

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

2. Storm water or wastewater collection. Storm water or wastewater collection systems or flow-through tanks.

The department may adopt rules under this section for wastewater treatment tank systems relating to registration, tank construction, financial assurance and discharge response and corrective action. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective March 7, 2018.

CHAPTER 334

H.P. 1253 - L.D. 1807

An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources

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

Sec. 1. 38 MRSA §341-C, sub-§3, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

3. Terms; vacancies. The members must be appointed for staggered 4-year terms, ~~except that a vacancy must be filled for the unexpired portion of the term.~~ A member may not serve more than 2 consecutive 4-year terms. A member continues to serve until that member has been reappointed or a successor has been appointed, except that, if the member has not been reappointed or a successor has not been appointed one year after the member's term expires, the member may no longer continue to serve. A vacancy occurring other than by expiration of a term must be filled by appointment for the unexpired portion of the term.

Sec. 2. 38 MRSA §341-C, sub-§5, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is repealed.

Sec. 3. 38 MRSA §341-D, sub-§4, ¶D, as amended by PL 2011, c. 304, Pt. H, §9, is further amended to read:

D. License or permit decisions regarding an expedited wind energy development as defined in Title 35-A, section 3451, subsection 4 or a general permit pursuant to section 480-HH or section 636-A. In reviewing an appeal of a license or permit decision by the commissioner under this paragraph, the board shall base its decision on the administrative record of the department, including the record of any adjudicatory hearing held by the department, and any supplemental information allowed by the board for supplementation of the record. The board may remand the decision to the department for further proceedings if appropriate. The chair of the Public Utilities Commission or the chair's designee ~~erves~~ may serve as a nonvoting member of the board and is entitled to fully participate but is not required to attend meetings and hearings when the board considers an appeal pursuant to this paragraph. The chair's participation on the board pursuant to this paragraph does not affect the ability of the Public Utilities Commission to submit information to the department for inclusion in the record of any proceeding before the department.

See title page for effective date.

CHAPTER 335

H.P. 1197 - L.D. 1717

An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains

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

Sec. 1. 22 MRSA §3028-A, as enacted by PL 1985, c. 611, §8, is amended to read:

§3028-A. Disposal of unidentified remains and abandoned human remains

Whenever unidentified human ~~skeletal~~ remains are recovered, the Chief Medical Examiner may store the remains, release them to an educational institution, inter them in an appropriate resting place or have them cremated. Ashes of remains cremated may be disposed of in any appropriate manner. Human ~~skeletal~~ remains uncovered in a cared-for cemetery or known to be Indian remains are excluded from the operation of this section.

The Chief Medical Examiner may assume responsibility for the disposal of identified human remains of a deceased resident of this State that are the subject of a medical examiner case if no one takes custody and control of the human remains for a period of 30 days after the Chief Medical Examiner has both completed

an autopsy or necessary examination of the human remains and made reasonable inquiry under section 3028-D, subsection 1. Such abandoned remains may be interred or cremated. The Chief Medical Examiner shall file or cause to be filed a certificate of abandonment in the municipality where the human remains were recovered that indicates the means of disposal.

In the absence of a responsible party, payment of expenses incurred by the Chief Medical Examiner pursuant to this section must be made pursuant to section 3028-D, subsection 2 as if the remains were unidentified. The Chief Medical Examiner may seek to recover costs from the estate or municipality of residence of the deceased.

Sec. 2. 22 MRSA §3035, sub-§1, ¶B, as amended by PL 2017, c. 284, Pt. FFF, §1, is further amended to read:

B. For histological slides, the fees are as follows:

- (1) For each slide, \$12.50;
- (2) A handling fee per case, \$25; and
- (3) For 21 slides or more, an additional handling fee, \$25; ~~and~~

Sec. 3. 22 MRSA §3035, sub-§1, ¶C, as corrected by RR 2015, c. 2, §11, is further amended to read:

C. For other items and services such as photographs and transparencies, additional tests relating to toxicology or specimens and videotaping:

- (1) A handling fee per case, \$20; and
- (2) Anticipated costs of providing the item or service, including shipping charges; ~~and~~

Sec. 4. 22 MRSA §3035, sub-§1, ¶D is enacted to read:

D. For forensic preservation of body fragments and body fluids beyond the period established by the policy of the Office of Chief Medical Examiner, a fee not to exceed \$100 per year, per case.

See title page for effective date.

**CHAPTER 336
S.P. 627 - L.D. 1728**

**An Act To Amend Maine
Criminal Code Sentencing
Provisions Relating To
Increased Sentencing Class
Based on Multiple Prior
Convictions for Certain Violent
or Sexual Crimes**

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

Sec. 1. 17-A MRSA §1252, sub-§4-A, as amended by PL 2015, c. 470, §13, is further amended to read:

4-A. If the State pleads and proves that, at the time any crime, excluding murder, under chapter 9, 11, ~~12, 13 or 27 or 35, excluding section 853-A~~; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C was committed, or an attempt of any such crime was committed, the defendant had 2 or more prior convictions under chapter 9, 11, ~~12, 13 or 27 or 35, excluding section 853-A~~; section 402-A, subsection 1, paragraph A; or section 752-A or 752-C, or for an attempt of any such crime, or for engaging in substantially similar conduct in another jurisdiction, the sentencing class for the crime is one class higher than it would otherwise be. In the case of a Class A crime, the sentencing class is not increased, but the prior record must be given serious consideration by the court when imposing a sentence. Section 9-A governs the use of prior convictions when determining a sentence, except that, for the purposes of this subsection, for violations under chapter 11, the dates of prior convictions may have occurred at any time. This subsection does not apply to section 210-A if the prior convictions have already served to enhance the sentencing class under section 210-A, subsection 1, paragraph C or any other offense in which prior convictions have already served to enhance the sentencing class.

See title page for effective date.

**CHAPTER 337
S.P. 637 - L.D. 1738**

**An Act To Permit the Sale and
Consumption of Alcohol in an
Area That Is Not Contiguous to
Licensed Premises**

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