

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

THE GENERAL EFFECTIVE DATE FOR
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

Whereas, this legislation must take effect before the end of the 90-day period so that it takes effect in time for the upcoming moose hunting season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §11154, sub-§9, as amended by PL 2013, c. 226, §1, is further amended to read:

9. Selection procedure. Permittees are selected by a public chance drawing, except that a permit must be issued to any resident who is ~~70~~ 65 years of age or older or will attain ~~70~~ 65 years of age during the calendar year in which the resident is applying for the permit, who has accumulated at least 30 points pursuant to subsection 8 and who applies for and is otherwise eligible to obtain the permit.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 21, 2017.

CHAPTER 77

H.P. 601 - L.D. 852

An Act To Make Changes to the Maine Liquor Liability Act

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

Sec. 1. 28-A MRSA §2513, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§2513. Notice required

Every plaintiff seeking damages under this Act must give written notice to all defendants within 180 days of the date of the server's conduct creating liability under this Act. The notice must specify the time, place and circumstances of the server's conduct creating liability under this Act and the time, place and circumstances of any resulting damages. No error or omission in the notice voids the effect of the notice, if otherwise valid, unless the error or omission is substantially material. Failure to give written notice within the time specified is grounds for dismissal of a claim, unless the plaintiff provides written notice within the limits of section 2514 and shows good cause why notice could not have reasonably been filed within the 180-day limit. For purposes of this section, "good cause" includes but is not limited to the inability

of the plaintiff to obtain investigative records from a law enforcement officer or law enforcement agency.

See title page for effective date.

CHAPTER 78

H.P. 686 - L.D. 973

An Act To Allow the Waldo County Budget Committee To Appoint Replacement Members

Emergency preamble. **Whereas**, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the budgets of counties are important undertakings requiring the participation of representatives of municipalities throughout the county; and

Whereas, when a vacancy occurs in a county budget committee, it reduces the ability of the budget committee to adequately represent all of its constituents and makes the task of creating a county budget more difficult; and

Whereas, county budget committees need adequate and prompt mechanisms to fill a vacancy when a municipality of a vacating member is unwilling or unable to fill the vacancy so that the budget committee can timely and efficiently produce a budget representing the interests of the entire county; and

Whereas, there may be a need to replace committee members before the next budget cycle; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30-A MRSA §853, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Vacancies. A vacancy occurring on the budget committee ~~shall~~ must be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office must be a municipal officer from the same municipality as the person vacating the office. If the municipality of the person vacating the office declines to send a new member, the committee may solicit another municipality in the same district as the municipality of the vacating member that does not have a member sitting on the committee to send a municipal officer to fill the vacancy.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 21, 2017.

CHAPTER 79

H.P. 626 - L.D. 877

An Act To Allow Learner's Permits To Be Issued by Driver Education Schools

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

Sec. 1. 29-A MRSA §1304, sub-§1-A, as amended by PL 2015, c. 114, §1, is further amended to read:

1-A. Learner's permit; issuance. The following provisions apply to the issuance of a learner's permit.

A. Fees for a learner's permit may be collected ~~only~~ by the Secretary of State in accordance with section 154, subsection 1 or by the provider of a driver education course under section 1351, which shall deposit the fees with the Secretary of State.

B. Any required application materials for a learner's permit may be collected ~~only~~ by the Secretary of State or by the provider of a driver education course under section 1351, which shall forward the materials to the Secretary of State.

C. Any required examination for a learner's permit may be administered only by the Secretary of State except that the Secretary of State may waive this requirement on receipt of a course completion certificate under section 1351, subsection 3.

D. A learner's permit may be issued ~~only~~ by the Secretary of State or by the provider of a driver education course under section 1351.

See title page for effective date.

CHAPTER 80

H.P. 581 - L.D. 801

An Act To Allow a Physical Therapist To Administer Certain Coagulation Tests in a Patient's Home

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the need for home care medical services is rapidly increasing as Maine's population ages

and the prevalence of chronic conditions increases; and

Whereas, providing health services in the home keeps people out of more costly institutional settings and allows people to live at home for as long as it is safe and practical for them to do so; and

Whereas, home health care services are provided by collaborative teams of nurses, therapists, aides and others and the industry is facing critical workforce challenges; and

Whereas, physical therapists who are already visiting patients in their homes have more than adequate education to perform finger stick blood tests to assess blood clotting levels, and allowing them to perform these tests will save the expense of sending nurses to the patients' homes to perform these tasks; and

Whereas, delaying the effective date of this bill will add to the financial and workforce challenges faced by the home health care industry; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 32 MRSA §3111-A, as enacted by PL 2007, c. 402, Pt. N, §2, is amended by adding at the end a new paragraph to read:

A person licensed as a physical therapist under this chapter may, as part of an evaluation of a person in preparation for treatment by the physical therapist, perform a finger stick blood test in the person's home to assess blood clotting levels of that person. If a person licensed as a physical therapist performs a finger stick blood test pursuant to this section, that person shall communicate the test results to the prescribing health care practitioner. Only the health care practitioner may interpret the test results, determine whether a change is needed in the person's plan of care and make decisions with respect to medication adjustments.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 26, 2017.