

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

Personal Services	\$4,795	\$0	\$0
All Other	\$84	\$0	\$0
HIGHWAY FUND TOTAL	\$4,879	\$0	\$0

State Police 0291

Initiative: Provides funding for the approved reclassification of one Forensic Technician position to a Forensic Chemist Technician position retroactive to July 2014.

HIGHWAY FUND	2016-17	2017-18	2018-19
Personal Services	\$2,147	\$0	\$0
All Other	\$38	\$0	\$0
HIGHWAY FUND TOTAL	\$2,185	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2016-17	2017-18	2018-19
HIGHWAY FUND	\$9,438	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$9,438	\$0	\$0

Sec. A-2. Appropriations and allocations.

The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Provides funding for a portion of the state match to implement an automated overlimit routing, restriction management and permitting system.

HIGHWAY FUND	2016-17	2017-18	2018-19
All Other	\$250,000	\$0	\$0
HIGHWAY FUND TOTAL	\$250,000	\$0	\$0

PART B

Sec. B-1. Carrying provision; Department of the Secretary of State, Administration - Motor Vehicles program. Notwithstanding any other provision of law, the State Controller shall carry forward up to \$500,000 of any unexpended balance, after all financial commitments for salary, benefits, other obligations and budgetary adjustments have been made, in the Personal Services and All Other line categories at the end of fiscal year 2016-17 to the All Other line category in the next fiscal year in the Department of the Secretary of State, Administration - Motor Vehicles program, Highway Fund to be used for the automated overlimit routing, restriction management and permitting system to improve the efficiency and effectiveness of the department's operations.

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

Effective May 26, 2017.

CHAPTER 92

S.P. 421 - L.D. 1258

An Act To Modernize the Voluntary Response Action Program Funding Process

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

Sec. 1. 38 MRSA §342, sub-§15, as enacted by PL 1993, c. 355, §3, is amended to read:

15. Technical services. The commissioner shall establish a technical services unit within the department to assist any person involved in a real estate transaction in determining whether real property that is the subject of the transaction has been the site of a discharge, release or threatened release of a hazardous substance, hazardous waste, hazardous matter, special waste, pollutant or contaminant, including petroleum products or by-products.

The commissioner may also assist in or supervise the development and implementation of reasonable and necessary response actions. Assistance may include review of agency records and files, review and approval of a requester's investigation plans, site assessments and reports, voluntary response action plans and implementation of those plans.

The fee for department assistance in submitting a voluntary response action plan under section 343-E is equal to 1% of the assessed value of the property at the time the request is submitted, except that the fee may not exceed \$15,000.

~~The person requesting~~ For all other requests for assistance under this subsection, a person shall pay the department an initial nonrefundable fee of up to \$500 to be determined by the ~~Commissioner~~ commissioner. The person shall also pay the department for its actual direct and indirect costs of providing assistance, which must be determined by the commissioner but which must not on an hourly basis exceed \$50 per hour per person. Money received by the department for assistance under this subsection must be deposited in the Uncontrolled Sites Fund established in section 1364, subsection 6.

Sec. 2. Effective date. This Act takes effect January 1, 2018.

Effective January 1, 2018.

CHAPTER 93

S.P. 495 - L.D. 1425

An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board

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

Sec. 1. 34-B MRSA §1207, sub-§1, ¶B-3, as amended by PL 2015, c. 329, Pt. A, §22, is further amended to read:

B-3. Information may be disclosed if necessary to carry out the statutory functions of the department; the hospitalization provisions of chapter 3, subchapter 4; ~~the provisions of section 1931;~~ the purposes of section 3608; the purposes of Title 5, section 19506; the purposes of United States Public Law 99-319, dealing with the investigatory function of the independent agency designated with advocacy and investigatory functions under United States Public Law 88-164, Title I, Part C or United States Public Law 99-319; or the investigation and hearing pursuant to Title 15, section 393, subsection 4-A. This paragraph takes effect August 1, 2017;

Sec. 2. 34-B MRSA c. 1, sub-c. 7, as amended, is repealed.

See title page for effective date.

CHAPTER 94

S.P. 527 - L.D. 1502

An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry

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

Sec. 1. 7 MRSA §2, 4th ¶, as amended by PL 2011, c. 655, Pt. MM, §5 and affected by §26, is further amended to read:

In addition, the commissioner shall be concerned with the quality of life of Maine farmers and rural communities. The commissioner shall promote: farm financing and rural development proposals; conservation and preservation of agricultural lands; increased and improved production of beef, poultry, sheep, dairy beef and other livestock; expanded and improved production of potatoes, fruits and other vegetables and horticultural ventures; coordinated foreign and domestic marketing of Maine agricultural products; in conjunction with the university, crop development and integrated pest management; development of land-based aquaculture facilities; and conservation of non-renewable energy resources and utilization of renewable energy resources in conjunction with the Governor's Energy Office. To accomplish these objectives, the commissioner is authorized for, or on behalf of, Maine's farmers and rural community: to engage in research and educational programs; to participate directly or indirectly in programs to encourage and enable individuals to enter agricultural or other rural enterprises; to institute litigation or upon request to represent farmers or other members of the rural community in litigation where the commissioner determines that such litigation may be beneficial to agricultural industry as a whole; and to exercise all other powers of an agency of State Government. The commissioner may study such issues and, consistent with statute, take such actions either individually, for, or on behalf of, the State's farmers or rural residents, or jointly with such other persons, agencies or organizations as the commissioner determines may benefit the State's farmers and rural communities. To further accomplish these objectives, the commissioner is authorized beginning July 1, 1991, on behalf of the State's rural community, to administer food assistance programs including the receipt, distribution and administration of federal and state funds, including block grants, for food assistance.

Sec. 2. 7 MRSA §52, sub-§3-A, as amended by PL 2011, c. 608, §2, is further amended to read: