

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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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:

Sec. 1. 12 MRSA §13106-A, sub-§14, as amended by PL 2009, c. 340, §20, is repealed.

Sec. 2. 12 MRSA §13106-A, sub-§14-A is enacted to read:

14-A. Snowmobile noise requirements. This subsection governs noise level requirements for snowmobiles.

A. Except as provided in section 13112, a person may not:

(1) Operate a snowmobile manufactured after February 1, 2007 that does not display on its exhaust silencer a visible, unaltered certification marking issued by an independent organization that certifies snowmobiles for uniformity of safety features and noise levels;

(2) Operate a snowmobile manufactured after October 1, 1985 that emits total vehicle noise greater than 78 decibels of sound pressure level at 50 feet on the "A" scale, as measured by the SAE standards J-192; or

(3) Operate a snowmobile with an exhaust system that has been modified in a manner that amplifies or otherwise increases total noise emission above that of the snowmobile as originally constructed, regardless of the date of manufacture.

A snowmobile manufactured on or before October 1, 1973 is not subject to a specific noise level, except that a person may not operate a snowmobile modified in violation of subparagraph (3).

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection 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.

Sec. 3. 12 MRSA §13112, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §400 and affected by §422, is further amended to read:

§13112. Racing meets

Notwithstanding section 10650 and section 13106-A, subsections ~~14~~ 14-A, 15 and 16, snowmobiles operated at a prearranged racing meet whose sponsor has obtained a permit to hold such a meet from the commissioner are exempt from the provisions of this chapter concerning registration, noise, horsepower and lights during the time of operation at such

meets and at all prearranged practices at the location of the meet.

See title page for effective date.

CHAPTER 72

H.P. 394 - L.D. 552

An Act To Amend Maine's Fish and Wildlife Licensing Laws

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

Sec. 1. 12 MRSA §10853, sub-§17 is enacted to read:

17. Group fishing license for persons with disabilities. In addition to other licenses issued by the commissioner pursuant to this section, the commissioner may issue a complimentary group fishing license to a person or entity that allows a group of persons with disabilities to fish in a location for a period of time as specified on the license.

Sec. 2. 12 MRSA §11154, sub-§5, as amended by PL 2011, c. 370, §5, is further amended to read:

5. Eligibility. Except as provided in this subsection, a resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. ~~Beginning in 2011, a~~ A person who has obtained a moose hunting permit is ineligible to obtain another permit until ~~3 years have elapsed~~ the 4th calendar year after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7.

Sec. 3. 12 MRSA §12953, sub-§4, as amended by PL 2015, c. 281, Pt. F, §2, is further amended to read:

4. Examination. An applicant for a license shall appear at a time and place designated by the commissioner to be examined by means of written, practical and oral tests as the commissioner determines. The commissioner shall determine the form and content of examinations. ~~The examination fee is \$50 and is non-refundable. An applicant may retake the examination once without paying an additional examination fee.~~

Sec. 4. 12 MRSA §12953, sub-§6, as amended by PL 2015, c. 281, Pt. F, §3, is further amended to read:

6. License and fee. License applicants who successfully meet the qualifications set forth in this section must be issued a license upon payment of a \$77 fee for a 3-year license. This fee is in addition to the