

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

agency for the purpose of restoring biological communities affected by an invasive species. For the purpose of allowing the discharge of aquatic pesticides or chemicals approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency to restore biological communities affected by an invasive species, the department may find that the discharged effluent will not cause unacceptable changes to aquatic life as long as the materials and methods used will ensure the support of all species of indigenous fish and the structure and function of the resident biological community and will allow restoration of nontarget species.

Sec. 10. 38 MRSA §465-A, sub-§1, ¶B, as amended by PL 2017, c. 137, Pt. B, §2, is further amended to read:

B. Class GPA waters must be described by their trophic state based on measures of the chlorophyll "a" content, Secchi disk transparency, total phosphorus content and other appropriate criteria. Class GPA waters must have a stable or decreasing trophic state, subject only to natural fluctuations, and must be free of culturally induced algal blooms that impair their use and enjoyment. The number of Escherichia coli bacteria ~~of human and domestic animal origin~~ in these waters may not exceed a geometric mean of 29 CFU per 100 milliliters over a 90-day interval or ~~an instantaneous level of~~ 194 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval.

Sec. 11. 38 MRSA §465-B, sub-§1, ¶B, as enacted by PL 1985, c. 698, §15, is amended to read:

B. The estuarine and marine life, dissolved oxygen and bacteria content of Class SA waters ~~shall~~ must be as naturally occurs, except that the number of enterococcus bacteria in these waters may not exceed a geometric mean of 8 CFU per 100 milliliters in any 90-day interval or 54 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval.

Sec. 12. 38 MRSA §465-B, sub-§2, ¶B, as amended by PL 2005, c. 409, §3, is further amended to read:

B. The dissolved oxygen content of Class SB waters ~~must be~~ may not be less than 85% of saturation. Between ~~May~~ April 15th and ~~September 30th~~ October 31st, the ~~numbers~~ number of enterococcus bacteria ~~of human and domestic animal origin~~ in these waters may not exceed a geometric mean of 8 CFU per 100 milliliters in any 90-day interval or an instantaneous level of 54 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval. ~~In determining human and domestic animal origin, the department shall as-~~

~~sess licensed and unlicensed sources using available diagnostic procedures. The numbers~~ number of total coliform bacteria or other specified indicator organisms in samples representative of the waters in shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

Sec. 13. 38 MRSA §465-B, sub-§3, ¶B, as amended by PL 2005, c. 409, §4, is further amended to read:

B. The dissolved oxygen content of Class SC waters ~~must be~~ may not be less than 70% of saturation. Between ~~May~~ April 15th and ~~September 30th~~ October 31st, the ~~numbers~~ number of enterococcus bacteria ~~of human and domestic animal origin~~ in these waters may not exceed a geometric mean of 14 CFU per 100 milliliters in any 90-day interval or ~~an instantaneous level of~~ 94 CFU per 100 milliliters in more than 10% of the samples in any 90-day interval. ~~In determining human and domestic animal origin, the department shall assess licensed and unlicensed sources using available diagnostic procedures. The numbers~~ number of total coliform bacteria or other specified indicator organisms in samples representative of the waters in restricted shellfish harvesting areas may not exceed the criteria recommended under the National Shellfish Sanitation Program, United States Food and Drug Administration.

See title page for effective date.

CHAPTER 320

H.P. 1144 - L.D. 1659

**An Act To Amend Maine's
Marine Resources Laws
Regarding Certain License
Fees and Surcharges That
Were Amended by Recently
Enacted Legislation**

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

Sec. 1. 12 MRSA §6421, sub-§7-B, ¶A, as enacted by PL 2017, c. 284, Pt. EEEEE, §3, is amended to read:

A. For a resident Class I license for applicants under 18 years of age, ~~\$65~~ \$60;

Sec. 2. 12 MRSA §6421, sub-§7-C, ¶¶B to E, as enacted by PL 2017, c. 284, Pt. EEEEE, §3, are amended to read:

B. For a resident Class I license for applicants 18 years of age or older and under 70 years of age,

resident Class II license for applicants 70 years of age or older or resident apprentice license for applicants ~~70~~ 18 years of age or older, \$10;

C. For a resident Class II license for applicants under 70 years of age or resident Class III license for applicants 70 years of age or older, \$20;

D. For a resident Class III license for applicants under 70 years of age, nonresident Class I license for applicants under 18 years of age or a nonresident apprentice license for applicants under 18 years of age, \$30;

E. For a nonresident Class I license for applicants 18 years of age or older or nonresident apprentice license for applicants 18 years of age or older, \$60;

Sec. 3. 12 MRSA §6749-Q, sub-§3, as amended by PL 2007, c. 615, §19, is repealed.

Sec. 4. 12 MRSA §6749-Q, last ¶, as amended by PL 2007, c. 615, §20, is further amended to read:

The commissioner shall deposit all surcharges assessed in this section in the Sea Urchin Research Fund established in section 6749-R, ~~except that fees collected under subsection 3 must be evenly split between the Sea Urchin Research Fund and the Scallop Research Fund established in section 6729-A.~~

See title page for effective date.

CHAPTER 321

H.P. 165 - L.D. 209

An Act To Amend the Laws Governing Temporary Sign Usage

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

Sec. 1. 23 MRSA §1913-A, sub-§1, ¶L, as enacted by PL 2015, c. 403, §4, is amended to read:

L. Temporary signs placed within the public right-of-way for a maximum of ~~6~~ 12 weeks per calendar year. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed 4 feet by 8 feet in size. A sign under this paragraph must ~~be labeled with~~ include or be marked with the name and address of the individual, entity or organization that placed the sign within the public

right-of-way and the ~~designated time period~~ date the sign ~~will be maintained~~ was erected within the public right-of-way.

See title page for effective date.

CHAPTER 322

H.P. 1163 - L.D. 1675

An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places

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

Sec. 1. 5 MRSA §13063, sub-§5, as amended by PL 2011, c. 304, Pt. C, §2 and c. 682, §38, is further amended to read:

5. Retail business permitting program. ~~By February 1, 2012, the~~ The ombudsman shall establish and administer a central permitting program for all permits required by retail businesses selling directly to the final consumer, including, but not limited to, permits required for the operation of hotels and motels, convenience stores and eating ~~and lodging places es-~~ tablishments, and permits required for the sale of liquor or beer, tobacco, food, beverages, lottery tickets and gasoline. Permits issued by the Department of Environmental Protection, the Department of Marine Resources and the Maine Land Use Planning Commission are not included in this program. The ombudsman shall:

A. Create a consolidated permit procedure that allows each business to check on a cover sheet all state permits for which it is applying and to receive all permit applications from a centralized office;

B. Total all permit fees due from a business, collect those fees on a semiannual basis, with 1/2 of the total fees due by January 1st and 1/2 of the total fees due by July 1st, and distribute the fees to the appropriate funds or permitting entities;

C. Forward a copy of the appropriate permit application to any commission, department, municipality or other agency that has responsibility for permitting that retail business;

D. Develop a tracking system to track permits issued by state agencies. This system must at a minimum include information on the applicant, agency involvement, time elapsed or expended on the permit and action taken;

E. Coordinate and supervise the permitting process to ensure that all involved state agencies proc-