

# 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**

**Sec. 15. 26 MRSA §664, sub-§3, ¶F**, as amended by PL 2011, c. 681, §1, is further amended to read:

F. The canning; processing; preserving; freezing; drying; marketing; storing; packing for shipment; or ~~distribution~~ distributing of:

- (1) Agricultural produce;
- (2) Meat and fish products; and
- (3) Perishable foods.

Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection; and

**Sec. 16. 26 MRSA §668**, as amended by PL 1971, c. 620, §13, is repealed.

**Sec. 17. 26 MRSA c. 7, sub-c. 4, art. 1**, as amended, is repealed.

**Sec. 18. 26 MRSA §774, sub-§7** is enacted to read:

**7. Record of work hours of minors.** Every employer shall keep a time book or record for every minor employed in any occupation, except household work or the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances, stating the number of hours worked by each minor on each day of the week. The time book or record must be open at all reasonable hours to the inspection of the director, a deputy of the director or any authorized agent of the bureau. An employer who fails to keep the time book or record required by this subsection or who makes any false entry to the time book or record, refuses to exhibit the time book or record or makes any false statement to the director, a deputy of the director or any authorized agent of the bureau in reply to any question in carrying out this section is liable for a violation of this section and is subject to penalties specified in section 781.

**Sec. 19. 26 MRSA §2105, first ¶**, as enacted by PL 1987, c. 356, is amended to read:

The Bureau of Labor Standards shall adopt an inspection procedure for self-contained breathing apparatus. The procedure must include at least the following, as specified in the ~~American National Standards Institute Z88.5~~ manufacturer's operation manual:

**Sec. 20. Retroactivity.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, the provision of this Act that amends Title 26, section 664, subsection 3, paragraph F applies retroactively to September 29, 1995 but does not apply to cases pending on March 12, 2017.

See title page for effective date.

## CHAPTER 220 H.P. 238 - L.D. 324

### An Act To Allow Corrections Officers To Administer Naloxone

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

**Whereas**, corrections officers in regional and county jails need naloxone hydrochloride available for situations involving individuals who are overdosing on drugs; and

**Whereas**, these situations may occur at any time and naloxone hydrochloride must be made immediately available; 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 §2353, sub-§3**, as amended by PL 2015, c. 508, §3, is further amended to read:

**3. Authorized administration of naloxone hydrochloride by law enforcement officers, corrections officers and municipal firefighters.** A law enforcement agency as defined in Title 25, section 3701, subsection 1, a regional or county jail, a correctional facility as defined in Title 34-A, section 1001, subsection 6 or a municipal fire department as defined in Title 30-A, section 3151, subsection 1 is authorized to obtain a supply of naloxone hydrochloride to be administered in accordance with this subsection. A law enforcement officer as defined in Title 17-A, section 2, subsection 17, in accordance with policies adopted by the law enforcement agency, a corrections officer who possesses a current and valid certificate issued by the Board of Trustees of the Maine Criminal Justice Academy pursuant to Title 25, section 2803-A, in accordance with policies adopted by the jail or correctional facility, and a municipal firefighter as defined in Title 30-A, section 3151, subsection 2, in accordance with policies adopted by the municipality, may administer intranasal naloxone hydrochloride as clinically indicated if the officer or firefighter has received medical training in accordance with protocols adopted by the Medical Direction and Practices Board established in Title 32, section 83, subsection 16-B. The Medical Direction and Practices Board shall establish medical training protocols for law enforcement

officers, corrections officers and municipal firefighters pursuant to this subsection.

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

Effective June 16, 2017.

**CHAPTER 221  
S.P. 322 - L.D. 983**

**An Act To Increase  
Efficiency in the  
Enforcement of Restitution and  
Bail Orders**

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

**Sec. 1. 15 MRSA §1094, sub-§2-A** is enacted to read:

**2-A. Violation of unsecured preconviction bail.**  
If the court determines that an offender has violated unsecured preconviction bail and that the violation is not excused, the court shall enter an order of forfeiture of bail, which may not exceed the amount of the unsecured bail previously set. The attorney for the State may take action to collect the amount forfeited using measures authorized for the collection of unpaid restitution under Title 17-A, section 1326-A, including, but not limited to, entering into agreements with the offender for payment over a set period of time not to exceed one year. In order to satisfy an order of forfeiture entered under this subsection, pursuant to Title 36, section 5276-A, the State Tax Assessor may withhold tax refunds owed to an offender.

See title page for effective date.

**CHAPTER 222  
H.P. 55 - L.D. 68**

**An Act To Implement an  
Owner-Operator  
Requirement in the Scallop and  
Sea Urchin Fisheries**

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

**Sec. 1. 12 MRSA §6702, sub-§2-A,** as enacted by PL 2007, c. 607, Pt. A, §2, is amended to read:

**2-A. Exemptions.** Notwithstanding subsection 2, the commissioner may authorize a person to fish for or take scallops from a boat when the person holding a

scallop dragging license that contains the name of that boat is not on board if:

A. The holder of the scallop dragging license documents to the commissioner that an illness or disability temporarily prevents the license holder from fishing for or taking scallops from that boat and requests in writing to the commissioner that the commissioner authorize another person to use that boat to fish for or take scallops; or

B. The boat named on the license of a license holder is temporarily inoperable because of an accident or a mechanical failure and the license holder requests in writing to the commissioner that the commissioner authorize the license holder to use another boat to fish for or take scallops.

This subsection is repealed January 1, 2018.

**Sec. 2. 12 MRSA §6720** is enacted to read:

**§6720. Vessel limitation**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Family member" means a spouse, brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, step-child, stepparent, grandchild or grandparent.

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 935 or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 935 or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity.

**2. Owner or family member on board.** Beginning January 1, 2018, except as provided in subsection 3, a vessel may not be used for dragging for scallops in the State's territorial waters unless that vessel is owned by a person holding a scallop dragging license issued under section 6702 and: