

# 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.**

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**Augusta, Maine**  
**2017**

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**Sec. 2. 34-B MRSA c. 1, sub-c. 7,** as amended, is repealed.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

**3-A. Farm product.** "Farm product" means those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products, fish and fish products and fruits, berries, vegetables, flowers, seeds, grasses, Christmas trees and other similar products.

**Sec. 3. 7 MRSA c. 209** is enacted to read:

**CHAPTER 209**

**LAND-BASED AQUACULTURE**

**§1501. Land-based aquaculture license**

**1. License required.** The commissioner may require a license for aquaculture of marine or freshwater organisms in facilities that are not located in the coastal waters of the State but are located in the State.

**2. Licensed activities.** The holder of a license under this section may possess marine or freshwater organisms that the holder has raised by means of aquaculture. The holder of such a license is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine or freshwater organism the holder has raised by means of aquaculture.

**3. License denial.** The commissioner shall refuse to issue a license under this section if the commissioner receives information from the Commissioner of Marine Resources or the Commissioner of Inland Fisheries and Wildlife that the aquaculture activity presents an unreasonable risk to indigenous marine or freshwater life or its environment. The Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife shall consider factors, including, but not limited to:

A. Risk of accidental or intentional introduction of marine or freshwater organisms or organism products into the waters of the State;

B. Risk of the introduction or spread of disease within the State; and

C. Interference with the enforcement of possession, size or season limits for wild marine or freshwater organisms.

**4. Monitoring and revocation.** The commissioner shall monitor licensed facilities under this section on an annual basis. The commissioner shall provide the findings to the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife. If the commissioner determines following an annual review or at any other time that the licensed aquaculture activity presents an unreasonable risk to indigenous marine or freshwater life or its environment, the commissioner may revoke the license after

the licensee has been given an opportunity for a hearing before the department.

**5. Fee.** The commissioner may charge a fee for a license under this section not to exceed \$1,000, the amount to be established in rules adopted by the commissioner depending on the type and amount of aquaculture. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 4. 12 MRSA §6073-D, last ¶,** as enacted by PL 2009, c. 229, §8, is amended to read:

This section does not exempt the possessor of the marine organism from any requirement to hold a lease or license pursuant to section 6072, 6072-A, 6072-B, or 6072-C or ~~6085~~ Title 7, section 1501 to engage in the culture of marine organisms.

**Sec. 5. 12 MRSA §6085,** as enacted by PL 2009, c. 229, §12, is repealed.

**Sec. 6. 12 MRSA §6085-A** is enacted to read:

**§6085-A. Land-based aquaculture; reporting**

The commissioner may require the holder of a license under Title 7, chapter 209 for the land-based aquaculture of marine organisms to file periodic reports regarding the aquaculture practices and production of the facility. Information obtained pursuant to this section is considered fisheries statistics for the purposes of section 6173, except that information about marine organism health reported pursuant to section 6071 may not be considered fisheries statistics.

See title page for effective date.

**CHAPTER 95**

**S.P. 528 - L.D. 1503**

**An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act**

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

**Whereas,** it is likely that applicants will seek financing for projects using the Revenue Obligation Securities Program before this Act takes effect if it is not enacted on an emergency basis; and

**Whereas,** if this Act is not enacted on an emergency basis, applicants could obtain financing without sufficient credit safeguards to protect against the calling upon the moral obligation of the State, leading to undue losses to the State; and