

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

N. The actor is a law enforcement officer acting in performance of official duties and the other person, not the actor's spouse, is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime. For the purposes of this paragraph, "law enforcement officer" has the same meaning as in Title 25, section 2801-A, subsection 5. Violation of this paragraph is a Class B crime.

Sec. 4. 17-A MRSA §754, sub-§1, as amended by PL 2001, c. 383, §89 and affected by §156, is further amended to read:

1. A person is guilty of obstructing criminal prosecution if:

A. The person uses force, violence or intimidation, or the person promises, offers or gives any pecuniary benefit or anything of benefit to another, with the intent to induce the other:

- (1) To refrain from initiating a criminal prosecution or juvenile proceeding; or
- (2) To refrain from continuing with a criminal prosecution or juvenile proceeding that the other person has initiated; or

B. The person solicits, accepts or agrees to accept any pecuniary benefit or anything of benefit to another in consideration of doing any of the things specified in this subsection.

Sec. 5. 25 MRSA §2806-A, sub-§5, ¶¶J and K, as enacted by PL 2013, c. 147, §39, are amended to read:

J. Engaging in conduct that violates the standards established by the board and that when viewed in light of the nature and purpose of the person's conduct and circumstances known to the person, involves a gross deviation from the standard of conduct that a reasonable and prudent certificate holder would observe in the same or similar situation; ~~and~~

K. Engaging in a sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C, or in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual act or sexual contact:

- (1) The officer was engaged in an investigation or purported investigation involving an allegation of abuse, as defined in former Title 19, section 762, subsection 1 and in Title 19-A, section 4002, subsection 1;
- (2) The other person was the alleged victim of that abuse;

(3) The parties did not have a preexisting and ongoing sexual relationship that included engaging in any sexual act or sexual contact; and

(4) Less than 60 days had elapsed since the officer initially became involved in the investigation or purported investigation; and

Sec. 6. 25 MRSA §2806-A, sub-§5, ¶L is enacted to read:

L. Engaging in sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D, with another person, not the person's spouse, if at the time of the sexual contact the applicant or certificate holder is acting in performance of official duties and the other person is under arrest, in custody or being interrogated or temporarily detained, including during a traffic stop or questioning pursuant to an investigation of a crime, except that it is not grounds for discipline that a certificate holder properly performs a search of a person for legitimate law enforcement purposes consistent with training standards approved by the board.

See title page for effective date.

CHAPTER 439

H.P. 1007 - L.D. 1393

An Act To Change the Requirements for Recording Plans at the County Registries of Deeds

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

Sec. 1. 33 MRSA §652, as amended by PL 2003, c. 55, §2, is further amended to read:

§652. Recording plans

The county commissioners shall provide, at the expense of the several counties, suitable storage for plans with a minimum size of ~~12 by 18~~ 11 by 17 and a maximum of 24 by 36 inches in dimension, for the preservation of such plans.

~~No~~ A plan may not be accepted for recording unless all of the following criteria are met. The plan must:

1. Materials. ~~Be~~ For a plan dated before January 1, 2020, be drawn upon strong linen cloth or polyester film with archival photographic image or white 20-pound paper. For a plan dated on or after January 1, 2020, the plan must be submitted on white paper with a minimum weight of 20 pounds;

2. **Seals.** Be embossed, sealed or both, with the seal of an architect, professional engineer or ~~registered professional~~ land surveyor;

3. **Signature.** Contain the signature and address of the person who prepared the plan;

4. **Recording information.** Provide a ~~space reg-~~ ister's block no smaller than 3 by 3 inches for recording the county, date, time, plan book and page or file number and register's attest; and

5. **Title.** Provide a title block containing the name of the plan, the record owner's name and address, the location by street and town and the date of the plan.

~~Original plans must be recorded with a paper copy. Paper plans submitted for recording must be rolled and not folded. The register may return plans that are not legible for recording and archival purposes and the processing of which may damage county equipment or resources. The register shall permanently file the original, create a digital image of the plan at a minimum of 300 dots per inch or 300 pixels per inch and maintain a copy for public inspection in at least one of the following media: paper, microfilm, microfiche or digital image stored on magnetic or optical media form. Suitable arrangements must be made for the preserving of original plans while affording the public reasonable opportunity to examine either the original or a reproduction. No additional fee is required for recording the copy. Each plan must be microfilmed for archival purposes. Each register shall maintain an index of all plans on records record in the register's office.~~

The several registers shall establish, and thereafter adhere to, reasonable standards for the implementation of reproducing copies of original plans as recorded. Reproduction must be on a scale of one to one and must be accomplished with the least possible error and distortion. Methods of reproduction must be to standards in keeping with accepted engineering and survey practices.

See title page for effective date.

CHAPTER 440

H.P. 1040 - L.D. 1430

**An Act To Create Tax Equity
among Renewable Energy
Investments**

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

Sec. 1. 36 MRSA §655, sub-§1, ¶S, as amended by PL 2005, c. 652, §1 and affected by §3, is further amended to read:

S. Mining property as provided in section 2854; ~~and~~

Sec. 2. 36 MRSA §655, sub-§1, ¶T, as enacted by PL 2005, c. 652, §1 and affected by §3, is amended to read:

T. Trail-grooming equipment registered under Title 12, section 13113-; ~~and~~

Sec. 3. 36 MRSA §655, sub-§1, ¶U is enacted to read:

U. Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility, and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.

On or before April 1st of the first property tax year for which a taxpayer claims an exemption under this paragraph, the taxpayer claiming the exemption shall file a report with the assessor. The report must identify the property for which the exemption is claimed and must be made on a form prescribed by the State Tax Assessor or substitute form approved by the State Tax Assessor. The State Tax Assessor shall furnish copies of the form to each municipality in the State and make the forms available to taxpayers.

The bureau may audit the records of a municipality to ensure compliance with this paragraph. The bureau may independently review the records of a municipality to determine if exemptions have been properly approved. If the bureau determines that an exemption was improperly approved, the bureau shall ensure, either by setoff against other payments due the municipality or otherwise, that the municipality is not reimbursed for the exemption. A municipality that is aggrieved by a determination of the bureau under this paragraph may appeal pursuant to section 151.

Sec. 4. 36 MRSA §656, sub-§1, ¶K is enacted to read:

K. Solar and wind energy equipment that generates heat or electricity if all of the energy is:

(1) Used on the site where the property is located; or

(2) Transmitted through the facilities of a transmission and distribution utility, and a utility customer or customers receive a utility bill credit for the energy generated by the equipment pursuant to Title 35-A.