

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

ble, but no later than 60 days from receipt of this information. The licensee shall respond within 30 days. If the licensee's response to the complaint satisfies the board that the complaint does not merit further investigation or action, the matter may be dismissed, with notice of the dismissal to the complainant, if any.

If, in the opinion of the board, the factual basis of the complaint is or may be true, and the complaint is of sufficient gravity to warrant further action, the board may request an informal conference with the licensee. The board shall provide the licensee with adequate notice of the conference and of the issues to be discussed. The conference must be conducted in executive session of the board, pursuant to Title 1, section 405, unless otherwise requested by the licensee. Statements made at the conference may not be introduced at a subsequent formal hearing unless all parties consent.

If the board finds that the factual basis of the complaint is true and is of sufficient gravity to warrant further action, it may take any of the following actions it considers appropriate:

A. With the consent of the licensee, enter into a consent agreement that takes any action authorized by Title 10, section 8003, subsection 5 or Title 10, section 8003-D. A consent agreement may be used to terminate a complaint investigation, if entered into by the board, the licensee and the Attorney General's office;

B. In consideration for acceptance of a voluntary surrender of the license, if a consent agreement is signed by the board, the licensee and the Attorney General's office, negotiate stipulations, including terms and conditions for reinstatement, that ensure protection of the public health and safety and that serve to rehabilitate or educate the licensee;

C. If the board concludes that denial of initial licensure or, modification or nonrenewal of an existing a license is in order warranted, the board may refer the complaint to a dental adjudicatory panel, convened pursuant to section 1080, for the purpose of holding hold an adjudicatory hearing in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 4 and may take any action authorized by subsection 2 or Title 10, section 8003, subsection 5; or

D. If the board concludes that suspension or revocation of the license is in order, the board may file a complaint in the District Court in accordance with Title 4, chapter 5.

~~Notwithstanding any other provision of law, a dental adjudicatory panel convened pursuant to section 1080 has the sole authority to hold an adjudicatory hearing conforming to the requirements of Title 5, chapter 375, subchapter 4 and take any action authorized by Title~~

~~10, section 8003, subsection 5 or Title 10, section 8003-D following an adjudicatory hearing.~~

Notwithstanding Title 10, section 8003, subsection 5, any nonconsensual revocation of a license by a dental adjudicatory panel pursuant to Title 10, section 8003, subsection 5 may be imposed only after a hearing conforming to the requirements of Title 5, section 375, subchapter 4 and is subject to judicial review exclusively in the Superior Court in accordance with Title 5, chapter 375, subchapter 7. ~~The board retains the authority to take any other action pursuant to this section and Title 10, section 8003 regarding the disposition of any complaint that does not involve an adjudicatory hearing.~~

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

Effective June 2, 2015.

CHAPTER 136

H.P. 114 - L.D. 156

An Act To Eliminate the Minimum Age Requirement for a Junior Hunting License and Increase the Number of Times a Person May Hold an Apprentice Hunter License

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

Sec. 1. 12 MRSA §10853, sub-§8, as amended by PL 2013, c. 136, §1, is further amended to read:

8. Members of federally recognized nation, band or tribe. The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including permits, stamps and other permission needed to hunt, trap and fish, to a person, ~~10 years of age or older,~~ who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of a federally recognized nation, band or tribe listed in this subsection are exempt from the trapper evaluation program required for a license under section 12201

and the archery hunter education course under section 11106.

Sec. 2. 12 MRSA §11102, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §111 and affected by §422, is repealed.

Sec. 3. 12 MRSA §11106, sub-§1, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A resident or nonresident ~~10 years of age or older and~~ under 16 years of age may hunt with bow and arrow if that person holds a valid junior hunting license.

Sec. 4. 12 MRSA §11106-A, sub-§2, as enacted by PL 2005, c. 419, §3 and affected by §12, is amended to read:

2. Junior license. A resident or nonresident ~~40 years of age or older and~~ under 16 years of age may hunt with a crossbow if that person holds a valid junior hunting license.

Sec. 5. 12 MRSA §11107, sub-§2, as amended by PL 2005, c. 397, Pt. E, §5, is further amended to read:

2. Junior license. A person ~~10 years of age or older and~~ under 16 years of age may obtain a muzzle-loading permit from the commissioner or the commissioner's authorized agent if the person possesses a valid junior hunting license.

Sec. 6. 12 MRSA §11108, sub-§1, as amended by PL 2005, c. 419, §4 and affected by §12, is further amended to read:

1. On certain land. Notwithstanding section 11109, subsection 1 as it applies to this subchapter, a resident ~~over 10 years of age~~ and a member of the resident's immediate family ~~over 10 years of age~~, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow hunting license and a muzzle-loading license, on a single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. That is used exclusively for agricultural purposes; and
- D. That is in excess of 10 acres.

Sec. 7. 12 MRSA §11108-B, sub-§3, as amended by PL 2013, c. 538, §19, is further amended to read:

3. Eligibility. A resident or nonresident 16 years of age or older who has never held a valid adult hunting license in this State, or any other state, province or country, is eligible to obtain an apprentice hunter li-

cense. Notwithstanding section 11105, a person is eligible to obtain an apprentice hunter license without having successfully completed a hunter safety course. A person may not obtain an apprentice hunter license more than ~~twice~~ 5 times. A person selected to receive a moose permit may not then purchase an apprentice hunter license to meet the licensing requirements for that permit.

Sec. 8. 12 MRSA §11108-C, as enacted by PL 2013, c. 538, §20, is amended to read:

§11108-C. Eligibility and restrictions for a junior hunting license

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Adult supervisor" means:

(1) The parent or guardian of the junior hunter who holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105; or

(2) A person 18 years of age or older who:

(a) Is approved by the parent or guardian of the junior hunter; and

(b) Holds or has held a valid Maine hunting license or successfully completed a hunter safety course that meets the requirements of section 11105.

B. "In the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not limited to binoculars and citizen band radios.

2. Eligibility. A resident or nonresident ~~who is at least 10 years of age and~~ under 16 years of age may obtain a junior hunting license, which allows that person to hunt subject to the conditions set out in this section.

3. Supervision of junior hunters. A hunter who is at least 10 years of age and under 16 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of an adult supervisor. A hunter who is under 10 years of age may not hunt unless that person holds a junior hunting license and is in the presence of and under the effective control of an adult supervisor who remains at all times within 20 feet of that hunter.

4. Supervision of junior hunters 16 years of age. A hunter 16 years of age who obtained a junior ~~hunter~~ hunter hunting license before that person reached 16 years of age may not hunt with that license unless the person is in the presence of ~~or~~ and under the effective control of an adult supervisor or the person has successfully completed a hunter safety course acceptable

under section 11105. The following penalties apply to a violation of this subsection:

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

B. A person who violates paragraph A 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.

5. Expiration of junior hunting license issued to person 15 years of age. A junior hunting license issued to a person who is 15 years of age is valid through the calendar year for which the license is issued. In addition to the requirements of subsection 4, all other permit requirements applicable to a person who is 16 years of age or older apply to a person who continues to hunt with a junior hunting license under this subsection after reaching that person's 16th birthday.

6. Penalties for supervisors of junior hunters. A person who is the adult supervisor of a holder of a valid junior hunting license when that junior hunter violates any provision of this Part pertaining to hunting:

A. Commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged; and

B. 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.

Sec. 9. 12 MRSA §11109, sub-§3, ¶A, as amended by PL 2013, c. 538, §21, is further amended to read:

A. A resident junior hunting license, for a person ~~10 years of age or older and~~ under 16 years of age, is \$7. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 10. 12 MRSA §11109, sub-§3, ¶F, as repealed and replaced by PL 2013, c. 538, §22, is amended to read:

F. A nonresident junior hunting license, for a person ~~10 years of age or older and~~ under 16 years of age, is \$34. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part.

Sec. 11. 12 MRSA §11154, sub-§13, as enacted by PL 2005, c. 143, §1, is amended to read:

13. Hunting adventure permits for children. Notwithstanding subsection 6 ~~and section 11102~~, the commissioner may issue 2 moose permits to a non-profit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses. The commissioner may issue these permits upon written request by an eligible nonprofit organization but may not issue more than 2 permits in total for a calendar year. These permits are in addition to the moose hunting permits issued under subsection 2 for each wildlife management district and are at no cost to the organization.

Sec. 12. Effective date. This Act takes effect January 1, 2016.

Effective January 1, 2016.

CHAPTER 137

H.P. 443 - L.D. 662

An Act To Increase Access to Health Care through Telemedicine

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

Sec. 1. 32 MRSA §3300-D is enacted to read:

§3300-D. Interstate practice of telemedicine

1. Definition. For the purposes of this section, "telemedicine" has the same meaning as in Title 24-A, section 4316, subsection 1.

2. Requirements. A physician not licensed to practice medicine in this State may provide consultative services through interstate telemedicine to a patient located in this State if the physician is registered in accordance with subsection 3. A physician intending to provide consultative services in this State through interstate telemedicine shall provide any information requested by the board and complete information on:

A. All states and jurisdictions in which the physician is currently licensed;

B. All states and jurisdictions in which the physician was previously licensed; and

C. All negative licensing actions taken previously against the physician in any state or jurisdiction.

3. Registration. The board may register a physician to practice medicine in this State through interstate telemedicine if the following conditions are met: