

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

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

for purposes of this subsection. ~~This subsection is repealed August 1, 2017.~~

Sec. 3. 34-A MRSA §3049, sub-§8, as enacted by PL 2013, c. 434, §4, is repealed.

Sec. 4. 34-A MRSA §3069-A, sub-§6, as enacted by PL 2013, c. 434, §5, is repealed.

Sec. 5. 34-A MRSA §3069-B, sub-§6, as enacted by PL 2013, c. 434, §6, is repealed.

Sec. 6. 34-B MRSA §1207, sub-§1, ¶B, as repealed and replaced by PL 2015, c. 329, Pt. A, §21, is amended to read:

B. 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; the investigation and hearing pursuant to Title 15, section 393, subsection 4-A; or the provision of mental health services by the Department of Corrections pursuant to Title 34-A, section 3031, 3069-A or 3069-B. ~~This paragraph is repealed August 1, 2017;~~

Sec. 7. 34-B MRSA §1207, sub-§1, ¶B-3, as amended by PL 2015, c. 329, Pt. A, §22, is repealed.

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

Effective June 8, 2017.

CHAPTER 148

S.P. 503 - L.D. 1457

An Act to Rename and Repurpose the Mountain View Youth Development Center as the Mountain View Correctional Facility and To Eliminate the Charleston Correctional Facility as a Facility Separate from Mountain View

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

Whereas, current laws relating to the Department of Corrections 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. 5 MRSA §17851, sub-§11, as amended by PL 1999, c. 731, Pt. CCC, §1, is further amended to read:

11. Maine State Prison employees. Except as provided in section 17851-A, the warden or deputy warden of the Maine State Prison, any officer or employee of the Maine State Prison employed as a guard or in the management of prisoners or any person employed as the supervising officer of those officers or employees or as an advocate at the Maine State Prison qualifies for a service retirement benefit if that person:

A. Was employed in one of those capacities before September 1, 1984 and:

- (1) Completes 20 years of creditable service in one or more of those capacities; and
- (2) Retires upon or after reaching the age of 50 years; or

B. Was employed in one of those capacities after August 31, 1984 and before January 1, 2000 and completed 25 years of creditable service in one or more of those capacities.

Notwithstanding any other provision in this section, no person in the employ of the Bangor Pre-Release Center on August 4, 1988 who would have qualified for a service retirement benefit if the Bangor Pre-Release Center had remained the administrative responsibility of the Maine State Prison may be denied such a benefit by virtue of the transfer of that responsibility to the former Charleston Correctional Facility.

A person in the employ of the Bangor Pre-Release Center to whom paragraph A applies and who is employed at the Bangor Pre-Release Center on June 30, 2000 remains covered under paragraph A notwithstanding the closing of the Bangor Pre-Release Center if the person is thereafter and without a break in service employed in a capacity to which this subsection or section 17851-A, subsection 1, paragraph I applies or if not thereafter employed in such a capacity but having qualified at the time of the closing of the Bangor Pre-Release Center for retirement under paragraph A, retires then or at a later time.