

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

Augusta, Maine
2015

tion 6326, subsection 2, paragraph A, C, D, E, F, G or H.

A. The municipal officers shall provide notice to the responsible parties and hold a hearing before making a determination that a property has been abandoned. The notice of hearing must:

(1) State the scheduled date, time and location of the hearing; and

(2) Inform the responsible parties that, upon a finding of abandonment, the municipality may require the responsible parties to correct any property defects within 30 days of the issuance of a notice to correct or, if a permit is required to correct property defects, the municipality may require the responsible parties to promptly seek a permit and to correct the defects within 30 days of the issuance of the permit.

B. A hearing under paragraph A may be held no less than 7 days after receipt or publication of the notice.

C. An order issued by the municipality determining that a property is abandoned may be combined with the notice to correct set forth in subsection 5.

5. Notice to correct. Upon a finding of abandonment, the municipal officers may give written notice to the responsible parties to correct identified property defects. The municipal notice to correct under this section must:

A. Identify the property defects;

B. State the municipality's intention to take appropriate preventive or corrective measures to address the property defects;

C. Identify the measures the municipality will take if the responsible parties have not remedied the property defects identified within 30 days of the notice to correct;

D. State the municipality's intention to subsequently recover the municipality's direct, legal and administrative costs from the responsible parties; and

E. Inform the responsible parties of their ability to avert the municipality's actions by remedying the property defects as identified in the notice.

6. Notice process. A notice required to be given under this section is governed by the following.

A. Notice must be hand-delivered or mailed by certified mail, return receipt requested, to the responsible parties. Notice is sufficient if the signed receipt is returned or the certified mail is returned as refused by the recipient.

B. If the address of the responsible parties cannot be determined with reasonable diligence, the notice is sufficient if it is published twice consecutively in a daily or weekly newspaper having general circulation in the municipality in which the property is located.

7. In-state representatives. Mortgagees who have initiated a foreclosure on a property shall designate a representative whose place of business is within this State to be responsible for responding to municipal inquiries regarding the property. The foreclosing mortgagee shall provide the municipality in which the property is located with the contact information for the mortgagee's in-state representative. For the purposes of this subsection, "contact information" means both a mailing address and a direct telephone number with a functioning voice mailbox, as well as the responsible party's direct e-mail address when available.

8. Recovery of costs. All responsible parties are jointly and severally liable to a municipality for its direct, legal and administrative costs incurred while remedying or attempting to remedy the property defects pursuant to this section. The responsible parties shall reimburse the municipality for its costs within 30 days after demand, or a special tax may be assessed against the property in the amount of those costs and may be collected in the same manner as other state, county and municipal taxes are collected.

9. Appeals. An appeal from a finding of abandonment by the municipal officers pursuant to this section is to the Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B.

See title page for effective date.

CHAPTER 277

H.P. 899 - L.D. 1321

An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife

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

Sec. 1. 12 MRSA §10108, sub-§4-B is enacted to read:

4-B. Keep Maine Clean program. The commissioner shall develop and implement a Keep Maine Clean program to recruit volunteers to pick up trash in fields and forests while engaging in outdoor recreation. The commissioner shall recruit volunteers for the program from outdoor recreationists, the media and other for-profit and nonprofit organizations, and shall build a database of volunteers and encourage their

participation in the program. The commissioner shall promote the program through a publicly accessible website, e-mail and a monthly e-mail newsletter to volunteers, including stories about the program's sponsors, volunteers, contests, good landowner relations and other helpful information.

The commissioner shall seek sponsorship of the Keep Maine Clean program from businesses, groups representing outdoor recreationists and other individuals and groups. The commissioner may accept money, goods or services donated to the department for the program. Money, goods and services accepted by the commissioner under this subsection may be used only for program activities, including providing gifts to program volunteers and promoting and marketing the program. Money accepted by the commissioner under this subsection must be deposited in the Landowner Relations Fund established in section 10265.

Sec. 2. 12 MRSA §10157, sub-§1, as amended by PL 2013, c. 405, Pt. D, §11, is repealed.

Sec. 3. 12 MRSA §10157, sub-§1-A is enacted to read:

1-A. Appointment and composition. The Landowners and Sportsmen Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of the following members:

A. Eleven members, appointed by the Commissioner of Inland Fisheries and Wildlife:

- (1) One representative of a statewide small woodland owners association;
- (2) One representative of a large landowners association;
- (3) One representative of a statewide farmers organization;
- (4) Three representatives of sportsmen;
- (5) Two representatives of outdoor recreationists;
- (6) Two representatives of environmentalist organizations; and
- (7) One representative of land trust organizations.

Sec. 4. 12 MRSA §10157, sub-§§2 and 3, as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, are amended to read:

2. Terms. ~~Members of the advisory board, including the ad hoc members, serve for 3 years, except that, initially, the first 3 landowner representative members appointed and the first 3 land user representative members appointed serve 3 years; the next 3 landowner representative members appointed and the next 3 land user representative members appointed~~

~~serve 2 years; and the remaining landowner and land user representative members appointed serve for one year. When a vacancy occurs, the Governor Commissioner of Inland Fisheries and Wildlife shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory board and that new member continues to serve for the remainder of the term.~~

3. Chair; election of board officers. The members of the advisory board shall annually elect one of its members as chair and one of its members as vice-chair. The chair is responsible for scheduling at least 3 advisory board meetings a year and for preparing the agenda for each meeting.

Sec. 5. 12 MRSA §10157, sub-§§5 and 6, as enacted by PL 2003, c. 655, Pt. B, §36 and affected by §422, are amended to read:

5. Staffing of advisory board. The department shall provide administrative and staff support to the advisory board. Department staff shall attend all meetings of the advisory board.

6. Meetings. The advisory board shall hold ~~quarterly~~ 3 meetings each year. Additional meetings may be held as necessary to conduct the business of the advisory board. At least once per year, the advisory board and the department shall convene a group of stakeholders to discuss any landowner and outdoor recreationist issues and to provide recommendations to the department and the advisory board for improvements to the landowner relations program.

Sec. 6. 12 MRSA §10157, sub-§7, ¶E, as amended by PL 2011, c. 208, §2, is further amended to read:

E. Conduct an organizational review of the advisory board every 5 years. This review must be designed to provide the information necessary to ascertain whether the advisory board has the membership required by subsection 4 ~~1-A~~ and the advisory board is fulfilling its duties. If the review indicates that the advisory board does not have the correct representational membership, a subcommittee of the members of the advisory board must be convened to recommend to the commissioner appropriate changes. At any time, the advisory board may recommend to the commissioner ways to improve the advisory board's membership or function, and the commissioner shall act upon those recommendations; ~~and~~

Sec. 7. 12 MRSA §10157, sub-§7, ¶F, as enacted by PL 2011, c. 208, §3, is amended to read:

F. Establish a protocol to contact and work with the courts to identify public service opportunities for a person who has violated a litter law under Title 17, section 2264-A; and

Sec. 8. 12 MRSA §10157, sub-§7, ¶G is enacted to read:

G. Issue an annual report that includes the following:

- (1) A summary of the major accomplishments of the program over the last year and plans for the coming year;
- (2) A summary of how the department administrative and staff support time was spent, including any time spent by the landowner relations coordinator on matters unrelated to landowner relations;
- (3) A summary of landowner-related complaints received and any resulting action on behalf of the department or advisory board;
- (4) An accounting of income and expenses of the Landowner Relations Fund established in section 10265; and
- (5) An explanation of what the advisory board accomplished pursuant to each of its statutory duties.

Sec. 9. 12 MRSA §10265, as enacted by PL 2011, c. 576, §5, is amended to read:

§10265. Landowner Relations Fund

The Landowner Relations Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the landowner relations program established pursuant to section 10108, subsection 4-A and the Keep Maine Clean program established in section 10108, subsection 4-B. All funds from fees collected under section 10108, subsection 3 and subsection 4-A, paragraph C and money accepted by the commissioner pursuant to section 10108, subsection 4-B must be deposited in the fund. The fund receives any other funds appropriated or allocated to the fund. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 10. Transition. Current members of the Landowners and Sportsmen Relations Advisory Board that fit within the new membership criteria, as determined by the Commissioner of Inland Fisheries and Wildlife, may continue to serve the terms for which they were originally appointed under the former Maine Revised Statutes, Title 12, section 10157, subsection 1.

See title page for effective date.

CHAPTER 278

H.P. 927 - L.D. 1365

An Act Regarding Licensed Children's Programs

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

Sec. 1. 22 MRSA §7701, sub-§§4 and 5 are enacted to read:

4. Division. As used in section 7707, "division" means the Department of Health and Human Services, Division of Licensing and Regulatory Services.

5. Reportable incident. As used in section 7707, "reportable incident" means:

- A. A child's death that occurs while the child is in the care of an entity required to report under section 7707, subsection 1; and
- B. An injury or trauma to a child that occurs while the child is in the care of an entity required to report under section 7707, subsection 1 and results in the transportation of the child to a hospital by emergency medical services personnel.

Sec. 2. 22 MRSA §7707 is enacted to read:

§7707. Reportable incidents

1. Reporting requirements. A child care facility licensed pursuant to section 8301-A, subsection 2; a family child care provider certified pursuant to section 8301-A, subsection 3; and a nursery school licensed pursuant to section 8402 shall report reportable incidents in accordance with this section.

2. Notification by next business day. An entity required to report pursuant to subsection 1 shall submit a division-approved reportable incident form to the division by the next business day after a reportable incident occurred. The form must include at least the following information:

- A. The date of the reportable incident;
- B. The time the reportable incident occurred;
- C. The name of the entity;
- D. The name of the entity's contact person;
- E. A description of the reportable incident;
- F. The condition of the child;
- G. The name of the child;
- H. The action taken by the entity; and
- I. The involvement of a fire or police department, emergency medical services or other entity.

3. Rules. The department may adopt rules necessary to implement the reporting of reportable incidents. Rules adopted pursuant to this subsection are