

# 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**

**CHAPTER 41**

**H.P. 599 - L.D. 825**

**An Act To Change the Harassment Prevention Training Required for Legislators, Legislative Staff and Lobbyists**

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

**Sec. 1. 3 MRSA §170-B**, as enacted by PL 2017, c. 443, §1, is amended to read:

**§170-B. Required training regarding harassment**

All Legislators, legislative staff and lobbyists shall attend and complete a course of in-person education and training regarding harassment, including, but not limited to, sexual harassment and racial harassment, at the beginning of each regular session of the Legislature. The Legislative Council shall develop and implement this course of education and training. For the purpose of this section, "lobbyist" has the same meaning as in section 312-A, subsection 10.

See title page for effective date.

**CHAPTER 42**

**S.P. 77 - L.D. 265**

**An Act To Increase Opportunities for Hunters, Anglers and Sporting Camps by Extending the Seasons on Upland Game**

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

**Whereas**, this Act must become effective before the end of the 90-day period in order for the Commissioner of Inland Fisheries and Wildlife to adopt rules relating to the open season on the hunting of upland game before the 2019 season; 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:**

**Sec. 1. 12 MRSA §10954** is enacted to read:

**§10954. Start of open season on upland game**

The open season on upland game must begin on the last Saturday in September. The commissioner, by rule, shall determine the length of the open season on upland game.

As used in this section, "upland game" means snowshoe hare, gray squirrel, ruffed grouse and bobwhite quail.

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

Effective April 22, 2019.

**CHAPTER 43**

**H.P. 179 - L.D. 216**

**An Act To Protect Water Quality by Standardizing the Law Concerning Septic Inspection in the Shoreland Zone**

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

**Sec. 1. 30-A MRSA §4216, sub-§2**, as enacted by PL 2007, c. 568, §2, is amended to read:

**2. Additional requirements; shoreland areas.** In addition to the requirements of subsection 1, the following provisions apply to the transfer of property within a ~~coastal~~ shoreland area as described in Title 38, section 435.

A. A person purchasing property on which a subsurface waste water disposal system is located within a ~~coastal~~ shoreland area, as described in Title 38, section 435, shall prior to purchase have the system inspected by a person certified by the department except that if it is impossible due to weather conditions to perform an inspection of the system prior to the purchase, the inspection must be performed within 9 months after transfer of the property. If the inspection finds that the system is malfunctioning, the system must be repaired or replaced within one year after transfer of the property. For purposes of this paragraph only, indications of a malfunctioning system are limited to the indications specified in the definition of "malfunctioning system" in the department's rules regulating subsurface waste water disposal that are in effect on the effective date of this paragraph.

B. A subsurface waste water disposal system that has been installed pursuant to section 4211 and rules adopted under Title 22, section 42 within 3 years prior to the closing date of the transfer of

property is not subject to the inspection requirements of paragraph A.

C. If the seller of the shoreland property has a written inspection report for an inspection of the subsurface waste water disposal system that was performed within 3 years prior to the date of the transfer of property by a person certified by the department, then the seller shall provide the inspection results to the purchaser, and the purchaser is not required to have the system inspected pursuant to paragraph A.

D. The inspection described in paragraph A is not required if the purchaser certifies to the local plumbing inspector that the purchaser will replace the subsurface waste water disposal system within one year of the transfer of property.

**Sec. 2. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 44**

**H.P. 180 - L.D. 217**

**An Act To Aid Certain Veterans' Organizations**

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

**Sec. 1. 28-A MRSA §1072, sub-§5,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**5. Sale of liquor only to members and guests; exception.** Except as provided in paragraph A or B, licensed clubs may not sell liquor to anyone except members and their guests accompanying them.

A. Licensed veterans' and fraternal organizations and social clubs may sell liquor to members of the same national or affiliated international organization and to members of auxiliaries of the same national or affiliated international organization and their guests accompanying them.

B. At the discretion of and by agreement with the bureau, a licensed veterans' organization may, subject to time-of-day and seasonal limitations defined at the time of license approval, sell liquor to the general public if the organization has a valid license and is located on an island off the coast of the State that is provided with ferry service pursuant to Title 23, Part 6 and Title 35-A, chapter 51. When a licensed veterans' organization sells liquor to the general public pursuant to this paragraph, the premises at which the liquor is sold are deemed a public place for purposes of Title 22, chapter 262 during the time the general public is invited or allowed to be present, and smoking, as

defined in Title 22, section 1541, subsection 6, is prohibited during that time.

See title page for effective date.

**CHAPTER 45**

**S.P. 59 - L.D. 247**

**An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling**

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

**Sec. 1. 20-A MRSA §4008-A** is enacted to read:

**§4008-A. School counselors and school social workers**

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

A. "Direct services" means in-person interactions between a school counselor or school social worker and students that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

B. "Indirect services" means services provided by a school counselor or school social worker on behalf of students as a result of a school counselor's or school social worker's interactions with the students and others that are within the scope of the duties of a school counselor or school social worker as established by the department by rule.

C. "School counselor" has the same meaning as in section 4008, subsection 1, paragraph B.

D. "School social worker" has the same meaning as in section 4008, subsection 1, paragraph C.

**2. Direct and indirect services to students.** Each school counselor and school social worker shall spend at least 80% of the school counselor's or school social worker's time providing direct services to and indirect services on behalf of students.

**3. Rules.** The commissioner shall adopt rules to implement this section. The rules must include guidelines regarding the duties of school counselors, including that a school counselor deliver a comprehensive school counseling program, and guidelines regarding the duties of school social workers. Rules adopted