

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

Augusta, Maine
2017

cent generally accepted research data, in a manner so as to protect the public health and safety while allowing reasonable use of the State's shellfish and whole scallops.

5. Right of entry. Whenever a certificate has been issued under this section, the commissioner, or the commissioner's agent, must have access to any establishment or part thereof for the purpose of inspection or collection of samples. Denial of access is grounds for suspension or revocation of any certificate or license under the provisions of section 6372.

6. Products embargoed and condemned. The commissioner, or the commissioner's agent, shall indefinitely embargo, condemn or order to be destroyed any shellfish, shellfish product or whole scallop in any establishment whenever it is determined that the product is of unsound quality, contains any filthy, decomposed or putrid substance, or may be poisonous or deleterious to health or otherwise unsafe. The commissioner and the commissioner's agent shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

In the event that any shellfish, shellfish product or whole scallop in any establishment is embargoed, condemned or ordered destroyed, the commissioner, or the commissioner's agent, shall, as soon thereafter as practical, notify the owner in writing of the amount and kind of shellfish, shellfish product or whole scallop embargoed, condemned or destroyed.

9. Disposition of fees. The commissioner shall deposit fees collected under this section in the Shellfish Fund under section 6651.

Sec. 3. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 6852, subsection 4 takes effect April 1, 2018.

See title page for effective date, unless otherwise indicated.

CHAPTER 225 H.P. 547 - L.D. 767

An Act To Prohibit Feeding or Baiting Deer During Certain Parts of the Year

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

Sec. 1. 12 MRSA §10659 is enacted to read:
§10659. Feeding or baiting of deer

1. Prohibition. A person may not place salt or any other bait or food in a place to entice deer to that place from June 1st to the start of an open hunting

season on deer and, if all open hunting seasons on deer are closed before December 15th for that year, from the close of the last open hunting season on deer to December 15th.

2. Penalty. A person who violates subsection 1 commits a Class E crime.

See title page for effective date.

CHAPTER 226 H.P. 618 - L.D. 869

An Act To Amend the Laws Governing Tagging of Harvested Animals

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

Sec. 1. 12 MRSA §12303-A, sub-§1-A, ¶¶B and C, as enacted by PL 2003, c. 655, Pt. B, §230 and affected by §422, are amended to read:

B. A person may leave an unregistered animal harvested by that person in the woods if that person notifies a game warden within 18 hours as to the location of that animal and the circumstances necessitating leaving that animal in the woods; ~~and~~

C. A person on a hunting trip in an unorganized township and staying at a temporary place of lodging may keep an unregistered harvested animal at the temporary place of lodging for no more than 7 days or until that person leaves the woods, whichever comes first; ~~and~~

Sec. 2. 12 MRSA §12303-A, sub-§1-A, ¶D is enacted to read:

D. A person may keep an unregistered animal harvested by that person if that person notifies a game warden within 18 hours as to the location of that animal and the circumstances preventing the person from registering the animal in accordance with subsection 1.

See title page for effective date.

CHAPTER 227 H.P. 926 - L.D. 1332

An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons

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 before January 1, 2018 for a permit to carry a firearm subject to subsection 4. A person subject to the provisions of subsection 1, paragraph A-1, subparagraphs (1) to (4) or paragraph 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 on or after January 1, 2018 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. For purposes of this subsection, "firearm" does not include a firearm defined under 18 United States Code, Section 921(3).

See title page for effective date.

**CHAPTER 228
H.P. 956 - L.D. 1377**

**An Act To Prohibit Posing as a
Governmental Entity in
Commerce**

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

Sec. 1. 10 MRSA c. 229 is enacted to read:

CHAPTER 229

**POSING AS A GOVERNMENTAL ENTITY OR
AGENT IN COMMERCE**

**§1500-H. Posing as a governmental entity or agent
in commerce**

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

A. "Governmental entity" means a unit, subdivision or entity of the Federal Government, the State, a county, a municipality or another state, including an agency, department, board, commission, bureau, division or military or public safety organization.

2. False representation of posing as a governmental entity or agent in commerce. A person who is not an official, agent or representative of a governmental entity or who does not have express approval of a governmental entity may not in commerce:

A. Represent, imply or otherwise cause a likelihood of confusion that the person is an official, agent or representative of a governmental entity in the sale, advertising for sale, marketing, offering, distribution or solicitation of any goods or services;

B. Simulate a summons, complaint, jury notice, tax form or other judicial or administrative process or make an untrue statement that any good, service, advertisement or offer was sent or distributed by or has been approved, authorized or endorsed in whole or in part by a governmental entity;

C. Use language or a symbol, logo, representation, statement, title, name, seal, emblem, insignia, trade or brand name, business or control tracking number, website, e-mail address or any other term or content that falsely represents or implies or otherwise causes a likelihood of confusion that any goods, services, advertisement or offer is from a governmental entity; or

D. Offer a document that is available free of charge or at a lesser price from a governmental entity without conspicuously disclosing that availability in a manner that is clearly visible to a consumer.

3. Unfair trade practice. A violation of this section constitutes an unfair or deceptive act or practice in violation of Title 5, chapter 10.

See title page for effective date.

**CHAPTER 229
H.P. 1084 - L.D. 1577**

**An Act To Amend the Motor
Vehicle Laws**

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

Sec. 1. 5 MRSA §17716, as amended by PL 2007, c. 491, §135, is further amended to read:

§17716. Motor vehicle detectives

A motor vehicle ~~investigator~~ detective, senior motor vehicle ~~investigator~~ detective, principal motor vehicle ~~investigator~~ detective or chief motor vehicle ~~investigator~~ detective who elects the retirement option provided in section 17851, subsection 14 shall contribute to the State Employee and Teacher Retirement