

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

cited in the preamble, this legislation takes effect when approved.

Effective April 1, 2018.

CHAPTER 352

H.P. 1200 - L.D. 1720

**An Act To Increase Flexibility
in the Temporary Medical
Allowance for Lobster and
Crab Fishing License Holders**

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

Sec. 1. 12 MRSA §6450, sub-§1, as enacted by PL 2013, c. 239, §9, is amended to read:

1. Temporary medical allowance. Notwithstanding section 6421, upon request the commissioner may issue a temporary medical allowance that permits an individual to fish under the authority of the license of a Class I, Class II or Class III lobster and crab fishing license holder but not under the license holder's direct supervision if the following criteria are met:

- A. The individual who will be fishing has successfully completed an apprentice program under section 6422;
- B. The individual who will be fishing is the child or spouse of the individual who holds the Class I, Class II or Class III lobster and crab fishing license;
- C. The holder of the Class I, Class II or Class III lobster and crab fishing license is unable to use that license due to a substantial illness or medical condition. The holder of the Class I, Class II or Class III lobster and crab fishing license shall provide the commissioner with documentation from a physician describing the illness or other medical condition; and
- D. The holder of the Class I, Class II or Class III lobster and crab fishing license documents to the commissioner that the license holder harvested a minimum of 1,000 pounds of lobsters within one year prior to the request for the temporary medical allowance.

~~A temporary medical allowance may not exceed one year.~~ A request for a temporary medical allowance must be in writing and must specify the dates for which the temporary medical allowance is requested. The holder of the Class I, Class II or Class III lobster and crab fishing license on which the temporary medical allowance is based must maintain a valid license during the duration of the temporary medical allowance. The holder of the Class I, Class II or Class III lobster and crab fishing license is liable for the activi-

ties of the individual fishing under the temporary medical allowance.

Sec. 2. 12 MRSA §6450, sub-§§2 and 3 are enacted to read:

2. Term. A temporary medical allowance may not exceed one year or, upon renewal under subsection 3, a total of 2 consecutive years.

3. Renewal. The commissioner may renew a temporary medical allowance issued under subsection 1 for a maximum of one year upon a request in writing from the holder of the Class I, Class II or Class III lobster and crab fishing license upon which the temporary medical allowance is based. A request under this subsection must be received by the commissioner before the expiration of a current temporary medical allowance issued to that license holder.

See title page for effective date.

CHAPTER 353

H.P. 290 - L.D. 399

**An Act Regarding Municipal
Satellite Wastewater Collection
Systems**

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

Sec. 1. 38 MRSA §361-A, sub-§3-D is enacted to read:

3-D. Publicly owned treatment works. "Publicly owned treatment works" means a device or system for the treatment of pollutants that is owned by the State or a political subdivision thereof, a municipality, a district, a quasi-municipal corporation or another public entity. "Publicly owned treatment works" includes sewers, pipes or other conveyances only if they convey wastewater to a publicly owned treatment works providing treatment.

Sec. 2. 38 MRSA §414-B, sub-§1, as amended by PL 2001, c. 232, §12, is repealed.

Sec. 3. 38 MRSA §414-D is enacted to read:

§414-D. Municipal satellite collection systems

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Municipal satellite collection system" or "system" means a wastewater collection system, owned or operated by a municipality or a quasi-municipal entity, that directly or indirectly conveys wastewater to a publicly owned treatment works that is owned or operated by a separate le-

gal entity. "Municipal satellite collection system" includes a gravity sewer and a force main.

B. "Unauthorized discharge" means a discharge of wastewater from a municipal satellite collection system to any location other than the publicly owned treatment works identified by the owner of the system pursuant to subsection 2.

2. Registration. The owner of a municipal satellite collection system shall register the system with the department in accordance with this subsection on a form prepared and furnished by the department. The registration process required under this subsection must, at a minimum, require the owner of a municipal satellite collection system to provide the department with the following information:

A. Contact information for the owner and the operator of the system;

B. Information on the publicly owned treatment works that the system discharges to;

C. Information on the geographic areas served by the system;

D. A basic map or schematic diagram of the system; and

E. System specifications, including, but not limited to, the number of miles of pipe within the system, the number and location of pump stations within the system and the number of customers served by the system.

3. Report of unauthorized discharge. The owner or operator of a municipal satellite collection system shall report to the department any unauthorized discharge in accordance with this subsection.

A. An initial report of the unauthorized discharge must be provided orally to the department by the owner or operator of the system within 24 hours of the time the owner or operator becomes aware of the discharge.

B. A written report of the unauthorized discharge must be provided to the department by the owner or operator of the system within 5 days of the time the owner or operator becomes aware of the discharge. The written report must be submitted on a form prepared and furnished by the department and must contain information on the unauthorized discharge including, but not limited to, the cause of the discharge, the date and time of the discharge, the location of the discharge, information on any water bodies that may be impacted by the discharge, the number of gallons of wastewater discharged and, if the discharge has not been corrected at the time of the written report, the anticipated amount of time that the discharge is expected to continue and the steps that the owner or operator plans to implement to reduce and elimi-

nate the discharge and prevent a recurrence of the discharge.

See title page for effective date.

CHAPTER 354

H.P. 1258 - L.D. 1813

An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons

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

Sec. 1. 17-A MRSA §261, sub-§5 is enacted to read:

5. For purposes of this section, "indirect contact" includes, but is not limited to, a person photographing another person who has not in fact attained 14 years of age after the person's having been notified, in writing or otherwise, by a law enforcement officer, corrections officer or judicial officer not to engage in that conduct. The notification not to engage in that conduct expires one year after the date the notification is given. For purposes of this subsection, "photographing" means making, capturing, generating or saving a print, negative, slide, motion picture, computer data file, videotape or other mechanically, electronically or chemically reproduced visual image or material.

See title page for effective date.

CHAPTER 355

S.P. 684 - L.D. 1816

An Act Regarding the Penalties for Hunting Deer over Bait

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

Sec. 1. 12 MRSA §10902, sub-§7-C, ¶B, as enacted by PL 2017, c. 202, §1, is amended to read:

B. For a 2nd offense, the person is permanently ineligible to obtain a hunting license for a period of 2 years from the date of conviction.

See title page for effective date.