

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

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

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

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

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

- (1) The walkway or trail is adjacent to a segment of a river that is located within the boundaries of a downtown revitalization project;
- (2) If cantilevered over a segment of river, the walkway or trail does not extend over the river more than 10 feet from the normal high-water line;
- (3) If cantilevered over a segment of river, the walkway or trail is attached to a structure that was constructed prior to 1971 and is located within a downtown revitalization project; and
- (4) If the walkway or trail is cantilevered over a segment of river, the municipal planning board has determined there is no other practical means to construct the walkway or trail without cantilevering over that segment of the river. If there are no other practical means to construct the walkway or trail, approaches to the cantilevered walkway or trail may also cantilever off adjacent retaining walls but no more than is necessary to access the cantilevered walkway or trail.

B. A downtown revitalization project under this subsection must be defined in a project plan approved 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 subsection 4.

C. Except for the water and wetland setback requirements in subsection 4, a walkway or trail 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 walkway or trail exempt under this subsection may be either privately or publicly owned and maintained.

See title page for effective date.

CHAPTER 12

H.P. 177 - L.D. 245

An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream

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

Sec. 1. 38 MRSA §467, sub-§15, ¶E, as amended by PL 2003, c. 317, §18, is further amended to read:

E. Meduxnekeag River Drainage.

(1) Meduxnekeag River, main stem.

(a) From the outlet of Meduxnekeag Lake to the international boundary - Class B.

(2) Meduxnekeag River, tributaries - Class B unless otherwise specified.

(a) North Branch of the Meduxnekeag River and its tributaries above the Monticello - T.C. R.2, W.E.L.S. boundary - Class A.

(b) Moose Brook and its tributaries, upstream of the Ludlow Road in Ludlow - Class A.

(c) South Branch of the Meduxnekeag River and its tributaries, upstream of the Oliver Road in Cary - Class A.

(d) ~~B~~ **Captain Ambrose Bear Stream** and tributaries upstream of the Burnt Brow Bridge in Hammond - Class A.

Sec. 2. Name change from B Stream to Captain Ambrose Bear Stream. The county commissioners of Aroostook County shall rename the stream in and near the Town of Houlton in Aroostook County named B Stream to Captain Ambrose Bear Stream in honor of Captain Ambrose Bear, a Maliseet Indian chief who served in the Revolutionary War. The commissioners shall provide notice of the new name to the Commissioner of Agriculture, Conservation and Forestry, the Secretary of the United States Department of the Interior and other public agencies, boards, committees or other groups responsible for changing names of places and ensuring that such name changes appear on maps and other documents.

Sec. 3. Commissioner of Transportation to replace signs. The Commissioner of Transportation shall replace any sign that is located on the interstate highway that contains a reference to B Stream to comply with section 2 no later than 30 days after the effective date of this Act.

Sec. 4. Commissioner of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife shall amend Department of Inland Fisheries and Wildlife's rules to change the name of B Stream to Captain Ambrose Bear Stream in all rules that mention the stream.

See title page for effective date.

CHAPTER 13

S.P. 83 - L.D. 214

An Act To Stay Certain Suspensions Imposed by the Secretary of State Pending Appeal

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

Sec. 1. 29-A MRSA §2458, sub-§2-A, as enacted by PL 2007, c. 486, §1, is amended to read:

2-A. Minimum suspension for negligent operation. The Secretary of State without preliminary hearing shall suspend for a period of at least 3 years a person's license if the Secretary of State, based on the Secretary of State's records or other sufficient evidence, finds that person to have ~~recklessly or~~ negligently operated a motor vehicle in a manner so as to cause the death of another person. Prior to the determination and issuance of the suspension, the Secretary of State shall notify any family of the victim and shall consider written or oral statements received from the family in response to the notice. Upon suspending the person's license, the Secretary of State shall notify that person of an opportunity for hearing as provided in section 2483. If a person whose license is suspended under this subsection requests a hearing, the suspension is stayed pursuant to section 2483.

See title page for effective date.

CHAPTER 14

S.P. 73 - L.D. 198

An Act To Amend the Laws Regarding Noncommercial Foreign Vessels

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

Sec. 1. 38 MRSA §87-A, sub-§1, ¶F, as enacted by PL 2011, c. 14, §3, is amended to read:

F. Noncommercial foreign vessels with overall length of under ~~200~~ 253 feet.

See title page for effective date.

CHAPTER 15

S.P. 39 - L.D. 102

An Act To Strengthen the Craft Beer Industry

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

Sec. 1. 28-A MRSA §1355-A, sub-§6, ¶G, as enacted by PL 2013, c. 345, §4, is repealed.

Sec. 2. 28-A MRSA §1355-A, sub-§6, ¶G-1 is enacted to read:

G-1. Licenses issued under subsection 3 may allow for up to 9 tenant brewers at a time at the manufacturing facility of a host brewer.

See title page for effective date.

CHAPTER 16

H.P. 168 - L.D. 236

An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds 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 Years Ending June 30, 2015, June 30, 2016 and June 30, 2017

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 may 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