

# 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**

**5. Authority of licensing board.** This section may not be construed to limit the authority of a licensing board to impose requirements for professional conduct and advertising on a health care practitioner in addition to the requirements of this section.

See title page for effective date.

## CHAPTER 286

H.P. 508 - L.D. 757

### An Act To Amend the Hunting Laws as They Pertain to the Training of Dogs

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

A person may not engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109, except that a person may train dogs on pen-raised birds at any time without a license. For the purpose of this subsection, "pen-raised birds" includes, but is not limited to, quail, pheasant, pigeons and Hungarian partridge.

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.

See title page for effective date.

## CHAPTER 287

H.P. 562 - L.D. 811

### An Act To Provide Guidance for the Development of Marine Fisheries Management Plans

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

**Sec. 1. 12 MRSA §6171, sub-§2-A,** as enacted by PL 1979, c. 404, is repealed and the following enacted in its place:

**2-A. Management plans.** The commissioner may adopt a management plan or other policy on the conservation or regulation of marine organisms only after prior notice and public hearing and with the advice and consent of the Marine Resources Advisory Council under section 6024.

**A.** A management plan is a guidance document, which must seek to:

(1) Establish management goals and a long-term vision for the relevant fishery;

(2) Ensure the long-term viability of the resource and the relevant fishery;

(3) Provide for the rebuilding of any depleted fisheries;

(4) Provide for future opportunities and access to the relevant fishery;

(5) Provide the greatest overall benefit to the State, including biological, economic and social considerations; and

(6) Preserve the legacy of the seafood industry in the State and its benefits to the people of the State.

**B.** A management plan must include, to the degree possible:

(1) Clearly articulated management goals and objectives;

(2) A description of the biology of the relevant species;

(3) A description of the relevant fishery;

(4) Any available information regarding stock status;

(5) Current management measures;

(6) Any recommendations to achieve goals and objectives;

(7) Findings of current research and future research needs; and

(8) An ecosystem-based characterization of each species under consideration.

C. A management plan must be developed with advice and input from the advisory council for the species for which the plan is developed, if such an advisory council exists.

See title page for effective date.

**CHAPTER 288**  
**H.P. 610 - L.D. 859**

**An Act To Increase Ethics and  
Transparency in Government  
Service**

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

**Sec. 1. 3 MRSA §318-A** is enacted to read:

**§318-A. Prohibition**

Beginning January 1, 2015, a person may not engage in activities that require registration as a lobbyist or lobbyist associate as defined by section 312-A, subsections 10 and 10-A if that person has within the previous 12 months been employed in a position for which the salary is subject to adjustment by the Governor under Title 2, section 6 or that is described as a major policy-influencing position under Title 5, chapter 71. A person who violates this section may be assessed a fine of \$100 for every day the person engages in lobbying.

See title page for effective date.

**CHAPTER 289**  
**S.P. 307 - L.D. 882**

**An Act To Amend the Laws  
Governing Confidentiality of  
Health Care Information To  
Enhance Public Safety**

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

**Sec. 1. 22 MRSA §1711-C, sub-§6, ¶D**, as amended by PL 1999, c. 512, Pt. A, §5 and affected by §7 and c. 790, Pt. A, §§58 and 60, is further amended to read:

D. To appropriate persons when a health care practitioner or facility that is providing or has provided diagnosis, treatment or care to the individual ~~has determined, based on reasonable professional judgment, that the individual poses a direct threat of imminent harm to the health or safety of any individual in good faith believes that disclosure is made to avert a serious threat to health or safety and meets the conditions, as ap-~~

licable, described in 45 Code of Federal Regulations, Section 164.512(j) (2012). A disclosure pursuant to this paragraph must protect the confidentiality of the health care information consistent with sound professional judgment;

**Sec. 2. 22 MRSA §1711-C, sub-§6, ¶E-1** is enacted to read:

E-1. To federal, state or local governmental entities if the health care practitioner or facility that is providing diagnosis, treatment or care to an individual has determined in the exercise of sound professional judgment that the following requirements, as applicable, are satisfied:

(1) With regard to a disclosure for public health activities, for law enforcement purposes or that pertains to victims of abuse, neglect or domestic violence, the provisions of 45 Code of Federal Regulations, Section 164.512(b), (c) or (f) (2012) must be met; and

(2) With regard to a disclosure that pertains to a victim of domestic violence or a victim of sexual assault, the provisions of 45 Code of Federal Regulations, Section 164.512(c)(1)(iii)(A) (2012) and Section 164.512(c)(1)(iii)(B) (2012) must be met.

See title page for effective date.

**CHAPTER 290**  
**H.P. 627 - L.D. 903**

**An Act To Enhance the  
Development and  
Implementation of Integrated  
Pest Management Programs**

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

**Sec. 1. 7 MRSA §607, sub-§6**, as repealed and replaced by PL 2007, c. 466, Pt. A, §25, is amended to read:

**6. Registration fee; programs funded.** The applicant desiring to register a pesticide must pay an annual registration fee of ~~\$150~~ \$160 for each pesticide registered for that applicant. Annual registration periods expire on December 31st or in a manner consistent with Title 5, section 10002, whichever is later.

The board shall monitor fee revenue and expenditures under this subsection to ensure that adequate funds are available to fund board and related department programs and, to the extent funds are available, to provide grants to support stewardship programs. The board shall use funds received under this subsection to provide: