

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2017

CHAPTER 160
H.P. 997 - L.D. 1445

**An Act To Designate the Maine
Farm Agricultural Resource
Management and
Sustainability Recognition
Program**

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

Sec. 1. 7 MRSA §162, as enacted by PL 2009, c. 356, Pt. A, §1 and amended by PL 2011, c. 682, §38, is further amended to read:

§162. Maine Farm Agricultural Resource Management and Sustainability recognition program

The commissioner shall establish a process for designating "~~Farming for Maine~~" farms Maine Farm Agricultural Resource Management and Sustainability recipients according to this section. This designation provides farmers an opportunity to declare recognize their commitment to commercial agriculture sustainable agricultural practices and long-term resource management and to increase public awareness of farming in the State agricultural producer commitment to best management practices.

1. Application. An applicant for designation as a "~~Farming for Maine~~" farm Maine Farm Agricultural Resource Management and Sustainability recipient shall submit a completed application ~~that has been verified for verification~~ in accordance with subsection 3 to the clerk for the municipality in which the farm is located and a copy of the application to the department. ~~If the land is within an area under the jurisdiction of the Maine Land Use Planning Commission, the applicant shall submit the verified application to the executive director of the commission and a copy to the department.~~ The department shall develop an application form and make the form it available through the offices of the soil and water conservation districts and private organizations and public agencies that support or represent farmers in the State.

2. Eligibility. A farm is eligible for designation under this section if the following criteria are met it engages in the management of cropland or the production of livestock, specialty crops or value-added products and meets the criteria established by the commissioner as follows:

A. The farm consists of land classified as prime farmland, land of statewide or local importance or unique farmland by the Natural Resources Conservation Service within the United States Department of Agriculture. In counties where land of local importance has not been identified, land that

is actively farmed may be eligible as provided in rules adopted under subsection 4;

B. ~~The land is used for farm is engaged in~~ the commercial production of agricultural products; ~~and or~~

C. ~~Additional~~ The farm complies with additional criteria established in rules adopted under subsection 4.

A farm that is farmed under a lease may be designated as long as the landowner and the lessee sign the application.

3. Verification of eligibility. An applicant for designation as a "~~Farming for Maine~~" farm Maine Farm Agricultural Resource Management and Sustainability recipient shall submit a completed application form together with support materials as required in rules adopted under subsection 4 to a ~~soil and water conservation district office~~. ~~Upon receipt of an application, a district office shall verify the eligibility of the farm or notify the applicant of the reasons why verification is denied. Upon request, the department shall assist a district in determining eligibility~~ the department for verification of eligibility.

4. Rules. The commissioner may adopt rules to further define the verification process under subsection 3 and establish additional eligibility criteria as needed for designation of "~~Farming for Maine~~" farms Maine Farm Agricultural Resource Management and Sustainability recipients. The commissioner ~~shall~~ may provide signs or certificates or develop other means of recognizing a farm that has attained designation as a "~~Farming for Maine~~" farm Maine Farm Agricultural Resource Management and Sustainability recipient. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Fee. ~~A municipality~~ The commissioner may charge a fee of not more than \$20 for filing a verified designation application under fees as necessary for the administration of this section.

See title page for effective date.

CHAPTER 161
H.P. 1004 - L.D. 1454

**An Act To Extend the Time for
an Appeal of Limited Entry
Fishing License Denial for
Members of the Military**

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

Sec. 1. 12 MRSA §6310-A, sub-§1, as enacted by PL 2013, c. 319, §2, is amended to read:

1. Appeal of license denial. A person who is denied a license for a limited entry fishery because that person does not meet the eligibility requirements due to service in the United States Armed Forces or the United States Coast Guard precluding that person from participating in the fishery may appeal to the commissioner under this section for a review of that license denial. A license may be granted by the commissioner under this section only if the person:

- A. Documents that the person harvested the relevant species while in possession of a fishing license for that species within one year prior to entering the service;
- ~~B. Has not served for more than 10 consecutive years since the most recent year in which the person held a license;~~
- C. Has not been dishonorably discharged from service; and
- D. Requests an appeal under this section within one year of discharge from service.

~~Notwithstanding paragraphs B and D, a license may be granted to a person pursuant to this section who is actively serving in the United States Armed Forces or the United States Coast Guard for a period of more than 10 consecutive years as long as the person pays a license fee for each year beyond those 10 years.~~

Sec. 2. 12 MRSA §6310-B is enacted to read:

§6310-B. Continued eligibility for lobster and crab fishing licenses following successful appeal

A person who, upon appeal pursuant to section 6310-A, is issued a Class I, II or III lobster and crab fishing license shall submit landings data for the following 2 license years in accordance with rules adopted pursuant to section 6173. During the 2nd license year following the successful appeal in which that person holds a Class I, II or III lobster and crab fishing license, the person shall provide landings reports indicating a minimum of 50 landings days and sales of lobster to an individual licensed under section 6851 during that license year. If a person fails to meet the requirements of this section, the person is no longer eligible for a Class I, II or III lobster and crab fishing license and the commissioner shall revoke the license in accordance with the provisions of sections 6352 and 6353.

See title page for effective date.

**CHAPTER 162
H.P. 1016 - L.D. 1477**

An Act To Coordinate and Enforce Existing Workplace Training Requirements

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

Sec. 1. 26 MRSA §806, sub-§1-A is enacted to read:

1-A. Department. "Department" means the Department of Labor.

Sec. 2. 26 MRSA §807, as enacted by PL 1991, c. 474, §2, is amended to read:

§807. Requirements

In addition to employer responsibilities set forth in rules adopted under Title 5, section 4572, all employers shall act to ensure a workplace free of sexual harassment by implementing the following minimum requirements.

1. Workplace posting. An employer shall post in a prominent and accessible location in the workplace a poster providing, at a minimum, the following information: the illegality of sexual harassment; a description of sexual harassment, utilizing examples; the complaint process available through the commission; and directions on how to contact the commission. The text of this poster may meet but may not exceed 6th-grade literacy standards. ~~Upon request, the~~ The commission shall may provide this poster to employers at a price that reflects the cost as determined by the commission at no charge. This poster must also be available on the department's publicly accessible website and may be reproduced.

2. Employee notification. Employers shall provide annually all employees with individual written notice that includes at a minimum the following information: the illegality of sexual harassment; the definition of sexual harassment under state law; a description of sexual harassment, utilizing examples; the internal complaint process available to the employee; the legal recourse and complaint process available through the commission; directions on how to contact the commission; and the protection against retaliation as provided pursuant to Title 5, section 4553, subsection 10, paragraph D. This notice must be initially provided within 90 days after the effective date of this subchapter. The notice must be delivered in a manner to ensure notice to all employees without exception, such as including the notice with an employee's pay.

3. Education and training. In workplaces with 15 or more employees, employers shall conduct an education and training program for all new employees within one year of commencement of employment ~~that~~