

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.

Augusta, Maine
2013

(6) The following penalties apply to violations of this paragraph.

(a) A person who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(b) A person who violates this paragraph 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.

~~B. Not more than one member of an affiliated group may conduct whitewater trips on any river or stretch of river for which a specific allocation is required, including on days for which an allocation is not required. The following penalties apply to violations of this paragraph.~~

~~(1) A person who violates this paragraph commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.~~

~~(2) A person who violates this paragraph 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.~~

~~C. Three or more years after the period of affiliation, the department may, in its discretion, consider requests by any former member of an affiliated group to run passengers on allocated rivers. The burden rests on the former member of an affiliated group to demonstrate that the reasons for any finding of affiliation have so diminished in effect that the public interest will be served by considering the former member's request to run passengers on an allocated river.~~

See title page for effective date.

**CHAPTER 246
S.P. 73 - L.D. 237**

**An Act To Establish Uniform
Quorum, Meeting and Chair
Requirements for Professional
and Occupational Licensing
Boards**

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

PART A

Sec. A-1. 10 MRSA §8010 is enacted to read:

§8010. Quorum; chair

Notwithstanding any provision of law to the contrary, a majority of the members serving on a board or commission under section 8001, subsection 38 constitutes a quorum. The board or commission shall elect its chair.

PART B

Sec. B-1. 10 MRSA §9003, sub-§7, as amended by PL 2007, c. 402, Pt. D, §1, is further amended to read:

7. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

Sec. B-2. 32 MRSA §63-A, sub-§3, as amended by PL 2007, c. 402, Pt. E, §1, is further amended to read:

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum for all purposes.~~

Sec. B-3. 32 MRSA §213, as amended by PL 2007, c. 402, Pt. F, §4, is further amended to read:

§213. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

Sec. B-4. 32 MRSA §288, sub-§4, as amended by PL 2007, c. 402, Pt. G, §2, is further amended to read:

4. Meetings. The board shall meet at least once a year and at such other times as the board determines necessary. ~~Three members of the board constitute a quorum for the transaction of business under this chapter.~~

Sec. B-5. 32 MRSA §502, as repealed and replaced by PL 2007, c. 402, Pt. H, §4, is amended to read:

§502. Meetings; chair; powers and duties

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four mem-~~

~~bers of the board constitute a quorum for the transaction of business. The board has the power to may~~ make and adopt rules and a code of ethics consistent with law necessary for the enforcement of its authority, the performance of its duties and the governing of the practice of chiropractic, but a rule or code of ethics may not be made that is unreasonable or contravenes this chapter.

Sec. B-6. 32 MRSA §1153, as amended by PL 2007, c. 402, Pt. I, §7, is further amended to read:

§1153. Meetings; chair; rules

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~ The board may adopt, pursuant to the ~~Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter 2, rules it determines necessary for the holding of examinations and for carrying out this chapter; and shall provide for reciprocity of licensing as required to implement section 1206.

Sec. B-7. 32 MRSA §1451, 3rd ¶, as amended by PL 2007, c. 402, Pt. J, §2, is further amended to read:

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

Sec. B-8. 32 MRSA §2273, sub-§3, as amended by PL 2007, c. 402, Pt. L, §1, is further amended to read:

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary and may be convened at the call of the chair or a majority of the members of the board. ~~Three members of the board constitute a quorum.~~

Sec. B-9. 32 MRSA §3112, sub-§2, as amended by PL 2007, c. 402, Pt. N, §3, is further amended to read:

2. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

Sec. B-10. 32 MRSA §3403, as amended by PL 2007, c. 402, Pt. O, §3, is further amended to read:

§3403. Meeting; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

Sec. B-11. 32 MRSA §3602, as amended by PL 2007, c. 402, Pt. P, §3, is further amended to read:

§3602. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum,~~ but a A license to practice podiatry may not be granted except upon the affirmative vote of a majority of the members of the board.

Sec. B-12. 32 MRSA §3822, as amended by PL 2007, c. 402, Pt. Q, §7, is further amended to read:

§3822. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

Sec. B-13. 32 MRSA §4856, as amended by PL 2007, c. 402, Pt. R, §3, is further amended to read:

§4856. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-14. 32 MRSA §4907, sub-§4, as amended by PL 2007, c. 402, Pt. S, §5, is further amended to read:

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-15. 32 MRSA §5505, sub-§4, as amended by PL 2007, c. 402, Pt. T, §2, is further amended to read:

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to con-

duct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-16. 32 MRSA §6210, as amended by PL 2011, c. 691, Pt. D, §10, is further amended to read:

§6210. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~A majority of the board constitutes a quorum.~~

Sec. B-17. 32 MRSA §7029, as amended by PL 2007, c. 402, Pt. V, §5, is further amended to read:

§7029. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-18. 32 MRSA §9703, sub-§3, as amended by PL 2007, c. 402, Pt. W, §1, is further amended to read:

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

Sec. B-19. 32 MRSA §9853, sub-§5, as amended by PL 2007, c. 402, Pt. X, §1, is repealed.

Sec. B-20. 32 MRSA §9903, sub-§3, as amended by PL 2007, c. 402, Pt. Y, §1, is further amended to read:

3. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

Sec. B-21. 32 MRSA §12214, sub-§1, as repealed and replaced by PL 2007, c. 402, Pt. Z, §6, is amended to read:

1. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair, who must be a certified public accountant. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call

of the chair or a majority of the board members. ~~Three members of the board constitute a quorum.~~

Sec. B-22. 32 MRSA §12502, sub-§6, as amended by PL 2007, c. 402, Pt. AA, §1, is further amended to read:

6. Meetings; chair. The board shall meet at least once a year to conduct its business and elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-23. 32 MRSA §13062, sub-§5, as amended by PL 2007, c. 402, Pt. BB, §4, is repealed.

Sec. B-24. 32 MRSA §13718, sub-§4, as amended by PL 2007, c. 402, Pt. DD, §6, is repealed.

Sec. B-25. 32 MRSA §13852, sub-§7, as amended by PL 2009, c. 112, Pt. A, §19, is further amended to read:

7. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

Sec. B-26. 32 MRSA §13902, sub-§4, as amended by PL 2007, c. 402, Pt. FF, §1, is further amended to read:

4. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-27. 32 MRSA §14011, sub-§5, as amended by PL 2007, c. 402, Pt. GG, §3, is further amended to read:

5. Meetings; chair. The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings must be held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum.~~

Sec. B-28. 32 MRSA §17202, as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

§17202. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Four members of the board constitute a quorum for all purposes.~~

Sec. B-29. 32 MRSA §18122, as enacted by PL 2009, c. 344, Pt. C, §3 and affected by Pt. E, §2, is amended to read:

§18122. Meetings; chair

The board shall meet at least once a year to conduct its business and to elect a chair. Additional meetings are held as necessary to conduct the business of the board and may be convened at the call of the chair or a majority of the board members. ~~Five members of the board constitute a quorum.~~

See title page for effective date.

CHAPTER 247

H.P. 119 - L.D. 144

An Act To Remove the Requirement That a Person Training Dogs on Sundays Possess a Valid Hunting License

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 clarifies that a requirement imposed by the 124th Legislature that a person possess a valid hunting license when training dogs for hunting does not apply on Sundays, when hunting is not allowed, and training dogs occurs throughout the year; 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. 12 MRSA §12051, sub-§1, as amended by PL 2011, c. 253, §21 and c. 309, §4, is further amended to read:

1. Open training season. Unless otherwise provided in this Part, a person may not train dogs on wild birds and wild animals except as follows.

- A. A person may train dogs on foxes, snowshoe hare and raccoons from July 1st through the following March 31st, including Sundays.
- B. A person may train sporting dogs on wild birds at any time, including Sundays.
- C. A resident may train up to 6 dogs at any one time on bear from July 1st to the 4th day preced-

ing the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

~~A~~ Except on Sundays, a person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109.

A person who violates this subsection commits a Class E crime.

Sec. 2. 12 MRSA §12051, sub-§6 is enacted to read:

6. Effect of revocation. A person may not train dogs under this section if that person has a suspended or revoked license pursuant to section 10902.

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

Effective June 13, 2013.

CHAPTER 248

S.P. 604 - L.D. 1563

An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013

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 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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: