

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
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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

4. Rate-making treatment. This section does not limit the commission's authority in any rate case or alternative rate-making proceeding to disallow, in whole or in part, any expense of a gas utility that the commission finds to be unjust, unreasonable, excessive or unwarranted. A gas utility may not recover from any person other than its shareholders or other owners any expenditures, contributions, expenses or costs incurred by that utility with respect to promotional allowances.

See title page for effective date.

CHAPTER 84

S.P. 382 - L.D. 1161

An Act To Amend the Insurance Laws Governing the Provision of Rebates

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

Sec. 1. 24-A MRSA §2163-A, as amended by PL 1999, c. 8, §1, is repealed and the following enacted in its place:

§2163-A. Permitted activities

1. Permissible gifts and prizes. Notwithstanding any other provision in sections 2160 to 2163, an insurer, an employee of an insurer or a producer may offer to give gifts in connection with marketing for the sale or retention of contracts of insurance, as long as the cost does not exceed \$100 per year per person, and conduct raffles or drawings, as long as there is no participation cost to entrants and as long as the prizes are not valued in excess of \$500. Nothing in sections 2160 to 2163 may be construed to prohibit an insurance producer from receiving a fee rather than commission on the sale of property and casualty insurance in accordance with section 1450 and rules adopted by the superintendent.

Gifts and prizes given pursuant to this section may not be in the form of cash.

2. Permissible value-added service or activity. An insurer, an employee of an insurer or a producer may offer to provide a value-added service or activity, offered or provided without fee or at a reduced fee, that is related to the coverage provided by an insurance contract if the provision of the value-added service or activity does not violate any other applicable statute or rule and is:

A. Clearly identified and included within the insurance contract; or

B. Directly related to the servicing of the insurance contract or offered or undertaken to provide risk control for the benefit of a client.

3. Services for free or for less than fair market value. This section does not prohibit a person from offering or providing services, whether or not the services are directly related to an insurance contract, for free or for less than fair market value as long as the receipt of the services is not contingent upon the purchase of insurance and the services are offered on the same terms to all potential insurance customers. A person that offers or provides services under this subsection for free or for less than fair market value shall disclose conspicuously in writing to the recipient before the purchase of insurance, receipt of a quote for insurance or designation of an agent of record that receipt of the services is not contingent on the purchase of insurance.

4. Rules. The superintendent may adopt rules as necessary to make reasonable modifications to the standards in this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 85

S.P. 46 - L.D. 98

An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys

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

Sec. 1. 12 MRSA §10953, sub-§1, ¶B, as enacted by PL 2013, c. 236, §3, is amended to read:

B. Hunt wild turkey with a crossbow ~~during the spring open season on wild turkey~~ in areas open to wild turkey hunting as established by rule in section 11701, ~~except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year;~~

Sec. 2. 12 MRSA §11155, sub-§1-C, as enacted by PL 2013, c. 387, §2, is amended to read:

1-C. Issuance; permit fee. Beginning January 1, 2014, the commissioner, through the commissioner's authorized agent, shall issue in wildlife management districts that are open by rule for wild turkey hunting a ~~combined fall and spring~~ wild turkey hunting permit that allows an eligible person to take wild turkeys ~~in the spring and fall seasons~~ in accordance with section 11701. The fee for a ~~combined fall and spring~~ wild turkey hunting permit is \$20 for residents and nonresidents.

Sec. 3. 12 MRSA §11701, as amended by PL 2015, c. 127, §§4 and 5 and affected by §6, is further amended to read:

§11701. Authority of commissioner; wild turkey hunting

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during the spring an open season for hunting wild turkey hunting season, except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year.

1. Spring season. ~~The commissioner shall establish by rule a spring open season for hunting wild turkeys. Unless the commissioner determines that sound management principles require otherwise, the rule must allow during the spring open season for hunting wild turkeys:~~

~~A. A person to take up to 2 wild turkeys without any additional fee for the taking of the 2nd wild turkey;~~

~~B. A person to hunt from 30 minutes before sunrise to 30 minutes after sunset; and~~

~~C. A person to hunt wild turkeys using a crossbow, in addition to any other weapons allowed by the rule.~~

2. Fall seasons. ~~Beginning with the 2016 fall open season, the commissioner shall establish by rule 2 fall open seasons for hunting wild turkeys. Unless the commissioner determines that sound management principles require otherwise, the rule must establish 2 fall open seasons that include the month of October and a week in the month of November and allow a person to take up to a total of 2 wild turkeys over both seasons regardless of sex without any additional fee for the taking of a 2nd wild turkey.~~

3. Youth day. The commissioner shall establish by rule a spring youth hunting day for hunting wild turkeys from 30 minutes before sunrise to 30 minutes after sunset. The day must be the Saturday prior to the opening of the spring first open season for hunting wild turkeys under subsection 1 established by the commissioner in that year.

A person who violates this section commits a Class E crime for which the court shall impose a fine

of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each turkey unlawfully possessed, none of which may be suspended.

Sec. 4. 12 MRSA §11751-A, sub-§2, as enacted by PL 2003, c. 552, §11 and affected by §15 and c. 655, Pt. C, §§2 and 6, is amended to read:

2. Exceeding bag limit. A person may not possess more than ~~one wild turkey~~ the number of wild turkey allowed by rule during any open season, except a person may keep ~~more than one~~ legally obtained wild turkey in that person's home at any time or as otherwise provided in law or rule.

3. Hunting wild turkey after having killed maximum. A person may not hunt wild turkey after that person has killed or registered ~~one during any open season of that calendar year, except as otherwise provided in law or rule~~ the maximum number of wild turkey allowed by rule during that season.

Sec. 5. 12 MRSA §11802, sub-§1, as enacted by PL 2015, c. 301, §25, is amended to read:

1. Prohibitions. From September 1st to December 15th and during the spring first open wild turkey hunting season established by the commissioner in that year pursuant to section 11701, ~~subsection 1~~, a person may not:

A. Place any bait or food in a place to entice a wild turkey to that place; or

B. Hunt from an observation stand or blind overlooking bait or food known to be attractive to wild turkey. This prohibition does not apply to hunting from an observation stand or blind overlooking:

(1) Standing crops; or

(2) Foods that are left as a result of normal agricultural operations or as a result of a natural occurrence.

See title page for effective date.

CHAPTER 86

H.P. 135 - L.D. 179

An Act To Make Creating a Police Standoff a Class E Crime

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

Sec. 1. 17-A MRSA §517 is enacted to read:

§517. Creating police standoff

1. Creating police standoff. A person is guilty of creating a police standoff if that person: