

# 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**

C. If the court specifies that the provider has less than 14 days to produce the record and the adverse result finding is listed in subsection 1, paragraph A, subparagraphs (1) to (4), the provider must respond within the time specified by the court.

D. If the court specifies that the provider has less than 14 days to produce the record and the only adverse result findings are results listed in subsection 1, paragraph A, subparagraphs (5) to (7), the provider must notify the law enforcement officer serving the warrant that compliance within that period specified by the court is not practicable and must state the date within 14 days from service by which the provider will respond. The law enforcement officer shall file the provider's response with the court, and, upon a demonstration of good cause by the provider, the response period may be extended by the court to no more than 14 days from the date of service of the warrant. As used in this paragraph, good cause includes, but is not limited to, impracticability of timely response, difficulty of identifying and retrieving the data requested and the volume of data or number of sources sought.

**Sec. 4. 16 MRSA §642, sub-§1**, as amended by PL 2013, c. 519, §5, is further amended to read:

**1. Authority to obtain.** A government entity may obtain portable electronic device content information directly from a provider of electronic communication service or a provider of remote computing service only in accordance with a valid search warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56 or as otherwise provided in this subchapter.

**Sec. 5. 16 MRSA §648**, as amended by PL 2013, c. 519, §6, is further amended to read:

**§648. Search warrant needed for acquisition of location information**

Except as provided in this subchapter, a government entity may not obtain location information without a valid warrant issued by a duly authorized justice, judge or justice of the peace using procedures established pursuant to Title 15, section 55 or 56.

A justice, judge or justice of the peace may issue a search warrant for the location information of an electronic device pursuant to this section for a period of time necessary to achieve the objective of the authorization, but in any case the warrant is not valid for more than ~~10~~ 14 days after the issuance. A justice, judge or justice of the peace may grant an extension of a warrant upon a finding of continuing probable cause and a finding that the extension is necessary to achieve the objective of the authorization. An extension may not exceed 30 days.

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

Effective June 8, 2017.

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**CHAPTER 145**

**H.P. 797 - L.D. 1134**

**An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks**

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

**Whereas**, this legislation must take effect before the expiration of the 90-day period in order to ensure care is provided to nursing facility residents receiving skilled nursing facility level services in a timely manner; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 22 MRSA §1812-L** is enacted to read:

**§1812-L. Performance of certain tasks by physicians and others**

**1. Performance of certain tasks for residents receiving skilled nursing facility services.** For a nursing facility resident receiving skilled nursing facility level services:

A. The initial comprehensive visit through which a plan of care is developed for the resident and every alternate required visit thereafter must be performed by a physician;

B. The alternate required visits may be performed by a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice if delegated by a physician;

C. Medically necessary visits may be performed by a physician assistant, nurse practitioner or

clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice if delegated by a physician; and

D. Certifications and recertifications to verify that the resident requires daily skilled nursing care or rehabilitation services may be performed by a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice and who is not employed by the facility and who is working in collaboration with a physician.

**2. Performance of certain tasks for residents receiving nursing facility services.** For a nursing facility resident receiving nursing facility level services, a physician assistant, nurse practitioner or clinical nurse specialist who is licensed or certified as such by the State and performing within the authorized scope of practice and who is not employed by the facility and who is working in collaboration with a physician may perform any physician task, including but not limited to:

- A. The resident's initial comprehensive visit;
- B. Any other required visit; and
- C. Any medically necessary visit.

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

Effective June 8, 2017.

## CHAPTER 146 H.P. 843 - L.D. 1207

### An Act To Make Technical Changes to Maine's Marine Resources Laws

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

**Whereas**, under current law the allowable bait for fishing for lobsters is unclear, restrictions on holders of marine harvesting demonstration licenses are preventing activity during the busiest summer months and the State's ability to track sales of marine organisms is hindered; and

**Whereas**, the State's marine industries provide significant economic benefit; and

**Whereas**, providing clarity, expanding economic opportunities and allowing effective management of

the State's marine industries are necessary before the summer season begins; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 12 MRSA §6432-A, sub-§1**, as enacted by PL 2005, c. 203, §2 and affected by §3, is amended to read:

**1. Offal prohibited.** A person may not use offal as bait to fish for or take lobster or crabs. A person may not sell offal for use as bait to fish for or take lobster or crabs. For the purposes of this section, "offal" means the carcass, waste parts, renderings or remains of a wild or domesticated animal that is not a marine organism, ~~but~~, "Offal" does not include animal hide from which the hair has been removed or fat attached to an animal hide from which the hair has been removed as long as the total thickness of fat and animal hide does not exceed 1 1/4 inches.

**Sec. 2. 12 MRSA §6810-A, sub-§1-A** is enacted to read:

**1-A. Eligibility.** A marine harvesting demonstration license may be issued only to an individual, except that a person who holds a Class I, Class II or Class III lobster and crab fishing license or a non-commercial lobster and crab fishing license may not be issued a marine harvesting demonstration license.

**Sec. 3. 12 MRSA §6810-A, sub-§7-A** is enacted to read:

**7-A. Closed period exemption.** The holder of a marine harvesting demonstration license is exempt from the prohibition on raising or hauling any lobster trap pursuant to section 6440, subsection 2 when raising or hauling lobster traps from the vessel identified on the marine harvesting demonstration license.

**Sec. 4. 12 MRSA §6810-A, sub-§11**, as enacted by PL 2003, c. 169, §1 and affected by §3, is amended to read:

**11. Penalties.** A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$1,000 may be adjudged. Notwithstanding section 6401, subsection 2, the commissioner may permanently revoke the marine harvesting demonstration license of a person who sells, retains, ships or transports any portion of the catch or does not release all organisms alive into the area from which the organisms were harvested pursuant to subsection 3.