

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
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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

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:

A. Is in fact barricaded as a result of the person's own actions;

B. Is or claims to be armed with a dangerous weapon;

C. Is instructed by a law enforcement officer or law enforcement agency, either personally, electronically or in writing, to leave the barricaded location; and

D. Fails in fact to leave the barricaded location within 1/2 hour of receiving the instruction as described in paragraph C from a law enforcement officer or law enforcement agency.

2. Class E crime. Creating a police standoff is a Class E crime.

Sec. 2. 25 MRSA c. 405, as amended, is repealed.

See title page for effective date.

CHAPTER 87

H.P. 140 - L.D. 184

An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information

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

Sec. 1. 22 MRSA §7250, sub-§4, ¶¶I and J, as enacted by PL 2015, c. 488, §6, are amended to read:

I. Staff members of a licensed hospital who are authorized by the chief medical officer of the hospital, insofar as the information relates to a patient receiving care in the hospital's emergency department or receiving inpatient services from the hospital; ~~and~~

J. Staff members of a pharmacist who are authorized by the pharmacist on duty, insofar as the information relates to a customer seeking to have a prescription filled; ~~and~~

Sec. 2. 22 MRSA §7250, sub-§4, ¶K is enacted to read:

K. The chief medical officer, medical director or other administrative prescriber employed by a licensed hospital, insofar as the information relates to prescriptions written by prescribers employed by that licensed hospital.

See title page for effective date.

CHAPTER 88

S.P. 136 - L.D. 409

An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System

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

Sec. 1. 3 MRSA §701, sub-§11-A is enacted to read:

11-A. Medical provider. "Medical provider" means a physician or clinical psychologist.

Sec. 2. 3 MRSA §734, as amended by PL 2007, c. 491, §12, is further amended to read:

§734. Medical board

A medical board of the other programs of the Maine Public Employees Retirement System established in Title 5, section 17106, subsection 1 is the medical board of the Legislative Retirement Program. The medical board shall arrange for and pass upon all medical examinations required under this chapter with respect to disability retirements and shall report in writing to the executive director its conclusions and recommendations upon all the matters referred to it. The board of trustees may designate other ~~physicians~~ medical providers to provide medical consultation on legislative disability cases.

Sec. 3. 3 MRSA §853, as amended by PL 2007, c. 491, §27, is further amended to read:

§853. Disability retirement

Any member who becomes disabled while in service may receive a disability retirement allowance on the same basis as provided for members of the State Employee and Teacher Retirement Program by Title 5, chapter 423, subchapter 5, article ~~3~~ 3-A.

Sec. 4. 4 MRSA §1201, sub-§12-A is enacted to read:

12-A. Medical provider. "Medical provider" means a physician or clinical psychologist.

Sec. 5. 4 MRSA §1234, as amended by PL 2007, c. 491, §38, is further amended to read:

§1234. Medical board

A medical board of the other programs of the Maine Public Employees Retirement System established in section 17106, subsection 1 is the medical board of the Judicial Retirement Program. The medical board shall arrange for and pass upon all medical examinations required under this chapter with respect to disability retirements and shall report in writing to the Supreme Judicial Court its conclusions and recommendations upon all the matters referred to it. The board of trustees may designate other ~~physicians~~