

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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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

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.

Sec. 5. 12 MRSA §6852, sub-§2, as amended by PL 2013, c. 468, §34 and affected by §46, is further amended to read:

2. License activity. ~~The~~ Except as provided in subsection 2-B, the holder of a retail seafood license may, in the retail trade, buy, sell, transport, ship or serve:

- A. Shellstock, which must be purchased from a wholesale seafood license holder certified under section 6856;
- D. Crayfish;
- F. Lobsters; and
- G. Any marine organism that is purchased directly from a harvester licensed under this Part.

A holder of a retail seafood license when buying directly from a harvester may buy only from a harvester who possesses the license or permit for that species as required under this Part. The harvester shall make the applicable marine resources license or permit available for inspection upon the retail seafood license holder's request.

Sec. 6. 12 MRSA §6852, sub-§2-B is enacted to read:

2-B. Endorsements. The holder of a retail seafood license buying directly from a harvester must obtain an endorsement from the department for the species being bought if the license to harvest that species requires the harvester to comply with an electronic reporting requirement. The department shall provide endorsements to license holders at no cost in accordance with rules adopted under subsection 6.

Sec. 7. 12 MRSA §6852, sub-§6, ¶¶E and F, as enacted by PL 2005, c. 434, §12, are amended to read:

- E. The labeling or marking of shipments of shellfish and wholesale scallops; ~~and~~
- F. The protection of public health; ~~and~~

Sec. 8. 12 MRSA §6852, sub-§6, ¶G is enacted to read:

G. Endorsements under subsection 2-B.

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

Effective June 8, 2017.

CHAPTER 147

S.P. 414 - L.D. 1223

An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit

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 continues in effect certain laws relating to the Department of Corrections that, if repealed before the expiration of the 90-day period as provided in current law, would create significant difficulties in the administration of the Department of Corrections; 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. 34-A MRSA §1001, sub-§11-B, as enacted by PL 2013, c. 434, §2, is amended to read:

11-B. Likelihood of serious harm. "Likelihood of serious harm" means a:

- A. Substantial risk of physical harm to a person, as manifested by that person's recent threats of, or attempts at, suicide or serious self-inflicted harm;
- B. Substantial risk of physical harm to other persons, as manifested by a person's recent homicidal or other violent behavior or recent conduct placing others in reasonable fear of serious physical harm; or
- C. Reasonable certainty that a person will suffer severe physical or mental harm as manifested by that person's recent behavior demonstrating an inability to avoid risk or to protect the person's self adequately from impairment or injury.

~~This subsection is repealed August 1, 2017.~~

Sec. 2. 34-A MRSA §1001, sub-§12-A, as enacted by PL 2013, c. 434, §3, is amended to read:

12-A. Person with mental illness. "Person with mental illness" means a person who has attained 18 years of age and has been diagnosed as having a psychiatric or other illness that substantially impairs that person's mental health. An intellectual disability as defined in Title 34-B, section 5001, subsection 3 or a personality disorder is not a psychiatric or other illness