

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

C. The records must be sufficient to allow each purchase and shipment of elvers to be tracked by date of purchase from harvester, by harvester name and landings number and by buyer to whom the elvers were sold; and

D. The records must be retained for a minimum of 3 years.

**Sec. 42. 12 MRSA §6952-A, sub-§4,** as enacted by PL 2009, c. 394, §14, is amended to read:

**4. Penalty for possession.** A violation of this section is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of \$500 for each violation and, in addition, a fine of \$100 for each lobster involved, up to and including the first 5, and a fine of \$200 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not less than \$1,000 or more than \$5,000. ~~A court may not suspend a fine imposed under this subsection.~~

**Sec. 43. 2014 elver fishing season; license holders permitted to assist.** A person licensed under the Maine Revised Statutes, Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A to harvest elvers may, under the direct supervision of another person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A who is present, directly involved with the licensed activity and providing direct supervision, assist that person, except that:

1. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A may sell only those elvers that person has taken;

2. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A may empty the cod end of an elver fyke net only if that person was issued the tag attached to that elver fyke net;

3. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A who is not authorized to fish for elvers with an elver dip net may not fish for elvers with an elver dip net; and

4. A person licensed under Title 12, section 6302-A, subsection 3, paragraph E, E-1, F or G or Title 12, section 6505-A to fish for elvers with an elver dip net may not continue to utilize an elver dip net to fish for or take elvers if that person has met or exceeded the elver individual fishing quota allocated to that person for that elver fishing season.

This section is repealed June 1, 2014.

**Sec. 44. 2014 elver harvesting; open season; start date.** Notwithstanding the Maine Revised Statutes, Title 12, section 6575, subsection 1, the

Commissioner of Marine Resources may delay the start of the 2014 elver fishing season if necessary to establish, implement and administer the elver transaction card system under Title 12, section 6505-A, subsection 1-C.

**Sec. 45. Appropriations and allocations.**

The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF Marine Science, Management and Enforcement Fund N172**

Initiative: Provides an allocation of \$500 in fiscal year 2014-15 to establish the Marine Science, Management and Enforcement Fund to be used for scientific research, management and marine resources enforcement.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
All Other	\$0	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$500

**Sec. 46. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6852, subsections 1 and 2 take effect April 1, 2014.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective March 13, 2014, unless otherwise indicated.

**CHAPTER 469  
S.P. 648 - L.D. 1655**

**An Act To Amend the Military Bureau Laws**

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

**Sec. 1. 37-B MRSA §3, sub-§1, ¶D,** as amended by PL 2013, c. 251, §1, is further amended to read:

D. Have the following powers and duties.

(1) The Adjutant General shall administer the department subordinate only to the Governor.

(2) The Adjutant General shall establish methods of administration consistent with the law necessary for the efficient operation of the department.

(3) The Adjutant General may prepare a budget for the department.

(4) The Adjutant General may transfer personnel from one bureau to another within the department.

(5) The Adjutant General shall supervise the preparation of all state informational reports required by the federal military establishment.

(6) The Adjutant General shall keep an accurate account of expenses incurred and, in accordance with Title 5, sections 43 to 46, make a full report to the Governor as to the condition of the military forces, and as to all business transactions of the Military Bureau, including detailed statements of expenditures for military purposes.

(7) The Adjutant General is responsible for the custody, care and repair of all military property belonging to or issued to the State for the military forces and shall dispose of military property belonging to the State that is unserviceable. The Adjutant General shall account for and deposit the proceeds from that disposal with the Treasurer of State, who shall credit them to the ~~Construction and Capital Repair, Maintenance, Construction and Acquisition~~ Account of the Military Bureau.

(8) The Adjutant General may sell for cash to officers of the state military forces, for their official use, and to organizations of the state military forces, any military or naval property that is the property of the State. The Adjutant General shall, with an annual report, render to the Governor an accurate account of the sales and deposit the proceeds of the sales with the Treasurer of State, who shall credit them to the General Fund.

(9) The Adjutant General shall represent the state military forces for the purpose of establishing the relationship between the federal military establishment and the various state military staff departments.

(10) The Adjutant General shall accept, receive and administer federal funds for and on behalf of the State that are available for military purposes or that would further the intent and specific purposes of this chapter and chapter 3. The Adjutant General shall provide the personnel, supplies, services and matching funds required by a federal cost-sharing arrangement pursuant to 31 United States Code, Chapters 63 and 65 (2013); 32 United States Code (2013); and National Guard Regulation 5-1 (2010). The Adjutant

General shall receive funds and property and an accounting for all expenditures and property acquired through such a federal cost-sharing arrangement and make returns and reports concerning those expenditures and that property as required by such a federal cost-sharing arrangement.

(11) The Adjutant General shall acquire, construct, operate and maintain military facilities necessary to comply with this Title and Title 32 of the United States Code and shall operate and maintain facilities now within or hereafter coming within the jurisdiction of the Military Bureau.

(12) The Adjutant General may adopt rules pertaining to compliance with state and federal contracting requirements, subject to Title 5, chapter 375. Those rules must provide for approval of contracts by the appropriate state agency.

(13) The Adjutant General shall allocate and supervise any funds made available by the Legislature to the Civil Air Patrol.

(14) The Adjutant General shall report at the beginning of each biennium to the joint standing committee of the Legislature having jurisdiction over veterans' affairs on any recommended changes or modifications to the laws governing veterans' affairs, particularly as those changes or modifications relate to changes in federal veterans' laws.

(15) The Adjutant General may receive personal property from the United States Department of Defense that the Secretary of Defense has determined is suitable for use by agencies in law enforcement activities, including counter-drug activities, and in excess of the needs of the Department of Defense pursuant to 10 United States Code, Section 2576a, and transfer ownership of that personal property to state, county and municipal law enforcement agencies notwithstanding any other provision of law. The Adjutant General may receive excess personal property from the United States Department of Defense for use by the department, notwithstanding any other provision of law.

(16) The Adjutant General may establish a science, mathematics and technology education improvement program for schoolchildren known as the STARBASE Program. The Adjutant General may accept financial assistance and in-kind assistance, advances, grants, gifts, contributions and other forms of financial assistance from the Federal Government or other public body or from other sources, pub-

lic or private, to implement the STARBASE Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the STARBASE Program.

(17) The Adjutant General shall establish a system, to be administered by the Director of the Bureau of Maine Veterans' Services, to express formally condolence and appreciation to the closest surviving family members of members of the United States Armed Forces who, since September 11, 2001, are killed in action or die as a consequence of injuries that result in the award of a Purple Heart medal. In accordance with the existing criteria of the department for the awarding of gold star medals, this system must provide for the Adjutant General to issue up to 3 gold star medals to family members who reside in the State, one to the spouse of the deceased service member and one to the parents of the service member. If the parents of the service member are divorced, the Adjutant General may issue one medal to each parent. If the service member has no surviving spouse or parents or if they live outside of the State, the Adjutant General may issue a gold star medal to the service member's next of kin, as reported to the department, who resides in the State.

(18) The Adjutant General may establish a National Guard Youth Challenge Program consistent with 32 United States Code, Section 509 (1990). The Adjutant General may accept financial assistance from the Federal Government or other public body or from other sources, public and private, to implement the National Guard Youth Challenge Program. The Adjutant General may employ a director and other employees, permanent or temporary, to operate the program.

(19) The Adjutant General may execute cooperative agreements for purposes described or defined by this Title and other arrangements necessary to operate the department.

(20) The Adjutant General shall act as the Governor's homeland security advisor.

**Sec. 2. 37-B MRSA §154**, as amended by PL 2003, c. 488, §2 and affected by §5, is further amended to read:

**§154. Capital Repair, Maintenance, Construction and Acquisition Account**

Except as provided in section 353, the Capital Repair, Maintenance, Construction and Acquisition Account is established in the Military Bureau as a nonlapsing fund to assist in defraying the capital re-

pair, maintenance and construction of state-owned properties of the Military Bureau, as well as purchasing land for training sites. The bureau may not spend ~~\$300,000~~ \$500,000 or more for any single capital repair, maintenance or construction project or land acquisition unless that expenditure is approved in advance by the Legislature. Not later than January 1st of each odd-numbered year, the bureau shall submit a list to the Legislature that identifies the location, nature and cost of each planned capital repair, maintenance and construction project and land acquisition costing less than ~~\$300,000~~ \$500,000.

**Sec. 3. 37-B MRSA §264, sub-§1**, as amended by PL 2001, c. 559, Pt. PP, §1, is further amended to read:

**1. Sale of property; proceeds.** The Adjutant General shall designate an officer to inspect military property, real and personal, and may condemn any inspected property that the Adjutant General determines to be unfit for use by the military. Property condemned under this subsection may be sold by the Adjutant General. Real property condemned under this subsection may not be sold for less than its appraised value as determined by a person licensed as a real estate appraiser under Title 32, chapter 124.

All proceeds from the sale of condemned property must be paid into the State Treasury and credited to the Capital Repair, Maintenance, Construction and Acquisition Account of the Military Bureau established under section 154. ~~For fiscal year 2002-03 only, proceeds up to \$300,000 from the sale of condemned property must be paid into the State Treasury and credited to the National Guard Education Assistance Pilot Program established under Resolve 1999, chapter 121. Funds not used for National Guard Education Assistance Pilot Program purposes must be paid into the Capital Repair Account of the Military Bureau.~~

**Sec. 4. 37-B MRSA §264, sub-§2**, as enacted by PL 1995, c. 684, §3, is amended to read:

**2. Designation of property; sale.** The Adjutant General may sell an armory or other real property of the Military Bureau if the Adjutant General has:

- A. Completed the appraisal required under subsection 1; and
- B. Except as provided in subsection 3, obtained approval of the Legislature to sell that armory or other real property. For the purposes of this subsection, the term "approval of the Legislature" means the enactment by the Legislature and signing by the Governor of a resolve authorizing the sale of that armory or other real property.

All proceeds of the sale of an armory or other real property under this subsection must be paid into the State Treasury and credited to the Capital Repair,

Maintenance, Construction and Acquisition Account of the Military Bureau established under section 154.

**Sec. 5. 37-B MRSA §353**, as enacted by PL 2003, c. 488, §4 and affected by §5, is amended to read:

**§353. Tuition grant for member**

A member who meets the prerequisites of section 354 is entitled to a tuition benefit that may not exceed tuition costs incurred at any state postsecondary education institution. A member who attends classes in Maine at a regionally accredited private Maine college or university is entitled to a tuition benefit that may not exceed the tuition costs incurred at that private college or university or a tuition benefit not to exceed tuition assessed for a similar degree program at any state postsecondary education institution, whichever is less. Notwithstanding any other provision of law, the Maine National Guard shall use federal funds; state general funds not to exceed \$5,000 in any fiscal year; or state funds from the Armory Rental Fund as established in section 152, the Capital Repair, Maintenance, Construction and Acquisition Account as established in section 154 or the reimbursement fund as established in section 155 or from revenue generated by the Maine Military Authority to pay tuition benefits.

**Sec. 6. 37-B MRSA §399, sub-§1**, as enacted by PL 2013, c. 251, §4, is amended to read:

**1. Capital repairs; tuition assistance.** An account established within the Military Bureau to be used for capital repairs ~~and~~, maintenance, construction and acquisition of state military facilities and Maine National Guard tuition assistance;

See title page for effective date.

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**CHAPTER 470**

**H.P. 1213 - L.D. 1690**

**An Act Concerning  
Confidential Records Received  
by the Commission on  
Governmental Ethics and  
Election Practices**

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

**Sec. 1. 21-A MRSA §1003, sub-§3-A**, as enacted by PL 2007, c. 571, §6, is amended to read:

**3-A. Confidential records.** Investigative working papers of the commission are confidential ~~and may not be disclosed to any person except the members and staff of the commission, except that the commission~~ may disclose them to the subject of the audit or investigation, other entities as necessary for the conduct of an audit or investigation and law enforcement and

other agencies for purposes of reporting, investigating or prosecuting a criminal or civil violation. For purposes of this subsection, "investigative working papers" means documents, records and other printed or electronic information in the following limited categories that are acquired, prepared or maintained by the commission during the conduct of an audit, investigation or ~~audit~~ other enforcement matter:

A. Financial information not normally available to the public;

B. ~~Information belonging to a party committee, political action committee, ballot question committee, candidate or candidate's authorized committee that, if disclosed, would reveal sensitive political or campaign information~~ belonging to a party committee, political action committee, ballot question committee, candidate or candidate's political committee, or other person who is the subject of an audit, investigation or other enforcement matter, even if the information is in the possession of a vendor or 3rd party;

C. Information or records subject to a privilege against discovery or use as evidence; and

D. Intra-agency or interagency communications related to an audit or investigation, including any record of an interview, meeting or examination.

The commission may disclose investigative working papers or discuss them at a public meeting, except for the information or records subject to a privilege against discovery or use as evidence, ~~in a final audit or investigation report or determination~~ if the information or record is materially relevant to a finding of fact ~~or~~, violation or other decision by the commission concerning an audit, investigation or other enforcement matter.

See title page for effective date.

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**CHAPTER 471**

**H.P. 1220 - L.D. 1696**

**An Act To Clarify That  
Veterans Who Served in Iraq  
and Afghanistan Qualify for  
the Veterans' Property Tax  
Exemption**

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

**Sec. 1. 36 MRSA §653, sub-§1, ¶C**, as amended by PL 2007, c. 240, Pt. PPPP, §1, is further amended to read:

C. The estates up to the just value of \$6,000, having a taxable situs in the place of residence, of