

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

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NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Report. By February 15, 2015, the division within the Department of Public Safety responsible for administering the laws relating to liquor licensing and enforcement shall submit a report to the joint standing committee of the Legislature having jurisdiction over alcoholic beverage matters regarding the administration of taste-testing events conducted in accordance with the Maine Revised Statutes, Title 28-A, section 1051, subsection 8. The report must include information pertaining to the enforcement of the laws governing taste-testing events and any administrative or enforcement concerns reported to or encountered by the division. The committee is authorized to report out a bill after consideration of the report and any recommendations made by the division.

See title page for effective date.

CHAPTER 259

H.P. 793 - L.D. 1121

An Act To Promote the Production of Maine Beverages

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

Sec. 1. 32 MRSA §1866-E, sub-§6, as enacted by PL 2003, c. 499, §8, is amended to read:

6. Small manufacturers, bottlers and brewers exempt. Except as otherwise provided in this subsection, a manufacturer who produces no more than 50,000 gallons of its product in a calendar year is exempt from the requirements of this section for that year. A brewer who produces no more than 50,000 gallons of its product or a bottler of water who sells no more than 250,000 containers each containing no more than one gallon of its product in a calendar year is exempt from the requirements of this section for that year.

See title page for effective date.

CHAPTER 260

H.P. 800 - L.D. 1135

An Act To Provide Consistency in the Regulation of Motorized Recreational Gold Prospecting

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

Sec. 1. 38 MRSA §480-Q, sub-§5-A is enacted to read:

5-A. Motorized recreational gold prospecting. Notwithstanding section 480-C, a permit is not required for motorized recreational gold prospecting as long as the provisions of this subsection are met.

A. A person may perform motorized recreational gold prospecting only from June 15th to September 15th and only with written permission of the relevant landowner.

B. A person may not perform motorized recreational gold prospecting that causes an undue adverse effect on natural resources. The area in which the motorized recreational gold prospecting is performed must be kept free of litter, trash and any other materials that may constitute a hazardous or nuisance condition.

C. The following provisions limit the use of equipment in motorized recreational gold prospecting.

(1) Equipment may not have any fuel, oil or hydraulic leaks or cause any unlicensed discharge.

(2) Motorized equipment may not exceed 7 horsepower.

(3) The inside diameter of a suction dredge intake nozzle and hose may not exceed 4 inches.

(4) The area of a sluice may not exceed 10 square feet.

(5) A flume may not be used to transport water outside of a stream channel.

D. A person may not use mercury, nitric acid or other chemicals for extraction in motorized recreational gold prospecting.

E. A person may not perform motorized recreational gold prospecting in a manner that:

(1) Disturbs a stream bank, including but not limited to digging into the bank or dredging or altering water flow within a stream channel in a manner that causes the bank to erode or collapse;

(2) Removes or damages vegetation or woody debris such as root wads, stumps or logs within a stream channel, on the bank or on nearby upland, including cutting or abrasion of trees;

(3) Diverts, dams or otherwise obstructs a stream;

(4) Deposits soil, rocks or any other foreign material from outside of the channel into a stream; or

(5) Deposits stream bottom sediments or rocks onto the bank or upland.

F. Upon completion of one or more consecutive days of motorized recreational gold prospecting, a person who performed the motorized recreational gold prospecting shall smooth out dredge spoils and refill dredge holes below the normal high-water mark of the stream in order to restore the approximate original contours of the stream bottom and not deflect the current.

G. Motorized recreational gold prospecting is prohibited within the following areas:

(1) Waters closed to motorized recreational gold prospecting in the unorganized territories identified in rules adopted by the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission; and

(2) Waters closed to motorized recreational gold prospecting identified in rules adopted by the Department of Environmental Protection.

Sec. 2. Rulemaking. The Department of Environmental Protection and the Department of Agriculture, Conservation and Forestry, Maine Land Use Planning Commission may each adopt rules identifying specific waters in which motorized recreational gold prospecting is not allowed. Rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

Sec. 3. Authority to submit legislation. The Joint Standing Committee on Environment and Natural Resources may report out a bill related to motorized recreational gold prospecting to the Second Regular Session of the 126th Legislature.

See title page for effective date.

CHAPTER 261

H.P. 804 - L.D. 1139

An Act To Allow County Law Enforcement To Participate in Mutual Aid Agreements

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

Sec. 1. 30-A MRSA §462 is enacted to read:

§462. Aid to other law enforcement agencies

Except as otherwise provided by county charter or ordinance, the county commissioners may authorize the sheriff or other designee to request other counties to provide law enforcement officers to assist the requesting county. The county commissioner may authorize the sheriff or other designee to provide law

enforcement officers to assist other counties when so requested by a properly authorized sheriff or other designee of the requesting county.

The authorizations of the county commissioners under this section must be accompanied by an agreement between the requesting county and the responding county that specifies which county is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the law enforcement officers of the responding county in the course of assisting the requesting county.

If a request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting county and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the sheriff or the sheriff's designee may request assistance from or provide assistance to another county or law enforcement agency whether or not an agreement between the 2 counties or parties exists. Each law enforcement department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

The law enforcement officers of the responding county or law enforcement agency have the same authority as law enforcement officers within the limits of the requesting county, except as to the service of civil process and, when assisting the other county, have the same privileges and immunities as when acting within their own jurisdiction.

Sec. 2. 30-A MRSA §2674, as amended by PL 2001, c. 65, §1, is further amended to read:

§2674. Aid to other law enforcement agencies

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide ~~police~~ law enforcement officers to assist the requesting municipality. The county commissioners may authorize the sheriff or other designee to request a municipality to provide law enforcement officers to assist the requesting county. The municipal officers may authorize the chief of police or other designee to provide ~~police~~ law enforcement officers to assist other municipalities or counties when so requested by a properly authorized chief of police, sheriff or other designee of the requesting municipality or county.