

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 2016 to August 2, 2017

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 1, 2017

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

Augusta, Maine
2017

- (3) Tear down or destroy any fence or wall on another person's land;
- (4) Leave open any gate or bars on another person's land; or
- (5) Trample or destroy any crop on another person's land; or
- (6) Destroy, tear down, deface or otherwise damage a property posting sign under Title 17-A, section 402, subsection 4.

Sec. 2. 12 MRSA §10902, sub-§7-B is enacted to read:

7-B. Destroying or defacing property posting signs. The hunting and fishing licenses of a person convicted of destroying, tearing down, defacing or otherwise damaging a property posting sign in violation of section 10652, subsection 1, paragraph B must be revoked, and that person is ineligible to obtain a hunting or fishing license for a period of one year from the date of conviction.

See title page for effective date.

CHAPTER 51

H.P. 86 - L.D. 118

An Act To Require All Moped Riders under 18 Years of Age and Newly Licensed Moped Operators To Wear a Helmet

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

Sec. 1. 29-A MRSA §2083, sub-§1, ¶A, as amended by PL 2009, c. 50, §1, is further amended to read:

A. If under 18 years of age, a passenger on a motorcycle or moped or in an attached side car;

Sec. 2. 29-A MRSA §2083, sub-§1, ¶B, as amended by PL 2009, c. 50, §2, is further amended to read:

B. If under 18 years of age, an operator of a motorcycle or moped;

Sec. 3. 29-A MRSA §2083, sub-§1, ¶C, as amended by PL 2005, c. 577, §33, is further amended to read:

C. An operator of a motorcycle or moped, operating under a learner's permit or within one year of successfully completing a driving test; and

Sec. 4. 29-A MRSA §2083, sub-§2, as repealed and replaced by PL 2009, c. 652, Pt. C, §5, is amended to read:

2. Compliance. An operator of a motorcycle or moped or a parent or guardian may not allow a pas-

senger under the age of 18 years to ride in violation of this section.

See title page for effective date.

CHAPTER 52

H.P. 275 - L.D. 369

An Act To Establish the Seaweed Fisheries Advisory Council and To Enhance the Management of the Seaweed Fishery

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

Sec. 1. 5 MRSA §12004-I, sub-§57-H is enacted to read:

57-H.

Marine	Seaweed	Expenses	12 MRSA
Resources	Fisheries	Only	§6087
	Advisory		
	Council		

Sec. 2. 12 MRSA §6087 is enacted to read:

§6087. Seaweed Fisheries Advisory Council

1. Appointment; composition. The Seaweed Fisheries Advisory Council, established by Title 5, section 12004-I, subsection 57-H and referred to in this section as "the council," consists of 7 members appointed by the commissioner as follows:

A. Two members who process seaweed or hold either a seaweed permit or seaweed buyer's license;

B. Two members who are seaweed aquaculture lease holders or their designees;

C. One member of the scientific community;

D. One member who harvests seaweed; and

E. One member of the public.

The commissioner shall make appointments so that the composition of the council reflects the diversity of the State's seaweed operations.

2. Purpose. The council shall:

A. Make recommendations to the commissioner on all matters concerning the health of the seaweed resource, its ecosystem and the industry it supports.

B. Make recommendations to the commissioner regarding expenditures from the Seaweed Management Fund as described in section 6806.

3. Term. The term of a member appointed to the council is 3 years, except that a vacancy during an unexpired term must be filled in the same manner as for the original member for the unexpired portion of the member's term. A member may not serve more than 2 consecutive terms.

4. Officers. The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The council shall elect a member of the council for each officer position at the first regular meeting of each year.

5. Meeting. The council shall meet at least once a year. It may also meet at other times at the call of the commissioner.

Sec. 3. 12 MRSA §6806, sub-§3, as reallocated by RR 1999, c. 1, §18, is amended to read:

3. Plan required. Beginning in calendar year ~~2000~~ 2018, the commissioner shall by May 1st of each year present a plan for expenditures from the fund for the next fiscal year to the joint standing committee of the Legislature having jurisdiction over marine resource matters. When developing the plan, the commissioner shall consult with ~~harvesters and seaweed dealers~~ the Seaweed Fisheries Advisory Council established in Title 5, section 12004-I, subsection 57-H.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 12, section 6087, subsection 3, of the initial appointments of the Seaweed Fisheries Advisory Council, the Commissioner of Marine Resources shall designate the first appointment for a one-year term, the next 2 appointments for 2-year terms and any other appointments for 3-year terms. An initial term of one or 2 years may not be considered a full term for purposes of limiting the number of terms for which a member may serve.

See title page for effective date.

CHAPTER 53

H.P. 428 - L.D. 612

An Act To Improve Vocational Rehabilitation under the Maine Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §217, sub-§8, as enacted by PL 2011, c. 647, §14, is repealed.

Sec. 2. 39-A MRSA §217, sub-§9 is enacted to read:

9. Reduction of benefits. If an employee is actively participating in a rehabilitation plan ordered pursuant to subsection 2, benefits may not be reduced except:

A. Under section 205, subsection 9, paragraph A, upon the employee's return to work with or an increase in pay from an employer who is paying the employee compensation under this Act;

B. Under section 205, subsection 9, paragraph B, based on the amount of actual documented earnings paid to the employee; or

C. When the employee reaches the durational limit of benefits paid under section 213.

See title page for effective date.

CHAPTER 54

H.P. 438 - L.D. 622

An Act To Ensure Appropriate Training for Harbor Masters

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

Sec. 1. 38 MRSA §1-A, sub-§1, as enacted by PL 2005, c. 525, §1, is amended to read:

1. Basic training course. A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association that represents Maine harbor masters within one year after being appointed or reappointed unless that person has previously completed such a course. The person appointed or reappointed a harbor master or deputy harbor master shall pay the cost of the training required under this subsection.

See title page for effective date.

CHAPTER 55

S.P. 54 - L.D. 135

An Act To Authorize the Department of Health and Human Services To Disclose Information to the Personal Representative of the Estate of an Incapacitated or Dependent Adult Who Dies While under Public Guardianship or Public Conservatorship

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

Sec. 1. 22 MRSA §3474, sub-§2, ¶1, as amended by PL 2007, c. 140, §2, is further amended to read:

I. A member of a panel appointed by the department or the Office of the Attorney General to review the death or serious injury of an incapacitated or dependent adult or a child; ~~and~~