

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

a \$35 nonrefundable application fee no later than January 15th of the same calendar year as the lottery. An applicant may not submit more than 5 elver fishing license lottery applications per lottery year. In any year in which a lottery is held, the lottery must be held on or before February 15th.

The commissioner may adopt rules to implement the elver fishing license lottery, including provisions for the method and administration of the lottery. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Twenty-five dollars of the application fee collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D and used to fund a life-cycle study of the elver fishery. Ten dollars of the application fee may be used by the department to fund the costs of administering the elver fishing license lottery.

Sec. 7. 12 MRSA §6505-A, sub-§4, as amended by PL 2013, c. 468, §25, is further amended to read:

- 4. Fees.** Fees for elver fishing licenses are:
 - A. For a person who is a resident, ~~\$105~~ **\$205**;
 - B. For a person who is a nonresident, ~~\$442~~ **\$542**;
 - C. For a person who is a resident with crew, ~~\$305~~ **\$405**; and
 - D. For a person who is a nonresident with crew, ~~\$1,326~~ **\$1,426**.

~~Fifty~~ **One hundred and fifty** dollars of each license fee collected under paragraphs A and B and ~~\$200~~ **\$300** of each license fee collected under paragraphs C and D accrue to the Eel and Elver Management Fund established in section 6505-D.

Sec. 8. 12 MRSA §6575-J, as enacted by PL 2013, c. 301, §13, is amended to read:

§6575-J. Seizure of illegally harvested elvers

In addition to any other penalty imposed, elvers that are purchased or possessed that were taken in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing illegally harvested elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a holder of an elver fishing license, an elver dealer's license or an elver exporter's license who fished for, took, possesses or bought elvers in violation of any law or rule regulating elvers under this Part.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Marine Science 0027

Initiative: Provides allocations to the Eel and Elver Management Fund to reflect increased revenue from proceeds of the reinstated lottery for elver licenses, an increased license surcharge and an increased swipe card fee.

| | | |
|------------------------------------|----------------|----------------|
| OTHER SPECIAL REVENUE FUNDS | 2017-18 | 2018-19 |
| All Other | \$152,500 | \$152,500 |
| <hr/> | | |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$152,500 | \$152,500 |

Bureau of Policy and Management 0258

Initiative: Provides allocations for administrative costs funded by an increase in revenue from proceeds of the reinstated lottery for elver fishing licenses.

| | | |
|------------------------------------|----------------|----------------|
| OTHER SPECIAL REVENUE FUNDS | 2017-18 | 2018-19 |
| All Other | \$40,000 | \$40,000 |
| <hr/> | | |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$40,000 | \$40,000 |

| | | |
|--|------------------|------------------|
| MARINE RESOURCES, DEPARTMENT OF DEPARTMENT TOTALS | 2017-18 | 2018-19 |
| OTHER SPECIAL REVENUE FUNDS | \$192,500 | \$192,500 |
| <hr/> | | |
| DEPARTMENT TOTAL - ALL FUNDS | \$192,500 | \$192,500 |

See title page for effective date.

CHAPTER 251

H.P. 377 - L.D. 533

An Act To Clarify the Application of the Statute of Limitations under Article 3-A of the Uniform Commercial Code

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

Sec. 1. 14 MRSA §751, as amended by PL 1965, c. 306, §30, is further amended to read:

§751. Twenty years

Except as provided in Title 11, ~~section~~ sections 2-725 and 3-1118, subsection (1), personal actions on contracts or liabilities under seal, promissory notes signed in the presence of an attesting witness, or on the bills, notes or other evidences of debt issued by a bank ~~shall~~ must be commenced within 20 years after the cause of action accrues.

Sec. 2. Application. This Act applies to negotiable instruments executed on or after the effective date of this Act.

See title page for effective date.

CHAPTER 252
H.P. 544 - L.D. 764

**An Act To Limit the Exclusion
of a Patient from Eligibility for
an Organ Transplant Based on
Medical Marijuana Use**

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

Sec. 1. 22 MRSA §2423-E, sub-§10 is enacted to read:

10. Receiving an anatomical gift. In reviewing a qualifying patient's suitability for receiving an anatomical gift, a transplant evaluator shall treat the qualifying patient's medical use of marijuana as the equivalent of the authorized use of any other medications used at the direction of a medical provider. A transplant evaluator may determine a qualifying patient to be unsuitable to receive an anatomical gift if the qualifying patient does not limit the qualifying patient's medical use of marijuana to the use of forms of prepared marijuana that are not smoked or vaporized, including, but not limited to, edible marijuana and tinctures and salves of marijuana. A transplant evaluator may require medical marijuana used by a qualifying patient to be tested for fungal contamination by a marijuana testing facility. For purposes of this subsection, "transplant evaluator" means a person responsible for determining another person's suitability for receiving an anatomical gift. For the purposes of this subsection, "anatomical gift" has the same meaning as in section 2942, subsection 2.

See title page for effective date.

CHAPTER 253**S.P. 467 - L.D. 1359**

**An Act To Adopt the Interstate
Medical Licensure Compact**

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

Sec. 1. 25 MRSA §1542-A, sub-§1, ¶¶K and L, as enacted by PL 2015, c. 300, Pt. B, §3, are amended to read:

K. Who has applied for employment with the Department of Administrative and Financial Services, Bureau of Revenue Services, Office of Tax Policy and whose fingerprints have been required by the Associate Commissioner for Tax Policy pursuant to Title 36, section 194-B; or

L. Who is assigned to provide services to the Department of Administrative and Financial Services, Bureau of Revenue Services pursuant to a contract or subcontract for services to the bureau and whose fingerprints have been required by the State Tax Assessor pursuant to Title 36, section 194-C;

Sec. 2. 25 MRSA §1542-A, sub-§1, ¶¶M and N are enacted to read:

M. Who is licensed under Title 32, chapter 36 and has applied for an expedited license under Title 32, section 18506; or

N. Who is licensed under Title 32, chapter 48 and has applied for an expedited license under Title 32, section 18506.

Sec. 3. 25 MRSA §1542-A, sub-§3, ¶¶L and M are enacted to read:

L. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph M at the request of that person and upon payment of the expenses by that person as required by Title 32, section 2571-A.

M. The State Police shall take or cause to be taken the fingerprints of the person named in subsection 1, paragraph N at the request of that person and upon payment of the expenses by that person as required by Title 32, section 3275-A.

Sec. 4. 25 MRSA §1542-A, sub-§4, as amended by PL 2015, c. 300, Pt. B, §5, is further amended to read:

4. Duty to submit to State Bureau of Identification. It is the duty of the law enforcement agency taking the fingerprints as required by subsection 3, paragraphs A, B and G to transmit immediately to the State Bureau of Identification the criminal fingerprint record. Fingerprints taken pursuant to subsection 1, paragraph C, D, E or F or pursuant to subsection 5