

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

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2019.

CHAPTER 356
S.P. 620 - L.D. 1835

**An Act To Authorize Early
Payment of Anticipated Funds
to the Loring Job Increment
Financing Fund**

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 authorizes the payment of anticipated funds to the Loring Job Increment Financing Fund in advance of the payment scheduled on July 31, 2020; 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. 5 MRSA §13080-S, sub-§3, as amended by PL 2015, c. 486, §3 and affected by §5, is further amended to read:

3. Deposit and payment of revenue. On or before July 15th of each year, the assessor shall deposit an amount equal to 50% of the employment tax increment for the preceding year into a contingent account established, maintained and administered by the State Controller. On or before July 31st of each year, the assessor shall pay that amount to the fund.

A. At any time during the 12 months preceding the July 31, 2020 payment date, the assessor, at the direction of the Governor or upon the recommendation of the Commissioner of Economic and Community Development and the approval of the Commissioner of Administrative and Financial Services, shall deposit into the contingent account and pay to the fund an amount not to exceed the anticipated payment amount to the fund or the amount paid the previous year, whichever is greater. Any difference between the amount advanced and the amount finally determined to be due, in the event of an underpayment, must be added to the final payment due by July 31, 2020 or, in the event of an overpayment, must be de-

ducted from the final payment due by July 31, 2021.

This paragraph is repealed August 1, 2021

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective June 18, 2019.

CHAPTER 357
H.P. 216 - L.D. 292

**An Act To Feed Maine's
Residents by Allowing Dairy
Dealers and Producers in the
State To Donate Fresh Milk to
Food Banks in the State**

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

Sec. 1. 7 MRSA §2964 is enacted to read:

§2964. Donations of fresh milk to food banks

The minimum price provisions of this chapter do not apply to donations of fresh milk produced and processed within the State by a dealer or producer-dealer to an incorporated nonprofit organization within the State established for the purpose of reducing hunger and increasing food security. Donations under this section may occur only if the fresh milk produced and processed within the State to be donated does not have a wholesale or retail market that will provide a higher monetary value to the dealer or producer-dealer.

See title page for effective date.

CHAPTER 358
H.P. 279 - L.D. 353

**An Act Regarding the Safety of
Recovery Residences**

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

Sec. 1. 25 MRSA §2452, sub-§4 is enacted to read:

4. Exception. Notwithstanding chapter 314 and Title 10, chapter 1103, a recovery residence must be treated as a residence for a family if the recovery residence meets the following requirements:

A. The recovery residence must be certified based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder;

B. The recovery residence must have no more than 2 residents per bedroom;

C. The recovery residence must have at least one full bathroom for every 6 residents;

D. The recovery residence must meet the requirements of all adopted building codes and sections 2464 and 2468 applicable to a one-family or 2-family residence with regard to smoke detectors, carbon monoxide detectors and fire extinguishers; and

E. If the recovery residence is located in a multi-unit apartment building, the recovery residence must meet all state and local code requirements for the type of building in which the recovery residence is located.

For the purposes of this subsection, "recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

See title page for effective date.

CHAPTER 359

S.P. 161 - L.D. 496

An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders

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

Sec. 1. 5 MRSA §4653, sub-§1, ¶B, as amended by PL 2017, c. 455, §2, is further amended to read:

B. If the alleged harassment does not meet the definition in section 4651, subsection 2, paragraph C or is not related to an allegation of domestic violence, violence against a dating partner, sexual assault, stalking or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, a copy of a notice to stop harassing the plaintiff issued to the defendant pursuant to Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a) or a statement of good cause why such a notice was not sought or obtained. The court has discretion, based on the nature of the allegations as well as any further inquiry that the court may make of the plaintiff, to issue an order even if notice to stop harassing the plaintiff has not been issued to the defendant as

described in Title 17-A, section 506-A, subsection 1, paragraph A, subparagraph (1), division (a).

Sec. 2. 19-A MRSA §4005, sub-§1, as amended by PL 2017, c. 455, §4, is further amended to read:

1. Filing. An adult who has been abused, as defined in section 4002, subsection 1, by a family or household member or a dating partner or an individual related by consanguinity or affinity may seek relief by filing a complaint alleging that abuse.

When a minor child in the care or custody of a family or household member or a dating partner has been abused by a family or household member or a dating partner or an individual related by consanguinity or affinity, a person responsible for the child, as defined in Title 22, section 4002, subsection 9, or a representative of the department may seek relief by filing a petition alleging that abuse.

An adult who has been a victim of conduct defined as stalking in Title 17-A, section 210-A or described as sexual assault in Title 17-A, chapter 11 or described as unauthorized dissemination of certain private images in Title 17-A, section 511-A or described as aggravated sex trafficking or sex trafficking in Title 17-A, section 852 or 853, respectively, whether or not the conduct was perpetrated by a family or household member or dating partner, may seek relief by filing a complaint alleging that conduct without regard to whether criminal prosecution has occurred. When a minor has been a victim of such conduct or conduct described in Title 17-A, section 282 or 283 or harassment as described in Title 17-A, section 506, subsection 1, paragraph A-1 or A-2, the minor's parent, other person responsible for the child or a representative of the department may seek relief by filing a petition alleging that conduct.

When an adult who is 60 years of age or older or a dependent adult, as defined in Title 22, section 3472, subsection 6, or an incapacitated adult, as defined in Title 22, section 3472, subsection 10, has been the victim of abuse as defined in section 4002, subsection 1 or Title 22, section 3472, subsection 1 by an extended family member or an unpaid care provider, the adult victim, the adult victim's legal guardian or a representative of the department may seek relief by filing a complaint alleging the abusive conduct. For the purposes of this subsection, "extended family member" includes, but is not limited to: a person who is related to the victim by blood, marriage or adoption, whether or not the person resides or has ever resided with the victim. "Unpaid care provider" includes, but is not limited to, a caretaker who voluntarily provides full, intermittent or occasional personal care to the adult victim in the victim's home similar to the way a family member would provide personal care.

Sec. 3. 19-A MRSA §4005, sub-§2, ¶C, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by