

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. 21. 12 MRSA §12158, as amended by PL 2003, c. 655, Pt. B, §206 and affected by §422 and amended by PL 2011, c. 657, Pt. W, §5, is repealed.

Sec. 22. 12 MRSA §12159, sub-§2, as amended by PL 2011, c. 253, §23, is further amended to read:

2. Commercial amphibian permit. Persons harvesting amphibians for purposes of sale are required to obtain a permit from the commissioner. The fee for a permit issued under this subsection is \$27. The permit expires one year from the date of issuance.

Sec. 23. 12 MRSA §12159, sub-§3, as amended by PL 2011, c. 253, §23, is further amended to read:

3. Rules. The commissioner shall adopt rules pertaining to harvest methods, confinement and disposal of amphibians. The commissioner may by rule:

- A. Require reporting of harvest activities;
- B. Establish a season, including daily and season possession limits; and
- C. Establish requirements for humane harvest, confinement and disposal methods; ~~and~~
- ~~D. Establish a fee schedule to implement a permit system under this section.~~

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 24. 12 MRSA §12161, sub-§2, as enacted by PL 2011, c. 253, §24, is amended to read:

2. Commercial nonmarine invertebrate permit. Persons harvesting freshwater mussels, butterflies, moths, dragonflies or beetles for export, sale or commercial purposes are required to obtain a permit from the commissioner. The fee for a permit issued under this subsection is \$27. The permit expires one year from the date of issuance.

Sec. 25. 12 MRSA §12161, sub-§3, ¶B, as enacted by PL 2011, c. 253, §24, is amended to read:

- B. Establish daily and season possession limits; and

Sec. 26. 12 MRSA §12161, sub-§3, ¶C, as enacted by PL 2011, c. 253, §24, is repealed.

Sec. 27. 12 MRSA §12704, as amended by PL 2015, c. 374, §12, is repealed.

Sec. 28. 12 MRSA §12705, sub-§1, as amended by PL 2015, c. 374, §13, is further amended to read:

1. Civil violation. Notwithstanding ~~section sections~~ 10650 and 12152, a person who violates a rule regulating educational or scientific collection permits

commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

See title page for effective date.

CHAPTER 206

S.P. 559 - L.D. 1585

An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor

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

Sec. 1. 15 MRSA §393, sub-§2, as amended by PL 2013, c. 424, Pt. A, §5, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1, paragraph A-1 or C as a result of a conviction or adjudication may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the ~~commissioner~~ Office of the Governor for a permit to carry a firearm subject to subsection 4. That person may not be issued a permit to carry a concealed handgun pursuant to Title 25, chapter 252. A permit issued pursuant to this subsection is valid for 4 years from the date of issue unless sooner revoked for cause by the ~~commissioner~~ Governor. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

Sec. 2. 15 MRSA §393, sub-§3, as amended by PL 2007, c. 194, §4, is further amended to read:

3. Contents. An application under subsection 2 must be on a form prepared by the ~~Commissioner of Public Safety~~ Office of the Governor. The application must include the following: the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation, supervised release for sex offenders, parole or administrative release; the reason for the request; and any other information determined by the ~~commissioner~~ Governor to be of assistance. The application must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge that are the subject of the conviction.

Sec. 3. 15 MRSA §393, sub-§4, as amended by PL 2009, c. 503, §2, is further amended to read:

4. Notification, objection and decision. Upon receipt of an application, the ~~commissioner~~ Office of the Governor shall determine if the application is in proper form. If the application is proper, the ~~commissioner~~ Governor shall within 30 days notify in writing the sentencing or presiding judge, the Attorney General, the district attorney for the county where the applicant resides, the district attorney for the county where the conviction occurred, the law enforcement agency that investigated the crime, the chief of police and sheriff in the municipality and county where the crime occurred and the chief of police and sheriff in the municipality where the applicant resides as of the filing of the application. The ~~commissioner~~ Governor may direct any appropriate investigation to be carried out.

A. If, within 30 days of the sending of notice, a person notified objects in writing to the ~~commissioner~~ Governor regarding the initial issuance of a permit and provides the reason for the objection, the ~~commissioner~~ Governor may not issue a permit. The reason for the objection must be communicated in writing to the ~~commissioner~~ Governor in order for it to be the sole basis for denial.

B. If, within 30 days of the sending of notice, a person notified objects in writing, including the reason for the objection, to the ~~commissioner~~ Governor regarding a 2nd or subsequent issuance of a permit, the ~~commissioner~~ Governor shall take the objection and its reason into consideration when determining whether to issue a 2nd or subsequent permit to the applicant, but need not deny the issuance of a permit based on an objection alone.

The ~~commissioner~~ Governor may deny any application for a permit even if no objection is filed.

See title page for effective date.

CHAPTER 207

H.P. 390 - L.D. 548

An Act To Amend Laws Relating to Agricultural Pulling Events

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

Sec. 1. 7 MRSA §81, sub-§3-A is enacted to read:

3-A. Driver. "Driver" means a person who drives or controls the animal that is pulling in a pulling event.

Sec. 2. 7 MRSA §81, sub-§14, as enacted by PL 2005, c. 563, §3, is repealed.

Sec. 3. 7 MRSA §96, sub-§§3, 4 and 7, as enacted by PL 2005, c. 563, §3, are amended to read:

3. Animals subject to examination; scope; request for test. An animal entered in an event is subject to examination under the direction of a licensed veterinarian or an agent of the licensed veterinarian. The licensed veterinarian, with the approval of the commissioner, may appoint technicians and agents to perform duties under this section that are not prohibited by other provisions of law. The examination may include physical, saliva, urine or blood tests or other tests or procedures that the licensed veterinarian considers necessary to carry out the purposes of this section. The licensed veterinarian may examine an animal entered in an event if that animal is on the grounds of the event. The licensed veterinarian also may examine an animal withdrawn by the owner ~~or trainer~~ of the animal within 24 hours prior to an event for which the animal had been entered. The pull superintendent appointed under section 99, subsection 1 may undertake a visual examination of any animal entered in an event and may request a licensed veterinarian or an agent of the licensed veterinarian to undertake an examination under this subsection.

4. Refusal to submit animal for examination. ~~An~~ The owner or trainer or driver may not refuse to secure or restrain an animal for examination under this section by a licensed veterinarian or a technician or agent of the licensed veterinarian and may not interfere with the restraining or securing of an animal for that examination.

7. Responsibility of owner and driver for condition of animal. In the absence of substantial evidence to the contrary, the owner ~~and trainer and driver~~ of an animal are responsible for the condition of the animal, including the presence of a prohibited substance, and are charged with knowledge of all the provisions contained in this section and the ~~regulations~~ rules adopted pursuant to this section. ~~If a trainer the owner is prevented from performing the trainer's owner's duties, including responsibility for an animal under this subsection, by illness or other cause, or is absent from the event where an animal under the trainer's owner's care is entered and stabled, the trainer owner shall immediately shall notify the secretary or general manager of the event. At the time of notification, the trainer shall specify a substitute trainer and the substitute trainer shall place the substitute trainer's name on the entry blank. The substitute trainer has the same responsibilities as the trainer concerning the condition of an animal in that trainer's care.~~

Sec. 4. 7 MRSA §96, sub-§8, as amended by PL 2011, c. 73, §1, is further amended to read: