

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

**CHAPTER 356
H.P. 1265 - L.D. 1823**

**An Act Regarding the Repeal
of a Provision of Law Allowing
Certain Nonresidents To Hunt
Deer before the Open Season
on Deer**

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

Sec. 1. 12 MRSA §11401, sub-§1, ¶E, as enacted by PL 2015, c. 401, §1, is amended to read:

E. Notwithstanding paragraph B, subparagraph 3 (3), a nonresident who owns 25 or more acres of land in the State and leaves that property open to hunting, holds a valid hunting license and is not otherwise prohibited by law may hunt deer on the Saturday preceding the first day of open season on deer.

~~This paragraph is repealed on September 15, 2018.~~

See title page for effective date.

**CHAPTER 357
S.P. 669 - L.D. 1790**

**An Act Regarding Youth
Hunting Day for Hunting Bear
and Carrying a Handgun
during the Regular
Archery-only Season on Deer**

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

Sec. 1. 12 MRSA §11251, as amended by PL 2017, c. 164, §12, is further amended to read:

§11251. Open and closed seasons

1. Open season on bear; commissioner's authority. This subsection governs the open and closed seasons on bear.

A. There is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. The commissioner may, pursuant to section 10104, subsection 1, adopt rules prohibiting the use of bait to hunt black bear during any portion of the open bear hunting season. ~~Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.~~

B. There is an open season on using a dog or dogs in conjunction with bear hunting from the first Monday preceding September 1st to the day

preceding the open firearm season on deer provided in sections 11401 and 11402.

3. Youth bear hunting day. The commissioner may establish by rule a youth hunting day for hunting bear.

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §11403, sub-§2, ¶B, as amended by PL 2011, c. 298, §1, is further amended to read:

B. A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the regular archery-only season on deer, except that a person who holds a license that allows hunting with firearms may carry a handgun. This paragraph may not be construed to prohibit a person ~~who holds a valid permit to carry~~ from carrying a concealed handgun pursuant to ~~weapon in accordance with Title 25, section 2003 from carrying a handgun 2001-A.~~

See title page for effective date.

**CHAPTER 358
S.P. 267 - L.D. 822**

**An Act To Ensure Fairness
among Large Consumers of
Natural Gas**

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

Sec. 1. 35-A MRSA §10111, sub-§2, as amended by PL 2017, c. 282, §3, is further amended to read:

2. Funding level. The natural gas conservation fund, which is a nonlapsing fund, is established to carry out the purposes of this section. The commission shall assess each gas utility, in accordance with the triennial plan, an amount necessary to capture all cost-effective energy efficiency that is achievable and reliable for those consumers who are eligible to receive funds from the natural gas conservation fund. The commission shall direct a gas utility that collects any portion of the assessment under this subsection from a customer that is a large-volume manufacturer and large-volume agricultural business to collect the assessment only on the first 1,000,000 centum cubic feet of natural gas used by that manufacturer or agricultural business in each year. The limitation on the collection of the assessment from large-volume manufacturers and large-volume agricultural businesses may not affect the trust's determination of the amount necessary to capture all cost-effective energy effi-

ciency that is achievable and reliable. The limitation does not limit the eligibility of a large-volume manufacturer or large-volume agricultural business to participate in a natural gas conservation program. All amounts collected under this subsection must be transferred to the natural gas conservation fund. Any interest on funds in the fund must be credited to the fund. Funds not spent in any fiscal year remain in the fund to be used for the purposes of this section.

The assessments charged to gas utilities under this section are just and reasonable costs for rate-making purposes and must be reflected in the rates of gas utilities.

All funds collected pursuant to this section are collected under the authority and for the purposes of this section and are deemed to be held in trust for the purposes of benefiting natural gas consumers served by the gas utilities assessed under this subsection. In the event funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the commission shall ensure that the value of those funds is returned to consumers.

For purposes of this subsection, "large-volume manufacturer" means a customer that is a gas utility ratepayer engaged in manufacturing in the State and purchases at least 1,000,000 centum cubic feet of natural gas per year. For purposes of this subsection, "large-volume agricultural business" means a customer that is a gas utility ratepayer that purchases at least 1,000,000 centum cubic feet of natural gas per year and is engaged in the commercial growing or harvesting of plants or commercial aquaculture, as defined in Title 12, section 6001, subsection 1, in the State.

Rules adopted by the commission under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 359

H.P. 595 - L.D. 846

An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act

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

Whereas, Maine law currently does not address how a fiduciary, such as a personal representative, can access and manage digital assets and communication; and

Whereas, Maine law currently does not address the authority of custodians of digital assets and communications to deal with fiduciaries; and

Whereas, the Revised Uniform Fiduciary Access to Digital Assets Act establishes procedures, standards and legal responsibilities to ensure the proper management and protection of digital assets and communications, consistent with federal requirements; and

Whereas, the sooner these issues are resolved, the sooner fiduciaries can manage and protect digital assets and communications to the extent authorized by this law; 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:

PART A

Sec. A-1. 18-A MRSA Art. 10 is enacted to read:

ARTICLE 10

MAINE REVISED UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT

§10-101. Short title

This Article may be known and cited as "the Maine Revised Uniform Fiduciary Access to Digital Assets Act."

§10-102. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Account. "Account" means an arrangement under a terms of service agreement in which a custodian carries, maintains, processes, receives or stores a digital asset of a user or provides goods or services to a user.

2. Agent. "Agent" means an attorney in fact granted authority under a durable or nondurable power of attorney.

3. Carries. "Carries" means engages in the transmission of an electronic communication.

4. Catalog of electronic communications. "Catalog of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication and the electronic address of the person.