

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

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: