

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

**CHAPTER 48
S.P. 71 - L.D. 220**

**An Act Relating to Maine
Farm Wineries**

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

Sec. 1. 28-A MRSA §1355, sub-§3, ¶E is
enacted to read:

E. A holder of a farm winery license may display up to 25 bottles in the windows of any premises maintained and licensed as permitted premises under paragraph C where wine produced by the holder of the farm winery license is sold.

See title page for effective date.

**CHAPTER 49
H.P. 111 - L.D. 129**

**An Act To Eliminate Dual
Certification Requirements for
Speech-language Pathologists**

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

Sec. 1. 20-A MRSA §13011, sub-§1, ¶A, as
enacted by PL 1983, c. 845, §4, is amended to read:

A. Certify teachers and other professional personnel for service in a public school or in an approved private school, except that certification is not required for a person holding a valid license as a speech-language pathologist under Title 32, section 17301 who has received approval pursuant to section 13024 to provide speech-language pathology services in a public school or approved private school;

Sec. 2. State Board of Education to revise rules. The State Board of Education shall revise rules adopted under the Maine Revised Statutes, Title 20-A, section 13011 to be consistent with that section of this Act that amends Title 20-A, section 13011, subsection 1, paragraph A, to provide that certification is not required for a licensed speech-language pathologist who has been approved by the Department of Education to provide speech-language pathology services in a public school or approved private school pursuant to section 13024. Revisions to Rule 05-071, Chapter 115: Certification, Authorization, and Approval of Education Personnel and any other rule revisions necessary to implement this Act are routine technical rules as

defined in Title 5, chapter 375, subchapter 2-A and must be in effect no later than December 1, 2011.

See title page for effective date.

**CHAPTER 50
S.P. 172 - L.D. 580**

**An Act To Protect Children
from Sexual Predators**

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

Whereas, immediate action by the Legislature is necessary to close a loophole in the current statute regarding sexual exploitation of a minor in order to ensure prosecutors have the necessary tools to prosecute these cases and to better protect children; 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. 17-A MRSA §284, sub-§1, ¶A, as
amended by PL 2005, c. 345, §1, is further amended to read:

A. Intentionally or knowingly transports, exhibits, purchases ~~or~~, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 16 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 16 years of age.

Violation of this paragraph is a Class D crime;

Sec. 2. 17-A MRSA §284, sub-§1, ¶C, as
enacted by PL 2003, c. 711, Pt. B, §12, is amended to read:

C. Intentionally or knowingly transports, exhibits, purchases ~~or~~, possesses or accesses with intent to view any book, magazine, newspaper, print, negative, slide, motion picture, computer data file,

videotape or other mechanically, electronically or chemically reproduced visual image or material that the person knows or should know depicts another person engaging in sexually explicit conduct, and:

- (1) The other person has not in fact attained 12 years of age; or
- (2) The person knows or has reason to know that the other person has not attained 12 years of age.

Violation of this paragraph is a Class C crime; or

Sec. 3. 17-A MRSA §284, sub-§5, as enacted by PL 2009, c. 608, §4, is amended to read:

5. For purposes of this section, any element of age of the person depicted means the age of the person at the time the sexually explicit conduct occurred, not the age of the person depicted at the time of dissemination ~~or~~ possession or accessing of the sexually explicit visual image or material.

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

Effective April 25, 2011.

CHAPTER 51

H.P. 480 - L.D. 650

**An Act To Create an
Apprentice Trapper License**

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

Sec. 1. 12 MRSA §12204 is enacted to read:

§12204. Apprentice trapper license

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

A. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

B. "Supervisor" means a person who is 18 years of age or older, has held a valid trapping license under this subchapter for 3 consecutive years and is trapping with a person holding an apprentice trapper license.

2. Supervisor required. A holder of an apprentice trapper license may not trap other than in the presence of a supervisor.

3. Supervisor responsibility. A supervisor shall ensure that the holder of an apprentice trapper license

follows safe and ethical trapping protocol and adheres to the laws under this Part. A supervisor may not intentionally permit a person trapping under an apprentice trapper license with that supervisor to violate subsection 2.

4. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid trapping license or junior trapping license in this State, or any other state, province or country, is eligible to obtain an apprentice trapper license, except that a person may not be issued an apprentice trapper license after having previously held an apprentice trapper license under this section. A person is eligible to obtain an apprentice trapper license without having successfully completed a trapper education course as described in section 10108, subsection 7.

5. Expiration of apprentice trapper license. An apprentice trapper license is valid for up to 12 calendar months and expires on June 30th.

6. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue an apprentice trapper license to an eligible person. The fee for an apprentice trapper license is \$35 for residents and \$317 for nonresidents.

7. Restrictions. The holder of an apprentice trapper license is not eligible to obtain a permit to trap for bear under section 12260-A.

8. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

B. A person who violates this section after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

CHAPTER 52

H.P. 278 - L.D. 352

**An Act To Amend the Laws
Governing Criminal History
Record Information**

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 in order to facilitate the work of the agency responsible for licensing health and social services agencies and facilities in