

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 68

H.P. 633 - L.D. 905

**An Act To Authorize the
Construction of a Maine
Turnpike Connector to
Gorham**

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

Sec. 1. 23 MRSA §1964, sub-§3-A is enacted to read:

3-A. Connector. "Connector" means a section of highway owned by the authority for purposes of connecting the turnpike to the state highway system.

Sec. 2. 23 MRSA §1965, sub-§1, ¶D-2 is enacted to read:

D-2. Construct, maintain, reconstruct and operate a connector in Cumberland County from Route 114 in South Gorham to an interchange on the turnpike to address safety and mobility deficiencies in a manner that maximizes public safety, enhances the mobility of people and goods and minimizes adverse effects on the community in accordance with local and regional comprehensive planning;

Sec. 3. 23 MRSA §1965-C is enacted to read:

§1965-C. Construction of a connector to Gorham

1. Evaluation of reasonable alternatives. The authority and the department shall evaluate reasonable alternatives to the building of a connector to Gorham in Cumberland County from Route 114 in South Gorham to an interchange on the turnpike by completing an alternative mode feasibility study.

The authority in cooperation with the department shall update the evaluations with public participation to satisfy the requirements of section 73 and rules adopted pursuant to that section.

2. Review of alternatives. Upon completing the evaluation and update required under subsection 1, the authority shall determine whether the alternatives are sufficient to meet long-term regional transportation needs, to correct deficiencies and to fulfill mobility requirements of the region safely and at reasonable cost, using available technology. If the authority finds that the alternatives are not sufficient:

A. A final license, permit or approval necessary for construction may be issued by the appropriate state agency; and

B. The alternative evaluation and preference requirements of section 73 and rules adopted pursuant to that section are considered satisfied.

Sec. 4. 23 MRSA §1968, sub-§2-D is enacted to read:

2-D. Bonds for construction of a connector to Gorham. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution for the issuance of special obligation or subordinate bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$150,000,000 in aggregate principal amount exclusive of refundings, to pay for planning, design and construction of a connector to Gorham as described in section 1965-C.

Sec. 5. 23 MRSA §1973, sub-§3, as amended by PL 1995, c. 65, Pt. A, §63 and affected by §153 and Pt. C, §15, is further amended to read:

3. Tolls. Tolls, or the fixing of tolls, is not rule-making and is not subject to supervision or regulation by any state commission, board or agency. Subject to subsection 4, the authority may fix and revise from time to time tolls for the use of the turnpike and the different parts or sections of the turnpike, including, but not limited to, a connector, and charge and collect the tolls, and contract with any person, partnership, association or corporation desiring the use of any part of the turnpike, including the right-of-way adjoining the paved portion. The tolls must be so fixed and adjusted as to provide a fund at least sufficient with other revenues of the turnpike, if any, to pay for each fiscal year:

A. The cost of maintaining, repairing and operating the turnpike, and providing and maintaining reasonable reserves for those costs;

B. The bonds and the interest on those bonds, and all sinking fund requirements, and other requirements provided by the resolution authorizing issuance of the bonds or by the trust indenture or loan or a security agreement as those bonds, interest, sinking fund requirements and other requirements become due;

C. Those sums for the purpose of maintaining, constructing or reconstructing access roads or portions of access roads that have been requested by the department and in the sole discretion of the authority are from time to time determined to warrant the expenditure of turnpike revenues; and

D. The cost of maintaining, constructing or reconstructing interchanges.

The authority may use any method for assessing and collecting tolls, including but not limited to toll tickets, barrier toll facilities, billing accounts, commuter passes and electronic recording or identification devices. The display of a recording or identification device issued or authorized by the authority for these purposes on or near the windshield of a motor vehicle is not a violation of a law or rule, including but not limited to Title 29-A, sections 1916 and 2082, unless the device is attached in a way that obstructs the

driver's clear view of the highway or an intersecting highway.

See title page for effective date.

CHAPTER 69

S.P. 109 - L.D. 343

An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp

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

Sec. 1. 12 MRSA §11209-A is enacted to read:

§11209-A. Discharge of firearm within 300 feet of state-owned boat launching ramp

1. Prohibition. A person may not discharge a firearm within 300 feet of a state-owned boat launching ramp that is posted in accordance with subsection 2.

2. Posting. An agency of the State having jurisdiction over a state-owned boat launching ramp may post notice, in a prominent location at the boat launching ramp, that the discharge of a firearm is prohibited within 300 feet of the boat launching ramp.

3. Exception. This section does not apply to a law enforcement officer in the performance of the law enforcement officer's official duties.

4. Penalty. A person who violates subsection 1 commits a Class E crime.

See title page for effective date.

CHAPTER 70

H.P. 339 - L.D. 476

An Act To Clarify the Authority for Cremation

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

Sec. 1. 22 MRSA §2843-A, sub-§2, as amended by PL 2011, c. 387, §1, is further amended to read:

2. Custody and control generally. The custody and control of the remains of deceased residents of this State, dead bodies or dead human bodies are governed by the following provisions in the following order of priority:

A. If the subject has designated another person to have custody and control in a written and signed

document, custody and control belong to that designated person;

B. If the subject has not left a written and signed document designating a person to have custody and control, or if the person designated by the subject refuses custody and control, custody and control belong to the next of kin; and

C. If the next of kin is 2 or more persons with the same relationship to the subject, the majority of the next of kin have custody and control. If the next of kin can not, by majority vote, make a decision regarding the subject's remains, the court shall make the decision upon petition under subsection 4, paragraph D.

If a person who has the right of custody and control under this subsection does not exercise the rights and responsibilities of custody and control within 4 days after the death of the subject, custody and control belong to a person from the next lower level of priority as established in paragraphs A to C.

A person who has been charged with murder, as described in Title 17-A, section 201, or manslaughter, as described in Title 17-A, section 203, subsection 1, paragraph B, forfeits the right of custody and control provided under this subsection; and a funeral director or practitioner of funeral service who is aware of the charges may not release the remains or a dead body to that person who has been charged with murder or manslaughter. If the charges against the person are dismissed or the person is acquitted of the charges before the final disposition takes place, the person regains the right of custody and control in the same position of priority established in this subsection.

The remains or a dead body is considered abandoned if no one takes custody and control of the remains or dead body for a period of 15 days. A funeral director or practitioner of funeral service who has physical possession of abandoned remains or an abandoned dead body may bury or cremate the remains or dead body. The funeral director or practitioner of funeral service may embalm or refrigerate abandoned remains or an abandoned dead body without authorization. A certificate of abandonment that indicates the means of disposition must be filed in the municipality where the death occurred.

See title page for effective date.

CHAPTER 71

H.P. 346 - L.D. 483

An Act To Improve Enforcement of Snowmobile Noise Levels

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