

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

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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. 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:

§5-205. Court appointment of guardian of minor; venue

The venue for guardianship proceedings for a minor is in the ~~place~~ county or division where the minor resides or is present, where the petitioner or a parent or guardian of the child resides or where another proceeding concerning custody or other parental rights with respect to the child is pending.

Sec. 5. 18-A MRSA §9-104, as amended by PL 1997, c. 239, §1 and affected by §6, is further amended to read:

§9-104. Venue; transfer

(a). If the adoptee is placed by a licensed child-placing agency or the department, the petition for adoption must be filed in the court in the county or division where:

- (1). The petitioner resides;
- (2). The adoptee resides or was born; ~~or~~
- (3). An office of the agency that placed the adoptee for adoption is located; ~~or~~
- (4). The parental rights of the minor adoptee's parents were terminated.

(b). If the adoptee is not placed by a licensed child-placing agency or the department, the petition for adoption must be filed in the county or division where the adoptee resides or where the petitioners reside.

(c). If, in the interests of justice or for the convenience of the parties, the court finds that the matter should be heard in another ~~probate~~ court, the court may transfer, stay or dismiss the proceeding, subject to any further conditions imposed by the court.

See title page for effective date.

CHAPTER 224

H.P. 461 - L.D. 647

An Act Regarding Certain Shellfish Certificates and Permits Issued by the Department of Marine Resources

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

Sec. 1. 12 MRSA §6852, sub-§4, as amended by PL 2013, c. 282, §11 and affected by §12, is further amended to read:

4. Fee. The fee for a retail seafood license under subsection 1 is \$100. The fee for an enhanced retail

certificate under subsection 2-A is ~~\$28~~ \$100 and must be deposited in the Shellfish Fund under section 6651.

Sec. 2. 12 MRSA §6856, as amended by PL 2015, c. 68, §§10 and 11, is further amended to read:

§6856. Shellfish sanitation; depuration certificate and permits

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate unless authorized under section 6701 or 6702. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses. A shellfish sanitation certificate does not authorize a person to undertake any of the activities for which a permit is required pursuant to subsection 2-A. Beginning June 1, 2018, the fee for a shellfish sanitation certificate is \$50.

2. Express authorizations. The commissioner shall expressly state the authorized activities on each shellfish sanitation certificate. The activities authorized must be sufficient to allow the holder to carry out the holder's wholesale or transportation operations, except that the operations may be limited to the extent required to protect the public health.

2-A. Additional permits. A person may not engage in an activity for which a permit is required pursuant to this subsection unless the person holds a shellfish sanitation certificate and the applicable permit as provided in this subsection.

A. A person may not store shellfish in containers or tanks containing recirculating water without a recirculating wet storage permit. Beginning August 1, 2018, the fee for a recirculating wet storage permit is \$200, except that the fee for a recirculating wet storage permit is \$100 if the holder of the permit accepts as a permit condition the duty to provide and provides the department weekly test results showing the recirculating wet storage facility's compliance with the most recently adopted federal sanitation standards.

B. A person may not store shellfish in containers or tanks where nonrecirculating water flows through the containers or tanks or in or on floats in a natural body of water without a flow-through wet storage permit. Beginning August 1, 2018, the fee for a flow-through wet storage permit is \$100.