

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
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

previously restored by the Secretary of State following an administrative suspension under section 2453 or 2453-A for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension.

Sec. 2. 29-A MRSA §2434, sub-§4, as amended by PL 2011, c. 81, §2, is further amended to read:

4. Stay of suspension. The court, on reasonable cause shown, may stay a suspension for a period not to exceed 4 hours from the time of sentencing and issue evidence of that stay, unless the defendant demonstrates that the defendant's license was previously restored by the Secretary of State following an administrative suspension under section 2453 or 2453-A for operating under the influence based on the same facts and circumstances giving rise to the court-ordered suspension, in which case the court may stay a suspension for up to 7 days.

See title page for effective date.

CHAPTER 100

H.P. 208 - L.D. 275

An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses

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

Sec. 1. 12 MRSA §10853, sub-§4, as amended by PL 2015, c. 281, Pt. C, §3, is further amended to read:

4. Disabled veteran. A resident disabled veteran or a nonresident disabled veteran who is a resident of ~~New Hampshire or Vermont~~ another state may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. A license holder under this subsection who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must be issued one antlerless deer permit and one either-sex permit. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested under this subsection if the commissioner determines the applicant ~~is a disabled veteran~~ meets the requirements of this subsection and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "disabled veteran" means a person who:

A. ~~Is a resident as defined in section 10001, subsection 53 or is a resident of New Hampshire or Vermont;~~

B. ~~Is a veteran as defined in Title 37-B, section 505, subsection 2, paragraph A, subparagraph (3) Was honorably discharged from the Armed Forces of the United States or the National Guard;~~ and

C. Has a service-connected disability evaluated at 50% or more.

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit under this section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to ~~satisfy the residency requirement in section 10001, subsection 53~~ remain a resident of this State or another state and the permit or license issued under this subsection is not revoked or suspended. For a ~~resident of New Hampshire or Vermont~~ nonresident to be eligible under this subsection, that ~~resident's~~ nonresident's state must have a reciprocal agreement with this State.

See title page for effective date.

CHAPTER 101

S.P. 223 - L.D. 661

An Act Regarding the Chain of Custody in Crematories

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

Sec. 1. 22 MRSA §2843, sub-§3-A is enacted to read:

3-A. Permit for burial of cremated remains in public burying ground. If cremated remains are buried in a public burying ground in this State, the person in charge of the public burying ground shall endorse and provide the date the cremated remains were buried on each permit with which that person is presented and return it to the State Registrar of Vital Statistics or to the clerk of the municipality in which the public burying ground is located within 7 days after the date of burial. If there is no person in charge of the public burying ground, an official of the municipality in which the public burying ground is located shall endorse and provide the date the cremated remains were buried on each such permit and present it to the State Registrar of Vital Statistics or the clerk of the municipality. The funeral director or authorized person shall present a copy of each permit, after endorsement, to the State Registrar of Vital Statistics or the clerk of the

municipality where death occurred and to the clerk who issued the permit. For the purposes of this subsection, "public burying ground" has the same meaning as in Title 13, section 1101-A, subsection 4.

Sec. 2. 22 MRSA §2843, sub-§4, as amended by PL 2009, c. 601, §27, is further amended to read:

4. Records. Each municipality shall maintain a record of any endorsed permit received pursuant to subsection 3 or 3-A. These records must be open to public inspection.

Sec. 3. 22 MRSA §2843-A, sub-§10, ¶F is enacted to read:

F. Upon cremation of the remains or dead body, the crematory shall prepare a certificate of cremation signed and dated by the person in charge of the cremation indicating the date of cremation and the identity of the cremated remains or dead body as identified by the funeral director or practitioner of funeral service or the cremation authorization form, including the deceased person's full name, date and place of death, gender and veteran status. The crematory shall provide the certificate of cremation to the funeral director or practitioner of funeral service or the person who has custody and control of the remains or dead body.

Sec. 4. 32 MRSA §1405, last ¶, as amended by PL 2007, c. 225, §1, is further amended to read:

Human remains may not be removed, transported or shipped to a crematory unless encased in a casket or other suitable container. Following cremation, the crematory shall label the container containing the cremated remains with the name of the person who was cremated.

See title page for effective date.

CHAPTER 102

S.P. 30 - L.D. 81

An Act Regarding the Payment of Back Child Support

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

Sec. 1. 14 MRSA §864 is amended to read:

§864. Presumption of payment after 20 years

Every judgment and decree of any court of record of the United States, or of any state, or justice of the peace in this State ~~shall be~~ is presumed to be paid and satisfied at the end of 20 years after any duty or obligations accrued by virtue of such judgment or decree, except for a child support order. For the purposes of this section, "child support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative

agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

See title page for effective date.

CHAPTER 103

S.P. 55 - L.D. 136

An Act Regarding the Eviction Process

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

Sec. 1. 14 MRSA §6002, sub-§1, ¶C, as amended by PL 2015, c. 293, §7, is further amended to read:

C. The tenant is 7 days or more in arrears in the payment of rent; ~~and~~

Sec. 2. 14 MRSA §6002, sub-§1, ¶D, as enacted by PL 2015, c. 293, §8, is amended to read:

D. The tenant is a perpetrator of domestic violence, sexual assault or stalking and the victim is also a tenant;

Sec. 3. 14 MRSA §6002, sub-§1, ¶¶E and F are enacted to read:

E. The tenant or the tenant's guest or invitee is the perpetrator of violence, a threat of violence or sexual assault against another tenant, a tenant's guest, the landlord or the landlord's employee or agent, except that this paragraph does not apply to a tenant who is a victim as defined in section 6000, subsection 4 and who has taken reasonable action under the circumstances to comply with the landlord's request for protection of the tenant, another tenant, a tenant's guest or invitee, the landlord or the landlord's employee or agent or of the landlord's property; or

F. The person occupying the premises is not an authorized occupant of the premises.

See title page for effective date.
