

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2018

under this paragraph are deemed to be representatives of the current beneficiaries not receiving notice, information or reports for the purposes of the time limitation for a beneficiary to commence an action against the trustee for breach of trust as provided in section 1005, subsection 1.

Sec. 2. 18-B MRSA §813, sub-§6, as enacted by PL 2011, c. 42, §7, is amended to read:

6. Duty to settlor of revocable trust. During the lifetime of the settlor of a revocable trust, whether or not the settlor has capacity to revoke the trust, the trustee's duties under this section are owed exclusively to the settlor and the trustee has no duty to provide information or reports to distributees, permissible distributees or qualified beneficiaries. If the settlor lacks capacity to revoke the trust, a trustee may satisfy the trustee's duties under this section by providing information and reports to any one or more of the following in the order of preference listed:

- A. The person or persons designated by the settlor in the trust to receive information and reports on the settlor's behalf;
- B. The settlor's spouse or registered domestic partner under Title 22, section 2710;
- C. The settlor's agent under a durable power of attorney;
- D. The settlor's court-appointed conservator; or
- E. The settlor's court-appointed guardian.

If the settlor lacks capacity to revoke the trust and there are no persons listed in this subsection to whom the trustee may provide information and reports, the trustee shall satisfy its duties under this section by providing information and reports to the qualified beneficiaries.

See title page for effective date.

CHAPTER 350

H.P. 1043 - L.D. 1519

An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

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

Sec. 1. 12 MRSA §6671, sub-§3, ¶A, as amended by PL 2007, c. 494, §1, is further amended to read:

- A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; and
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program.

Sec. 2. 12 MRSA §6671, as amended by PL 2013, c. 301, §14; c. 468, §31; and c. 517, §1, is further amended by adding at the end a new paragraph to read:

For the purposes of this section, "intertidal zone" means the shores, flats or other land below the high-water mark and above subtidal lands.

See title page for effective date.

CHAPTER 351

H.P. 1268 - L.D. 1826

An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies

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 laws governing the licensure of appraisal management companies are scheduled to be repealed March 15, 2018, before the 90-day period expires; 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. 32 MRSA §14049-K, as enacted by PL 2017, c. 270, §1, is repealed.

Emergency clause. In view of the emergency

cited in the preamble, this legislation takes effect when approved.

Effective April 1, 2018.

CHAPTER 352

H.P. 1200 - L.D. 1720

**An Act To Increase Flexibility
in the Temporary Medical
Allowance for Lobster and
Crab Fishing License Holders**

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

Sec. 1. 12 MRSA §6450, sub-§1, as enacted by PL 2013, c. 239, §9, is amended to read:

1. Temporary medical allowance. Notwithstanding section 6421, upon request the commissioner may issue a temporary medical allowance that permits an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder but not under the license holder's direct supervision if the following criteria are met:

- A. The individual who will be fishing has successfully completed an apprentice program under section 6422;
- B. The individual who will be fishing is the child or spouse of the individual who holds the Class I, Class II or Class III lobster and crab fishing license;
- C. The holder of the Class I, Class II or Class III lobster and crab fishing license is unable to use that license due to a substantial illness or medical condition. The holder of the Class I, Class II or Class III lobster and crab fishing license shall provide the commissioner with documentation from a physician describing the illness or other medical condition; and
- D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary medical allowance.

~~A temporary medical allowance may not exceed one year.~~ A request for a temporary medical allowance must be in writing and must specify the dates for which the temporary medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary medical allowance is based must maintain a valid license during the duration of the temporary medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activi-

ties of the individual fishing under the temporary medical allowance.

Sec. 2. 12 MRSA §6450, sub-§§2 and 3 are enacted to read:

2. Term. A temporary medical allowance may not exceed one year or, upon renewal under subsection 3, a total of 2 consecutive years.

3. Renewal. The commissioner may renew a temporary medical allowance issued under subsection 1 for a maximum of one year upon a request in writing from the holder of the Class I, Class II or Class III lobster and crab fishing license upon which the temporary medical allowance is based. A request under this subsection must be received by the commissioner before the expiration of a current temporary medical allowance issued to that license holder.

See title page for effective date.

CHAPTER 353

H.P. 290 - L.D. 399

**An Act Regarding Municipal
Satellite Wastewater Collection
Systems**

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

Sec. 1. 38 MRSA §361-A, sub-§3-D is enacted to read:

3-D. Publicly owned treatment works. "Publicly owned treatment works" means a device or system for the treatment of pollutants that is owned by the State or a political subdivision thereof, a municipality, a district, a quasi-municipal corporation or another public entity. "Publicly owned treatment works" includes sewers, pipes or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

Sec. 2. 38 MRSA §414-B, sub-§1, as amended by PL 2001, c. 232, §12, is repealed.

Sec. 3. 38 MRSA §414-D is enacted to read:

§414-D. Municipal satellite collection systems

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Municipal satellite collection system" or "system" means a wastewater collection system, owned or operated by a municipality or a quasi-municipal entity, that directly or indirectly conveys wastewater to a publicly owned treatment works that is owned or operated by a separate le-