

S.P. 478 - L.D. 1528

An Act To Amend the Laws Regarding Motor Vehicle Fees

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

Sec. 1. 29-A MRSA §461, as amended by PL 1999, c. 470, §4, is further amended to read:

§461. Reservation of same number

1. Plate issue year. In a year in which new registration plates are issued, the Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for a person who notifies in writing the Secretary of State prior to May 1st of that person's desire to retain that registration number. The fee for retention of the same registration number is ~~\$15~~ \$25.

The Secretary of State may issue a facsimile plate that is valid for a 90-day period during production of a reserved plate. A facsimile plate must be attached to the rear plate bracket.

If a person does not have a vehicle to register on May 1st, a registration number may be held for a maximum of 2 registration years by depositing with the Secretary of State ~~\$15~~ \$25 for each year; ~~except that the registered owner of an antique vehicle may reserve the antique registration assigned to that person for 4 years by depositing the sum of \$15 for each registration year. These fees are~~ This fee is not refundable and may not be applied against the registration fee.

All numbers other than those reserved must be released and may be issued ~~in rotation~~ after July 1st.

A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of ~~\$15~~ \$25.

~~A holder of vanity registration plates must pay the sum of \$15 to reserve those letters or combination of letters and numbers, which is credited toward the renewal fee.~~

2. Nonplate issue year. In other than a plate issue year, when a person fails to reregister and the registration remains expired for 6 consecutive months, the reservation of the same number ceases and the number becomes available for reissuance.

For a maximum of 2 registration years, a person may reserve the registration number assigned to that person by depositing with the Secretary of State the sum of ~~\$15~~ \$25 for each year; ~~except that the registered owner of an antique motor vehicle may reserve the antique registration assigned to that person for 4 years by depositing with the Secretary of State the sum of \$15 for each year.~~ A person wishing to select a number out of rotation may do so by paying the registration fee and a reserved number fee of ~~\$15~~ \$25.

Sec. 2. 29-A MRSA §502, sub-§1, as amended by PL 2017, c. 67, §3, is further amended to read:

1. Transferring registration. A person who transfers the ownership or discontinues the use of a registered motor vehicle, trailer or semitrailer and applies for registration of another motor vehicle, trailer or semitrailer in the same registration year may use the same number plates on payment of a transfer fee of \$8,

as long as the registration fee is the same as that of the former vehicle. If the fee for the vehicle to be registered is greater than the fee for the vehicle first registered, that person must also pay the difference. ~~If application is made for a trailer with a gross weight of 2,000 pounds or less, the transfer fee is \$5.~~

Sec. 3. 29-A MRSA §1353, as amended by PL 2017, c. 229, §24, is repealed and the following enacted in its place:

§1353. Motorcycle rider education fees

1. Instructor fee. The motorcycle rider education instructor license fee is \$100 and expires one year from date of issuance. The renewal fee is \$100.

2. School license fee. The motorcycle rider education school license fee is \$150 and expires December 31st annually. The renewal fee is \$150.

Sec. 4. 29-A MRSA §1354, sub-§5-A, ¶A, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

A. The fee for a driver education school license is ~~\$125~~ \$150.

Sec. 5. 29-A MRSA §1354, sub-§5-A, ¶¶B and C, as amended by PL 2011, c. 556, §15, are further amended to read:

B. The fee for an instructor license is ~~\$400~~ \$200.

C. A driver education school license expires one year from the date of issuance. The fee for the renewal of a driver education school license is ~~\$125~~ \$150. An instructor license expires 2 years from the date of issuance. The fee for the renewal of an instructor license is ~~\$400~~ \$200.

Sec. 6. 29-A MRSA §1405, sub-§3-A, as enacted by PL 2017, c. 475, Pt. A, §48 and affected by §49, is amended to read:

3-A. Fee. The fee for a duplicate registration certificate is ~~\$2~~ \$5. The fee for a duplicate learner's permit, duplicate license or duplicate nondriver identification card is \$5. The fee for a duplicate license or duplicate nondriver identification card under section 1260 is \$30. The fee for the expedited issuance of a duplicate license or nondriver identification card, including the expedited issuance of a duplicate license or nondriver identification card under section 1260, is an additional \$10. The reason for the expedited issuance must be provided, and the Secretary of State shall determine if expedited issuance is warranted.

Sec. 7. 29-A MRSA §1406-A, sub-§2, ¶¶A to D, as enacted by PL 2017, c. 27, §5 and affected by §10, are amended to read:

A. The fee for the 4-year noncommercial driver's license is ~~\$24~~ \$20.

B. The fee for the 4-year noncommercial driver's license under section 1260 is ~~\$41~~ \$40.

C. The fee for the 4-year commercial driver's license is ~~\$28~~ \$27.

D. The fee for the 4-year commercial driver's license under section 1260 is ~~\$48~~ \$47.

See title page for effective date.

CHAPTER 353

S.P. 495 - L.D. 1560

An Act Regarding Utility Reorganizations

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period because at least 2 proposals for utility reorganizations are imminent; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 35-A MRSA §708, sub-§1-A is enacted to read:

1-A. Legislative findings. The Legislature finds it is in the public interest to ensure that a reorganization of a public utility that would result in the transfer of ownership and control of a public utility or the parent company of a public utility serves the interest of the utility's ratepayers.

Sec. 2. 35-A MRSA §708, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Reorganization subject to commission approval. Reorganization ~~shall be~~ is subject to commission approval as follows.

A. Unless exempted by rule or order of the commission, ~~no~~ a reorganization may not take place without the approval of the commission. ~~No~~ A reorganization may not be approved by the commission unless it is established by the applicant for approval that the reorganization is consistent with the interests of the utility's ratepayers and investors. If a reorganization would result in the transfer of ownership and control of a public utility

ty or the parent company of a public utility, a reorganization may not be approved by the commission unless it is established by the applicant for approval that the reorganization provides net benefits to the utility's ratepayers. The commission shall rule upon all requests for approval of a reorganization within 60 days of the filing of the request for approval. If it determines that the necessary investigation cannot be concluded within 60 days, the commission may extend the period for a further period of no more than 120 days. In granting its approval, the commission shall impose such terms, conditions or requirements as, in its judgment, are necessary to protect the interests of ratepayers. These conditions ~~shall~~ must include provisions ~~which assure~~ that ensure the following:

- (1) That the commission has reasonable access to books, records, documents and other information relating to the utility or any of its affiliates, except that the Public Utilities Commission may not have access to trade secrets unless it is essential to the protection of the interests of ratepayers or investors. The commission shall afford trade secrets and other information such protection from public disclosure as is provided in the Maine Rules of Civil Procedure;
- (2) That the commission has all reasonable powers to detect, identify, review and approve or disapprove all transactions between affiliated interests;
- (3) That the utility's ability to attract capital on reasonable terms, including the maintenance of a reasonable capital structure, is not impaired;
- (4) That the ability of the utility to provide safe, reasonable and adequate service is not impaired;
- (5) That the utility continues to be subject to applicable laws, principles and rules governing the regulation of public utilities;
- (6) That the utility's credit is not impaired or adversely affected;
- (7) That reasonable limitations be imposed upon the total level of investment in nonutility business, except that the commission may not approve or disapprove of the nature of the nonutility business;
- (8) That the commission has reasonable remedial power including, but not limited to, the power, after notice to the utility and all affiliated entities of the issues to be determined and the opportunity for an adjudicatory proceeding, to order divestiture of or by the utility in the event that divestiture is necessary to