

# 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**

A. The hearing loss must be documented by a primary care provider or an audiologist licensed pursuant to Title 32, chapter 137;

B. The hearing aid must be provided by an audiologist or a hearing aid dealer licensed pursuant to Title 32, chapter 137; and

C. The hearing loss must meet the requirements established by the department in rule regarding the individual's severity of hearing loss.

The department shall provide reimbursement for a hearing aid for the 2nd hearing-impaired ear of an individual enrolled in the MaineCare program if the individual meets requirements established by the department by rule regarding the individual's severity of hearing loss, enrollment in school, enrollment in vocational training, employment needs or the needs identified by a primary care provider.

3. Rulemaking. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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**CHAPTER 238**  
**S.P. 367 - L.D. 1113**

**An Act To Improve  
Antihunger Programs in Maine  
Schools**

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

**Sec. 1. 20-A MRSA §6601-A** is enacted to read:

**§6601-A. National School Lunch Program;  
Internet-based school meal applications**

The department shall make information available to public schools regarding Internet-based applications for eligible students for free or reduced-price meals under the National School Lunch Program under 7 Code of Federal Regulations, Part 210. A public school may make an Internet-based application available for school meal applications. If a public school implements an Internet-based application process under this section, the public school shall make available a paper application for school meals to any student, parent or legal guardian who requests one.

See title page for effective date.

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**CHAPTER 239**  
**H.P. 800 - L.D. 1137**

**An Act To Lower the Age at  
Which a Person May Hunt  
with a Crossbow during Any  
Open Season**

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

**Sec. 1. 12 MRSA §10953, sub-§1-C**, as enacted by PL 2015, c. 42, §1, is amended to read:

**1-C. Hunting with a crossbow; 65 years of age or older.** A person ~~70~~ 65 years of age or older may hunt a wild bird or a wild animal with a crossbow during any open season on that wild bird or wild animal, subject to this Part. A person ~~70~~ 65 years of age or older may hunt deer with a crossbow ~~during a regular archery-only season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.~~

See title page for effective date.

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**CHAPTER 240**  
**H.P. 874 - L.D. 1251**

**An Act Regarding Certain  
Abandoned Vehicles and  
Notice to the Secretary of State  
Regarding Those Vehicles**

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

**Sec. 1. 29-A MRSA §1854, sub-§1**, as amended by PL 2007, c. 150, §3, is further amended to read:

**1. Notification in writing.** ~~The~~ Except as provided in subsection 1-A, the owner of the premises where an abandoned a vehicle described in section 1851 is located or the owner's agent shall notify the Secretary of State that the owner or the owner's agent is in possession of an abandoned that vehicle. The notification must be in writing and on a form provided by the Secretary of State.

**Sec. 2. 29-A MRSA §1854, sub-§1-A** is enacted to read:

**1-A. Notification in writing; auto repair and storage facilities.** The owner of the premises where a vehicle described in section 1851, subsection 5 or 7 is stored or the owner's agent shall notify the Secretary of State that the owner or the owner's agent is in possession of the vehicle within 14 days after the earliest date on which the vehicle owner is responsible for any

unpaid charges for authorized repair or for storage and any related towing expenses incurred by the owner or the owner's agent. The notification must be in writing and on a form provided by the Secretary of State.

**Sec. 3. 29-A MRSA §1854, sub-§2**, as amended by PL 2007, c. 150, §4, is further amended to read:

**2. Contents of notification.** This A notification under this section must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This notification also must include the date the vehicle came into possession of the owner, the owner's agent or person in charge of the premises where the vehicle is located, under what circumstances the vehicle came into that person's possession and whether the vehicle is salvage.

**Sec. 4. 29-A MRSA §1854, sub-§3**, as amended by PL 2009, c. 435, §21, is further amended to read:

**3. Response.** On receipt of ~~the~~ a notification under this section, the Secretary of State shall inform the vehicle owner and lienholder, if any, by regular mail that the vehicle is being claimed under the abandoned vehicle law. The notice to the vehicle owner and lienholder, if any, must identify the vehicle by the year, make, model and vehicle identification number, give the name and address of the party claiming ownership, state the charges against the vehicle that the owner and lienholder, if any, must pay to retrieve the vehicle, and the date that the title or letter of ownership will pass to the new owner. If the party is claiming ownership of the vehicle pursuant to section 603, subsection 6, the notice must inform the vehicle owner and lienholder that the owner must pay to the Secretary of State the fee required in section 603 to transfer the title. A copy of this letter must be provided to the person claiming ownership.

**Sec. 5. 29-A MRSA §1856, sub-§1**, as amended by PL 2011, c. 46, §3, is further amended to read:

**1. Evidence of compliance.** A person who has complied with section 1854, subsection 4 shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 21 days after the date on which the person who has possession of and control over the vehicle notified the Secretary of State by complying with section 1854, ~~subsections~~ subsection 1 or 1-A and section 1854, subsection 2.

**Sec. 6. 29-A MRSA §1857**, as amended by PL 2011, c. 46, §4, is further amended to read:

### §1857. Limits

If the notification to the Secretary of State required by section 1854 is made more than 14 days after receipt of a vehicle described in section 1851 or if notification is not submitted to the Secretary of State, the person holding the vehicle may not collect more than 14 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$900 for a 30-day period.

See title page for effective date.

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## CHAPTER 241

### H.P. 960 - L.D. 1381

#### An Act To Clarify Appeals of Municipal Land Use Decisions

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

**Sec. 1. 30-A MRSA §2691, sub-§3, ¶C**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. The board may provide, by regulation ~~which shall~~ that must be recorded by the secretary, for any matter relating to the conduct of any hearing, ~~provided~~ except that the chair may waive any regulation upon good cause shown. Unless otherwise established by charter or ordinance, the board shall conduct a de novo review of any matter before the board subject to the requirements of paragraph D. If a charter or ordinance establishes an appellate review process for the board, the board shall limit its review on appeal to the record established by the board or official whose decision is the subject of the appeal and to the arguments of the parties. The board may not accept new evidence as part of an appellate review.

**Sec. 2. 30-A MRSA §2691, sub-§3, ¶F**, as amended by PL 2003, c. 635, §1, is further amended to read:

F. The board may reconsider any decision reached under this section within 45 days of its prior decision. A request to the board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

Notwithstanding paragraph G, appeal of a reconsidered decision must be made within 15 days af-