

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

Sec. 4. 12 MRSA §11106-A, sub-§4 is enacted to read:

**4. Crossbow hunter education course exemption for members of armed forces domiciled in State.** A member of the Armed Forces of the United States on active duty who is permanently stationed outside of the United States and home on leave is exempt from crossbow hunter education course requirements under subsection 3 if that member shows proof at the time of application for the license that that member's home state of record, as recorded in that person's military service records, is Maine. A person who no longer meets the requirements of this subsection must satisfy the conditions for exemption under subsection 3.

See title page for effective date.

**CHAPTER 140  
H.P. 415 - L.D. 596**

**An Act To Help Small  
Businesses and Promote  
Tourism by Allowing the  
Construction of a Deck over a  
River within a Downtown  
Revitalization Project**

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

Sec. 1. 38 MRSA §439-A, sub-§4-B is enacted to read:

**4-B. Exemption from setback requirements for decks over rivers within a downtown revitalization project.** In accordance with the provisions of this subsection, a municipality may adopt an ordinance that exempts a deck from the water and wetland setback requirements otherwise applicable under this section.

A. Notwithstanding subsections 4 and 4-A, a municipality may adopt an ordinance pursuant to this subsection that exempts a deck from the otherwise applicable water or wetland setbacks if the following requirements are met:

- (1) The deck does not exceed 700 square feet in area;
- (2) The deck is cantilevered over a segment of a river that is located within the boundaries of a downtown revitalization project; and
- (3) The deck is attached to or accessory to a use in a structure that was constructed prior to 1971 and is located within a downtown revitalization project.

B. A downtown revitalization project under this subsection must be defined in a project plan ap-

proved by the legislative body of the municipality and may include the revitalization of buildings formerly used as mills that do not meet the water or wetland setback requirements in subsections 4 and 4-A.

C. Except for the water and wetland setback requirements in subsections 4 and 4-A, a deck that meets the requirements of this subsection must meet all other state and local permit requirements and comply with all other applicable rules.

D. A deck exempt under this subsection may be either privately or publicly owned and maintained.

See title page for effective date.

**CHAPTER 141  
H.P. 559 - L.D. 808**

**An Act To Amend the Laws  
Concerning Scrap Metal  
Processors**

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

Sec. 1. 30-A MRSA §3772, sub-§1-A, as enacted by PL 2011, c. 545, §3, is amended to read:

**1-A. Form and method of payment.** A scrap metal processor shall provide payment to a seller only in the form of a credit card, as defined in Title 9-A, section 1-301, subsection 16, a debit card, as defined in Title 10, section 1271, subsection 3, or a check and. If payment is made by check, the scrap metal processor shall maintain a record of the payee, check number and name of the financial institution upon which the check is drawn.

See title page for effective date.

**CHAPTER 142  
H.P. 424 - L.D. 605**

**An Act To Allow a Minor in  
the Police Explorer Program  
To Assist with Traffic Control  
at Civic Events**

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

Sec. 1. 26 MRSA §772, sub-§5, as enacted by PL 2003, c. 59, §1, is amended to read:

**5. Application.** This section does not apply to minors in public and approved private schools where mechanical equipment is installed and operated primarily for purposes of instruction or minors who are

volunteer participants in a career-oriented law enforcement program and perform traffic control duties at civic events pursuant to section 786.

**Sec. 2. 26 MRSA §786** is enacted to read:

**§786. Traffic control duties**

**1. Traffic control duties permitted.** Notwithstanding any other provision of this article, a minor who is 14 years of age or older and is a volunteer participant in a career-oriented law enforcement program may perform traffic control duties in accordance with this section.

**2. Training.** A minor may not perform traffic control duties under this section until the minor has received traffic control training in accordance with the requirements of the supervising law enforcement agency. Proof of the minor's successful completion of the training must be maintained by the law enforcement agency.

**3. Supervision.** A minor may perform traffic control duties only under direct supervision of a law enforcement officer as part of a career-oriented law enforcement program. This supervision must:

A. Be from a close distance so that the officer does not become distracted or perform other duties; and

B. Include means of radio contact in the event that the minor needs to contact another officer for assistance.

**4. Limitations on events.** A minor may perform traffic control duties only at civic events, fair parking lots, parades, walks, foot races, car shows and charity events.

**5. Limitations on locations.** A minor may not:

A. Direct traffic or pedestrians on busy roadways or thoroughfares;

B. Assist in traffic control at places of heightened danger such as traffic stops or roadblocks;

C. Direct traffic in conjunction with crowd control or riot control;

D. Collect donations at a traffic light;

E. Direct traffic at funeral processions; or

F. Direct traffic at the scene of an emergency.

**6. Night activities prohibited.** A minor may perform the activities authorized under this section only during the period from sunrise to sunset.

See title page for effective date.

**CHAPTER 143**

**H.P. 379 - L.D. 560**

**An Act To Establish Maine Seniors Day**

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

**Sec. 1. 1 MRSA §150-J** is enacted to read:

**§150-J. Maine Seniors Day**

In recognition of the service and contributions of senior citizens in the State, and for those who continue to enhance the quality of life in the State with their values and experiences, the State designates the 2nd Saturday in September of each year as Maine Seniors Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity and encouraging businesses of the State to offer incentives for senior citizens to frequent their establishments. State agencies with promotional budgets may promote Maine Seniors Day prior to and on the 2nd Saturday in September.

See title page for effective date.

**CHAPTER 144**

**H.P. 848 - L.D. 1204**

**An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal**

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

**Sec. 1. 30-A MRSA §2691, sub-§4**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8, 10, is further amended to read:

**4. Jurisdiction.** Any municipality establishing a board of appeals may give the board the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, regulation or failure to act of any officer, board, agency or other body when an appeal is necessary, proper or required. No board may assert jurisdiction over any matter unless the municipality has by charter or ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Absent an express provision in a charter or ordinance that certain decisions of its code enforcement officer or board of appeals are only advisory or may not be appealed, a notice of violation or an enforcement order by a code enforcement officer under a land use ordinance is reviewable on appeal by the board of appeals and in turn