

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

**§13026. Compliance with criminal history record check and fingerprinting requirements**

**1. List of school administrative unit employees.** Beginning January 1, 2019, and quarterly thereafter, a school administrative unit shall submit to the department a list of the names of all employees subject to certification, approval or authorization and indicate for each person included on the list the date on which the person most recently commenced employment with the school administrative unit.

**2. Notification of noncompliance.** Upon receipt of a list from a school administrative unit pursuant to subsection 1, the department shall determine for each person included on the list whether the person has complied with all applicable criminal history record check and fingerprinting requirements of section 6103 and rules adopted by the state board. If the department determines that the person has failed to comply with any such applicable requirement, the department shall immediately notify the school administrative unit of the person's failure to comply.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF  
Learning Systems Team Z081**

Initiative: Provides ongoing funds for 90% of the cost to local school administrative units to submit the names of all employees subject to certification, approval or authorization along with the date that each employee began working for the school administrative unit.

GENERAL FUND	2017-18	2018-19
All Other	\$0	\$13,508
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>\$13,508</b>

See title page for effective date.

**CHAPTER 427  
H.P. 548 - L.D. 768  
An Act To Simplify  
Nonresident Hunting and  
Fishing Licenses**

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

**Sec. 1. 12 MRSA §10001, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 2. 12 MRSA §10001, sub-§53,** as amended by PL 2009, c. 415, Pt. A, §8, is further amended to read:

**53. Resident.** "Resident" means a citizen of the United States or ~~an alien~~ a person who is not a citizen of the United States who has been domiciled in the State for one year who:

- A. If registered to vote, is registered in this State;
- B. If licensed to drive a motor vehicle, has made application for or possesses a motor vehicle operator's license issued by the State;
- C. If owning a motor vehicle located within the State, has registered each such vehicle in the State; and
- D. Is in compliance with the state income tax laws.

A person who is a full-time student at a college or university in the State and has satisfied the requirements of paragraphs A to D is rebuttably presumed to be a resident in the State during that period.

**Sec. 3. 12 MRSA §10263,** as enacted by PL 2011, c. 370, §2, is amended to read:

**§10263. Moose Research and Management Fund**

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident ~~or alien~~ moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

**Sec. 4. 12 MRSA §10752, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

**Sec. 5. 12 MRSA §11109, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Hunting licenses; agent's fee.** The commissioner may appoint clerks or other agents to issue licenses and permits under this Part. Clerks or other agents appointed by the commissioner to issue licenses and permits shall charge a fee of \$2 for each hunting license issued. The commissioner shall charge a fee of

\$1 for each hunting license issued by department employees.

**Sec. 6. 12 MRSA §11109, sub-§3, ¶¶K to M,** as repealed and replaced by PL 2015, c. 494, Pt. D, §2, are repealed.

**Sec. 7. 12 MRSA §11109, sub-§5,** as amended by PL 2009, c. 213, Pt. OO, §3, is further amended to read:

**5. Muzzle-loading permits and fees.** Muzzle-loading hunting permits and fees are as follows:

A. A resident muzzle-loading hunting permit is \$13; and

B. A nonresident muzzle-loading hunting permit is \$69; and

~~C. An alien muzzle-loading hunting permit is \$79.~~

**Sec. 8. 12 MRSA §11109, sub-§7,** as amended by PL 2017, c. 125, §1, is further amended to read:

**7. Archery hunting licenses; combination licenses; fees.** Archery hunting licenses, combination licenses and fees are as follows:

A. A resident archery license is \$26;

B. A resident combination archery hunting and fishing license is \$43;

C. A nonresident archery license is \$75; and

~~D. An alien archery license is \$85; and~~

E. A nonresident 6-day archery license, which is valid for 6 consecutive hunting days, is \$26.

**Sec. 9. 12 MRSA §11109, sub-§9,** as repealed and replaced by PL 2015, c. 494, Pt. A, §7, is amended to read:

**9. Crossbow permits and fees.** Crossbow permits and fees are as follows:

A. A resident crossbow permit is \$26; and

B. A nonresident crossbow permit is \$56; and

~~C. An alien crossbow permit is \$80.~~

**Sec. 10. 12 MRSA §11152, sub-§3,** as amended by PL 2011, c. 533, §3, is further amended to read:

**3. Rulemaking.** The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this section, except that the commissioner is not authorized to establish an antlerless deer permit system unless otherwise specified in this section. The commissioner may appoint clerks or agents under section 10801 to process applications for permits issued under this section. A clerk or agent appointed by the commissioner to process applications shall charge a fee of \$2 for each applica-

tion processed by that clerk or agent under this section. Rules adopted by the commissioner that provide for permits to be issued to nonresident ~~or alien~~ hunters must provide that:

B. No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident ~~and alien~~ hunters.

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

**Sec. 11. 12 MRSA §11154, sub-§2,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Issuance of moose hunting permits.** In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 10% of the moose hunting permits may be issued to nonresident ~~and alien~~ hunters.

**Sec. 12. 12 MRSA §11154, sub-§3,** as amended by PL 2011, c. 370, §4, is further amended to read:

**3. Moose hunting permit fee.** The fee for a moose hunting permit is \$52 for a resident and \$585 for a nonresident ~~or alien~~.

**Sec. 13. 12 MRSA §11154, sub-§4,** as amended by PL 2015, c. 281, Pt. E, §9, is further amended to read:

**4. Hunting license required.** While hunting moose, the permittee and the subpermittee shall each have in that person's possession a valid Maine resident, ~~or~~ nonresident ~~or alien~~ hunting or archery hunting license, whichever is applicable.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

**Sec. 14. 12 MRSA §11154, sub-§5,** as amended by PL 2017, c. 72, §2 and c. 96, §1, is repealed and the following enacted in its place:

**5. Eligibility.** Except as provided in this subsection, a resident or nonresident who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. A person who has obtained a moose hunting permit is ineligible to obtain another permit until the 4th calendar year after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7. A person under 10 years of age on the opening day of the open moose season is eligible to apply for a moose hunting permit and may

accrue points under subsection 8 but is ineligible to receive a moose hunting permit.

**Sec. 15. 12 MRSA §11158, sub-§2**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**2. Eligibility.** A resident of the State, ~~or nonresident or alien~~ who is eligible to obtain a state hunting license is eligible to be certified to hunt migratory game birds.

**Sec. 16. 12 MRSA §12201, sub-§2, ¶D**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

D. A nonresident who is a citizen of the United States is eligible to purchase a nonresident trapping license.

**Sec. 17. 12 MRSA §12201, sub-§2, ¶E**, as enacted by PL 2017, c. 164, §14, is amended to read:

E. ~~An alien~~ A nonresident who is not a citizen of the United States is eligible to purchase only a nonresident trapping license for beaver pursuant to section 12259, subsection 3.

**Sec. 18. 12 MRSA §12501, sub-§6, ¶I**, as amended by PL 2009, c. 213, Pt. OO, §11, is repealed.

**Sec. 19. Effective date.** This Act takes effect January 1, 2019.

Effective January 1, 2019.

**CHAPTER 428**

**S.P. 615 - L.D. 1671**

**An Act To Create a Grant Program To Assist with Dispatch Center Consolidation**

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

**Sec. 1. 25 MRSA §2927, sub-§3-D** is enacted to read:

**3-D. Grants for dispatch consolidation.** To support the consolidation of dispatch centers into existing public safety answering points, the bureau shall use up to \$1,000,000 from the funds collected from the statewide E-9-1-1 surcharge under subsection 1-E and the statewide prepaid wireless telecommunications service E-9-1-1 surcharge under subsection 1-F to provide grants to dispatch centers for nonrecurring costs associated with the consolidation of the dispatch centers into public safety answering points. The bureau shall adopt rules establishing the application process for the distribution of grants and establishing the allowable uses of grants pursuant to this subsection. Rules adopted pursuant to this subsection are routine

technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

**PUBLIC UTILITIES COMMISSION**

**Emergency Services Communication Bureau 0994**

Initiative: Provides an allocation for grants to encourage the consolidation of dispatch centers into existing public safety answering points.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$0	\$1,000,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,000,000

See title page for effective date.

**CHAPTER 429**

**H.P 487 - L.D. 696**

**An Act To Require Notification of Adverse Changes to Prescription Drug Formularies in Health Plans**

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

**PART A**

**Sec. A-1. 24-A MRSA §4311, sub-§1**, as enacted by PL 1999, c. 742, §19 and affected by §21, is amended to read:

**1. Formulary.** If a health plan provides coverage for prescription drugs but the coverage limits such benefits to drugs included in a formulary, a carrier shall:

A. Ensure participation of participating physicians and pharmacists in the development of the formulary; ~~and~~

B. Provide exceptions to the formulary limitation when a nonformulary alternative is medically indicated, consistent with the utilization review standards in section 4304-;

C. Provide an enrollee with at least 60 days' written notice of an adverse change to a formulary, except that a carrier may provide less than 60 days' notice when a prescription drug is being removed from the formulary because of concerns about safety. The notice must use a conspicuous font and inform the enrollee of the adverse change to the formulary and advise the enrollee to consult