

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

or 210-C or one or more prior convictions for engaging in conduct substantially similar to that contained in paragraph A or in section 207-A, 208-D, 208-E, 208-F, 209-A, 210-B or 210-C in another jurisdiction;

(2) Has one or more prior convictions for violating Title 19-A, section 4011, subsection 1 or one or more prior convictions for engaging in conduct substantially similar to that contained in Title 19-A, section 4011, subsection 1 in another jurisdiction;

(3) Has one or more prior convictions for violating Title 15, section 1092, subsection 1, paragraph B when the condition of release violated is specified in Title 15, section 1026, subsection 3, paragraph A, subparagraph (5) or (8) when the alleged victim in the case for which the defendant was on bail was a family or household member as defined in Title 19-A, section 4002, subsection 4; or

(4) Has one or more prior convictions for violating section 208, 208-B or 208-C, and the State had pled and proved that the victim of the applicable prior conviction was a family or household member, as defined in Title 19-A, section 4002, subsection 4, or has one or more prior convictions in another jurisdiction for engaging in conduct substantially similar to that contained in section 208, 208-B or 208-C and it had been pled and proved that the victim was a family or household member.

Violation of this paragraph is a Class C crime.

Sec. 7. 19-A MRSA §4002, sub-§4, as amended by PL 2015, c. 296, Pt. C, §24 and affected by Pt. D, §1, is further amended to read:

4. Family or household members. "Family or household members" means spouses or domestic partners or former spouses or former domestic partners, individuals presently or formerly living together as spouses, parents of the same child, adult household members related by consanguinity or affinity or minor children of a household member when the defendant is an adult household member and, for the purposes of Title 15, section 1023, subsection 4, paragraph B-1 and Title 15, section 1094-B, this chapter and Title 17-A, sections 15, 207-A, 208-D, 208-E, 208-F, 209-A, 210-B, 210-C, 211-A, 1201, 1202 and 1253 only, includes individuals presently or formerly living together and individuals who are or were sexual partners. Holding oneself out to be a spouse is not necessary to constitute "living as spouses." For purposes of this subsection, "domestic partners" means 2 unmarried adults who are domiciled together under long-term arrangements that evidence a commitment to

remain responsible indefinitely for each other's welfare.

Sec. 8. 19-A MRSA §4011, sub-§5 is enacted to read:

5. Repeat violations. A person who commits a violation under subsection 1 and has 2 or more prior convictions under subsection 1 or 2 or more convictions for engaging in substantially similar conduct in another jurisdiction commits a Class C crime. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence.

Sec. 9. 19-A MRSA §4012, sub-§5, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

5. Arrest in certain situations. When a law enforcement officer has probable cause to believe that there has been a criminal violation under section 4011 of a court-approved consent agreement or a protection order issued pursuant to this chapter or Title 15, chapter 12-A, or that a violation of Title 17-A, section ~~208~~ 208-D, 208-E, 208-F ~~has occurred between members of the same family or household~~ has occurred, that enforcement officer shall arrest and take into custody the alleged offender.

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

Effective June 20, 2019.

CHAPTER 413

H.P. 20 - L.D. 19

An Act To Require Newly Purchased Public School Buses To Be Equipped with School Bus Crossing Arms

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

Whereas, it is necessary to enact this legislation before model year 2021 school buses become available for purchase to avoid requiring previously purchased school buses to be retrofitted with a school bus crossing arm; 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. 29-A MRSA §2301, sub-§5-C is enacted to read:

5-C. School bus crossing arm. "School bus crossing arm" means a device mounted on the front bumper of a school bus that is no shorter than 70 inches and no longer than the width of the school bus and when activated extends outward in front of the school bus to require students who cross the roadway in front of the school bus to maintain a safe distance in front of the school bus.

Sec. 2. 29-A MRSA §2302, as amended by PL 2003, c. 293, §2, is further amended to read:

§2302. School bus markings; lights; mirrors; school bus crossing arms

1. Identifications. Each school bus:

A. Must be identified with the words, "school bus":

- (1) Printed in letters not less than 8 inches high; and
- (2) Located between the warning signal lamps as high as possible without impairing front and rear visibility of the lettering;

B. Must have no other lettering on the front or rear, except lettering not more than 4 inches high indicating an emergency exit and a bus number;

C. Must be painted national school bus glossy yellow, except that the hood may be lusterless black;

D. Must have bumpers of glossy black unless painting is impracticable through use of rubber, reflective material or other devices;

E. Must be equipped with a system of signal lights that conform to school bus requirements approved by the Commissioner of Education;

F. Must be equipped with a system of mirrors that give the seated operator a view of the way to each side of the bus, and of the area immediately in front of the front bumper;

G. May be equipped with a system of stop arms to be operated only with the red signal lights; and

H. May be equipped with reflective strips of national school bus yellow.

1-A. School bus crossing arms. A school bus of model year 2021 or newer must be equipped with a school bus crossing arm.

3. Other purposes. A school bus permanently converted wholly to other purposes must be painted a color other than national school bus glossy yellow and

have the words "school bus," school bus signal lights and stop arms removed.

4. Other passengers. A school bus operated on a public way and transporting passengers who do not include school-age persons must have the words "school bus" removed or concealed and the school bus signal lamps may not be operable.

5. Application. A vehicle operated on a public way displaying the words "school bus" or with the equipment required by this section may only be used to transport school-age persons, as defined in section 2301.

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

Effective June 20, 2019.

CHAPTER 414

H.P. 391 - L.D. 534

An Act To Make Ballot Questions Easier To Read and Understand for Maine Voters

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

Whereas, the ability of voters to make informed choices on ballot questions is essential for the proper functioning of the State's citizen democracy; and

Whereas, this Act makes necessary improvements to the process of presenting referendum questions to the voters; and

Whereas, it is possible that referenda may be sent to the voters before the 90-day period has expired; 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. 21-A MRSA §906, sub-§6, ¶¶B and C, as repealed and replaced by PL 1993, c. 352, §3, are amended to read:

B. The Secretary of State shall write the question in a ~~simple~~, clear, concise and direct manner that describes the subject matter of the people's veto or direct initiative as simply as is possible.