

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

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:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's scallop dragging license; or

B. A family member of the vessel owner holds a scallop dragging license issued under section 6702 and is present on that vessel.

3. Exemptions; individuals. Beginning January 1, 2018, the commissioner may authorize a person to drag for scallops from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a scallop dragging license issued under section 6702 and:

A. The owner of that vessel holds a scallop dragging license issued under section 6702, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking scallops from that vessel and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take scallops;

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing permission from the commissioner to use that vessel to fish for or take scallops;

C. Was the owner of a vessel that was named on that person's scallop dragging license but is no longer the owner of that vessel due to sale or foreclosure. The person must demonstrate immediate intent to become the owner of another vessel to be used to fish for or take scallops and request in writing permission from the commissioner to use the other vessel to fish for or take scallops for a limited period of time; or

D. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017, dragged for those scallops from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph.

4. Exemptions based upon 2017 fishing. Beginning January 1, 2018, a person may drag for scallops from a vessel when an owner or family member is not on board pursuant to subsection 2 during the first scallop dragging season that begins after November 30, 2017 pursuant to section 6722 if that person holds a scallop dragging license issued under section 6702 and:

A. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017 pursuant to section 6722, dragged for

those scallops from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph. A person qualifies for the exemption under this paragraph only as long as the person drags for scallops and records landings of scallops taken by dragging from the same boat used to originally qualify for this exemption and that boat is owned by the same family member; or

B. The person recorded landings of scallops taken by dragging during the scallop dragging season that ended immediately prior to November 30, 2017 pursuant to section 6722, dragged for those scallops from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B. A person qualifies for the exemption under this paragraph only as long as the person drags for scallops and records landings of scallops taken by dragging from the same boat used to originally qualify for this exemption.

This paragraph is repealed January 1, 2020.

5. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §6722, sub-§1, as repealed and replaced by PL 2007, c. 695, Pt. I, §6, is amended to read:

1. Scallop dragging season. Unless modified by rules adopted under section 6171-A, a person may not fish for or take scallops by dragging in the territorial waters from April 16th to November 30th, both days inclusive.

Sec. 4. 12 MRSA §6748-A, sub-§2-B, ¶¶A and B, as enacted by PL 2001, c. 327, §7 and affected by §21, are amended to read:

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

This paragraph is repealed January 1, 2018;

B. The vessel 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 vessel to fish for or take sea urchins;

This paragraph is repealed January 1, 2018; or

Sec. 5. 12 MRSA §6749-D is enacted to read:

§6749-D. 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, stepchild, 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 sea urchins in the State's territorial waters unless that vessel is owned by a person holding a sea urchin dragging license issued under section 6748-A and:

A. The owner of that vessel is present on that vessel and has that vessel named on the owner's sea urchin dragging license; or

B. A family member of the vessel owner holds a sea urchin dragging license issued under section 6748-A and is present on that vessel.

3. Exemptions; individuals. Beginning January 1, 2018, the commissioner may authorize a person to drag for sea urchins from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a sea urchin dragging license issued under section 6748-A and:

A. The owner of that vessel holds a sea urchin dragging license issued under section 6748-A, documents to the commissioner that an illness or disability temporarily prevents that owner from

fishing for or taking sea urchins from that vessel and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take sea urchins;

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing permission from the commissioner to use that vessel to fish for or take sea urchins; or

C. Was the owner of a vessel that was named on that person's sea urchin dragging license but is no longer the owner of that vessel due to sale or foreclosure. The person must demonstrate immediate intent to become the owner of another vessel to be used to fish for or take sea urchins and request in writing permission from the commissioner to use the other vessel to fish for or take sea urchins for a limited period of time.

4. Exemptions based upon 2017 fishing. Beginning January 1, 2018, a person may drag for sea urchins from a vessel when an owner or family member is not on board pursuant to subsection 2 during the first sea urchin dragging season that begins after August 31, 2017 if that person holds a sea urchin dragging license issued under section 6748-A and:

A. The person recorded landings of sea urchins taken by dragging during the sea urchin dragging season that ended immediately prior to August 31, 2017, dragged for those sea urchins from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B and the owner of the boat was a family member of the person applying for the exemption under this paragraph. A person qualifies for the exemption under this paragraph only as long as the person drags for sea urchins and records landings of sea urchins taken by dragging from the same boat used to originally qualify for this exemption and that boat is owned by the same family member; or

B. The person recorded landings of sea urchins taken by dragging during the sea urchin dragging season that ended immediately prior to August 31, 2017, dragged for those sea urchins from one boat and that boat did not have on board an individual who meets the requirements of subsection 2, paragraph A or B. A person qualifies for the exemption under this paragraph only as long as the person drags for sea urchins and records landings of sea urchins taken by dragging from the same boat used to originally qualify for this exemption.

This paragraph is repealed January 1, 2020.

5. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 6. 12 MRSA §6954-C, sub-§1, as amended by PL 2001, c. 272, §17, is further amended to read:

1. Gear requirements. ~~It is unlawful to~~ The holder of a scallop dragging license or sea urchin dragging license may not possess on the boat identified on that person's license or fish with in the territorial waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada ~~with~~ any drag or combination of drags:

A. That measures in excess of 5 feet, 6 inches in width measuring from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge; and

B. If used for the taking of scallops, that is greater than 8 rings deep.

Sec. 7. 12 MRSA §6954-C, sub-§1-A is enacted to read:

1-A. Exception. Notwithstanding subsection 1, the holder of a sea urchin dragging license may possess gear used for dragging scallops on the boat identified on that person's sea urchin dragging license if that boat is also identified on any scallop dragging license and there are no scallops on that boat.

See title page for effective date.

CHAPTER 223

H.P. 427 - L.D. 611

An Act To Amend Certain Laws Affecting the Judicial Branch

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

Sec. 1. 4 MRSA §55, as amended by PL 1983, c. 164, is further amended to read:

§55. Preservation of briefs

The clerk of the Supreme Judicial Court shall preserve 2 complete sets of briefs ~~filed~~ in all cases decided in the Supreme Judicial Court sitting as the Law Court. ~~Under the direction of the Chief Justice these briefs shall be arranged in order. One set each shall thereupon be delivered to the law libraries respectively of Cumberland and Penobscot Counties for preservation and reference~~ The clerk shall provide complete sets of the briefs to the law library of Cumberland County and to the Law and Legislative Reference Library, either by delivering a physical set to each library or by delivering or providing access to an electronic copy of the briefs. All expenses incurred in preparation and delivery of these briefs ~~shall~~ must be

paid by the State from the appropriation for expenses of the Supreme Judicial Court.

Sec. 2. 5 MRSA §48-A, sub-§1, ¶M, as amended by PL 2009, c. 174, §1, is further amended to read:

M. "Qualified legal interpreter" means a person who is licensed under Title 32, chapter 22 as a certified interpreter, certified deaf interpreter or certified transliterator and who:

(1) Is a hearing person who:

(a) Holds a current Specialist Certificate: Legal from the Registry of Interpreters for the Deaf, Inc. or its successor;

(b) Satisfies the eligibility criteria for taking the exam for the specialist certificate described in division (a) as long as, by January 1, 2012, that person obtains the specialist certificate described in division (a); ~~or~~

(c) Is included on the bureau's list of qualified interpreters on the effective date of this section, as long as that person, by January 1, 2006, meets the eligibility criteria for taking the exam for the specialist certificate described in division (a) and, by January 1, 2012, obtains the specialist certificate described in division (a); or

(d) Possesses qualifications, certifications or credentials to interpret in court proceedings as established by the Supreme Judicial Court; or

(2) Is a deaf interpreter who holds a current Certificate of Interpretation from the Registry of Interpreters for the Deaf, Inc. or its successor or a Reverse Skills Certificate from the Registry of Interpreters for the Deaf, Inc. or its successor. Beginning January 1, 2006, a deaf person, hard-of-hearing person or late-deafened person must also satisfy the eligibility criteria for taking the exam for the Specialist Certificate: Legal or its successor.

Sec. 3. 14 MRSA §1202-A, as enacted by PL 1981, c. 705, Pt. G, §2, is amended to read:

§1202-A. Prohibition of discrimination

A citizen shall not be excluded from jury service in this State on account of race, color, religion, sex, sexual orientation as defined in Title 5, section 4553, subsection 9-C, national origin, ancestry, economic status, marital status, age or physical handicap, except as provided in this chapter.

Sec. 4. 18-A MRSA §5-205, as enacted by PL 1979, c. 540, §1, is amended to read: