

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

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

Augusta, Maine
2017

and coordination among federally funded and state-funded programs and services for young children and their families and to improve the quality of programs and services for young children statewide. The recommendations must include, but are not limited to, methods to:

(a) Promote statewide the availability of services and programs for young children and their families;

(b) Promote statewide the financial resources available to young children and their families for early childhood and education programs and services; and

(c) Enhance early childhood and education programs and services for young children, including child development services, education services, supervision services, health services and social services;

(4) A proposed budget for the implementation of the council's recommendations; and

(5) Suggested legislation needed to implement the council's recommendations;

D. Developing and periodically updating a process for evaluating the council's effectiveness in performing its duties and for evaluating progress in accomplishing the long-term plan's visions, goals and performance indicators pursuant to paragraph B, subparagraph (1); and

E. In accordance with the process developed under paragraph D, periodically performing an evaluation of the council's effectiveness in performing its duties and of the progress in accomplishing the long-term plan's visions, goals and performance indicators pursuant to paragraph B, subparagraph (1).

Sec. RRRRRR-2. Evaluation; design and performance. By January 1, 2018, the Maine Children's Growth Council, created in the Maine Revised Statutes, Title 5, section 24001, shall develop an evaluation process pursuant to Title 5, section 24002, subsection 1, paragraph D. By August 1, 2018, the Maine Children's Growth Council shall perform an evaluation pursuant to Title 5, section 24002, subsection 1, paragraph E.

PART SSSSSS

Sec. SSSSSS-1. Moratorium on rulemaking. The Department of Health and Human Services may not begin any rule-making procedure connected with rate reductions for reimbursement levels under Rule Chapter 101: MaineCare Benefits Manual, Sections 13, 17, 28 and 65 through June 30, 2019, unless legislative approval has been received.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved, except as otherwise indicated.

Effective July 4, 2017, unless otherwise indicated.

CHAPTER 285

S.P. 91 - L.D. 305

An Act To Increase the Penalty for Allowing Wildlife in Captivity To Escape in Violation of a Permit Requirement

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

Sec. 1. 12 MRSA §12151, sub-§2, as amended by PL 2015, c. 374, §§3 and 4, is further amended to read:

2. Penalties. ~~The~~ Except as provided in section 12152, subsection 7, the following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a civil violation for which a fine of not less than \$500 may be adjudged.

B. A person who violates subsection 1 after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

C. The department may seize fish or wildlife in accordance with sections 10502 and 10503 from a person who violates subsection 1.

Sec. 2. 12 MRSA §12152, sub-§7 is enacted to read:

7. Escaped wildlife prohibition; penalty. The following provisions apply to escaped wildlife.

A. A person may not allow wildlife in captivity to escape that person's possession or control in violation of:

(1) Rules adopted pursuant to subsection 5; or

(2) An additional permit condition or requirement assigned pursuant to subsection 6.

B. Notwithstanding section 12151, subsection 2, a person who violates paragraph A commits:

(1) A Class E crime if the wildlife is permitted in accordance with this section and the permit holder does not immediately notify a law enforcement officer that the wildlife has escaped;

(2) A Class E crime if the wildlife is not permitted in accordance with this section and the person immediately notifies a law enforcement officer that the wildlife has escaped; or

(3) A Class D crime if the wildlife is not permitted in accordance with this section and the person does not immediately notify a law enforcement officer that the wildlife has escaped.

See title page for effective date.

CHAPTER 286
S.P. 548 - L.D. 1564

**An Act To Conform State Law
to Federal Law While
Promoting Safe Working
Environments for Minors**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order for it to apply to this summer's seasonal employment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 26 MRSA §771, as amended by PL 1991, c. 544, §4, is further amended to read:

§771. Minors under 14 years of age

A minor under 14 years of age may not be employed, permitted or suffered to work in, ~~about or in connection with agriculture~~ nonagricultural or agricultural employment, except for agricultural employment in the planting, cultivating or harvesting of field crops or other agricultural employment not in direct contact with hazardous machinery or hazardous substances; ~~any eating place, automatic laundries, retail establishment where frozen dairy products are manufactured on the premises, sporting or overnight camp, mercantile establishment or in outdoor occupations on the grounds of a hotel, and a minor between the ages of 14 and 16 years may not be so employed when the distance between the work place and the home of the minor, or any other factor, necessitates the minor's remaining away from home overnight as long as the~~

employment is in accordance with rules adopted pursuant to section 772 and in accordance with 29 Code of Federal Regulations, Part 570. This section does not apply to any such minor who is employed directly by, with or under the supervision of either or both of the minor's parents; or to any such minor under 14 years of age employed in school lunch programs, if limited to serving food and cleaning up dining rooms, or in a business solely owned by the minor's parents. A parent is prohibited from employing the parent's minor child in occupations declared hazardous by the director pursuant to section 772 and in accordance with 29 Code of Federal Regulations, Part 570.

Sec. 2. 26 MRSA §772, sub-§2, as amended by PL 2009, c. 631, §47 and affected by §51, is further amended to read:

2. Rules; list of employment and occupations. The director shall adopt rules to develop and maintain a list of employment and occupations not suitable for employment of for a minor. The rules must conform as far as practicable to the child labor provisions of the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated regulations. The rules must also contain provisions prohibiting the employment of minors in places having nude entertainment and in registered dispensaries of marijuana for medical use authorized under Title 22, chapter 558-C and in establishments that cultivate, produce or sell marijuana or products in which marijuana is an ingredient or in recreational marijuana social clubs authorized under Title 7, chapter 417.

Sec. 3. 26 MRSA §773, as amended by PL 2009, c. 487, Pt. B, §12, is repealed.

Sec. 4. 26 MRSA §773-A is enacted to read:

§773-A. Occupations

1. Minors under 16 years of age. A minor under 16 years of age may not be employed, permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, except a laundry commonly known as an automatic laundry, dry cleaning establishment, bakery, poolroom or commercial place of amusement, including a traveling show or circus, or in conjunction with an amusement, game or show that allows or conducts betting.

2. Minors 14 and 15 years of age. The provisions of subsection 1 pertaining to manufacturing establishments do not apply to minors 14 years of age or older and under 16 years of age who are employed in retail establishments where any frozen dairy product or frozen dairy product mix or related food product is produced on the premises for retail sale locally, regardless of trade name or brand or coined name.

The provisions of subsection 1 pertaining to hotels or rooming houses do not apply to minors 14 years of age