

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

permit fee. A person issued a permit under this subsection may not be charged with a penalty under section 12151.

Sec. 8. 12 MRSA §12152, sub-§4, as amended by PL 2005, c. 12, Pt. III, §22, is further amended to read:

4. Permit fees. Permit fees and terms are as follows:

- A. Propagation, \$27 ~~for every~~ 2 calendar years;
- B. Commercial exhibition or attracting trade, \$147 every 2 calendar years ~~from July 1st to June 30th~~;
- C. Personal use, ~~professional or vocational husbandry, therapy or aid to disabled persons,~~ \$27 every 2 calendar years; ~~and~~
- D. Rehabilitation, renewable every 2 calendar years, no fee;
- E. Importation, \$27;
- F. Possession, \$27 every 2 calendar years;
- G. Professional or vocational husbandry, \$27 every 2 calendar years; and
- H. Therapy or aid to disabled persons, \$27 every 2 calendar years.

Sec. 9. 12 MRSA §12152, sub-§4-A is enacted to read:

4-A. Renewal. A permit holder who wishes to renew a permit issued under this section must renew the permit prior to its expiration date. The department may assess a late fee of \$25, in addition to the required permit fee, to a person who does not renew a permit prior to its expiration date.

Sec. 10. 12 MRSA §12152, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Rules. The commissioner may adopt rules necessary for the administration of this section, including provisions to ensure that all wildlife possessed under these permits receives humane treatment and proper husbandry and security, and to safeguard the interests of the wildlife and citizens of the State. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. Rules adopted may include but are not limited to rules that:

- A. Maintain updated inspection provisions for applicants attempting to acquire a permit to possess or introduce, import and possess fish or wildlife in captivity;
- B. Maintain a fee structure to establish fees for inspection provisions for regulated species;

C. Provide a process that allows authorized independent contractors to meet with permit applicants to educate applicants on minimum standard facility requirements and to inspect current facilities to recommend approval or denial of a permit; and

D. Charge a responsible party for the cost incurred to remove or euthanize unpermitted regulated fish or wildlife species.

Sec. 11. 12 MRSA §12155, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §204 and affected by §422, is repealed.

Sec. 12. 12 MRSA §12704, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

§12704. Permit to hunt, trap, possess, band and transport wild animals and wild birds for educational or scientific purposes

The commissioner may issue a permit to any person, permitting that person to hunt, trap, possess, band and transport wild animals and wild birds for educational or scientific purposes.

Sec. 13. 12 MRSA §12705, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §292 and affected by §422, is amended to read:

§12705. Rule violations; educational or scientific collection permits

The following penalties apply to violations of rules regulating educational or scientific collection permits.

1. Civil violation. Notwithstanding section 10650, a person who violates a rule regulating educational or scientific collection permits commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

2. Criminal violation. A person who violates a rule regulating educational or scientific collection permits 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.

See title page for effective date.

CHAPTER 375

S.P. 216 - L.D. 623

An Act To Expand Maine's Carbon Monoxide Detectors Law

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

Sec. 1. 25 MRSA §2468, sub-§1, ¶A-1 is enacted to read:

A-1. "Educational facility" means a public or private postsecondary institution incorporated or chartered under the laws of this State or a child care facility as defined in Title 22, section 8301-A, subsection 1-A, paragraph B.

Sec. 2. 25 MRSA §2468, sub-§2, as amended by PL 2011, c. 553, §1, is further amended to read:

2. Carbon monoxide detectors required. The owner shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each area within, or giving access to, bedrooms in:

A. Each unit in any building of multifamily occupancy; a fraternity house, sorority house or dormitory that is affiliated with an educational facility; a children's home, emergency children's shelter, children's residential care facility, shelter for homeless children or specialized children's home as defined in Title 22, section 8101; or a hotel, motel, inn or bed and breakfast licensed as an eating and lodging place or a lodging place under Title 22, chapter 562. The owner shall use a carbon monoxide detector that is powered by:

- (1) Both the electrical service in the building and a battery; or
- (2) A nonreplaceable 10-year battery;

B. Any addition to or restoration of:

- (1) An existing single-family dwelling that adds at least one bedroom to the dwelling unit; or,
- (2) A fraternity house, sorority house or dormitory established on or after August 1, 2012 that is affiliated with a private or public school or private or public postsecondary institution incorporated or chartered under the laws of this State; or

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery; and

C. Any conversion of a building to:

- (1) A single-family dwelling; or
- (1-A) A structure listed in paragraph A.
- (2) A hotel, motel, inn or bed and breakfast upon initial licensure as an eating and lodging place or a lodging place under Title 22, chapter 562 on or after August 1, 2012; or
- (3) A fraternity house, sorority house or dormitory established on or after August 1, 2012 that is affiliated with a private or public school or private or public postsecondary in-

~~stitution incorporated or chartered under the laws of this State.~~

The owner shall use a carbon monoxide detector that is powered both by the electrical service in the building and by a battery.

~~A carbon monoxide detector must be powered both by the electrical service in the building or dwelling and by battery.~~

Sec. 3. 25 MRSA §2468, sub-§§11 to 13 are enacted to read:

11. Educational facilities. An educational facility shall install, or cause to be installed, by the manufacturer's requirements at least one approved carbon monoxide detector in each building of the educational facility that is used for educational purposes by at least 6 persons for at least 4 hours per day or more than 12 hours per week. The owner shall use a carbon monoxide detector that is powered by:

- A. Both the electrical service in the building and a battery; or
- B. A nonreplaceable 10-year battery.

12. Exemption. A dormitory or other building of an educational facility is exempt from the requirements of this section if the dormitory or other building meets the standards for the installation of carbon monoxide detection and warning equipment adopted by the National Fire Protection Association.

13. Compliance schedule. A public or private postsecondary institution shall, for each dormitory or other building that is not exempt from the requirements of this section pursuant to subsection 12, begin installation of carbon monoxide detectors as required by this section by August 1, 2016 and shall achieve full compliance by January 1, 2019.

Sec. 4. Transition provision. If on January 1, 2016 a person who is required to use a carbon monoxide detector by the Maine Revised Statutes, Title 25, section 2468 has already in use a carbon monoxide detector powered by a replaceable battery, that person may continue to use that detector until the recommended replacement date specified by the manufacturer of the carbon monoxide detector. By the manufacturer's recommended replacement date that person shall install a carbon monoxide detector that is in compliance with the provisions of Title 25, section 2468 governing carbon monoxide detector power sources.

Sec. 5. Effective date. This Act takes effect January 1, 2016.

Effective January 1, 2016.