

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.

Augusta, Maine
2019

This subsection may not be construed to reduce the number of agency liquor stores the bureau may license in a municipality as of June 30, 2009.

Sec. 2. 28-A MRSA §453, sub-§2-A, as repealed and replaced by PL 2015, c. 494, Pt. A, §31, is repealed.

See title page for effective date.

CHAPTER 75

H.P. 175 - L.D. 212

An Act To Provide a Source of Funding for the ATV Recreational Management Fund and To Establish the ATV Enforcement Fund

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

Whereas, the provisions of this Act need to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for changes to all-terrain vehicle registration fees to take effect during 2019; 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 §10206, sub-§1, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

A. After administrative costs and the disbursements required under section 13155, subsection 5, revenues received under the provisions of this Part relating to ATVs, including chapter 939, are credited as undedicated revenue to the General Fund except that 50% of those revenues is credited to the ATV Recreational Management Fund of the Department of Agriculture, Conservation and Forestry. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those administrative costs must be verified by the Department of Agriculture, Conservation and Forestry and the Department of Administrative and Financial Services.

Sec. 2. 12 MRSA §10267 is enacted to read:

§10267. ATV Enforcement Fund

1. Fund established. The ATV Enforcement Fund, referred to in this section as "the fund," is established in the Bureau of Warden Service to be used by the Game Warden Colonel for the purposes established in subsection 2. All funds collected by the department pursuant to this section must be deposited in the fund. Unexpended balances in the fund at the end of the fiscal year are nonlapsing and must be carried forward to the next fiscal year to be used for the same purposes.

2. Fund uses. The Game Warden Colonel may use money in the fund only for:

A. Supplementing other funds appropriated to the enforcement operations program;

B. Regular or overtime personnel services costs of the warden service related to enforcement of ATV laws;

C. Safety or other education programs conducted by the department or authorized by the department that are related to the operation of ATVs; or

D. The purchase of equipment or machinery determined by the Game Warden Colonel as necessary for effective ATV safety and enforcement activities.

Sec. 3. 12 MRSA §13155, sub-§5, as repealed and replaced by PL 2011, c. 116, §1 and affected by §2, is amended to read:

5. Fees. The ATV registration fee is:

A. For a resident, ~~\$33~~ \$45 annually. The registration for an ATV owned by a resident is valid for one year, beginning on July 1st of each year; and

B. For a nonresident:

(1) ~~Fifty-three~~ Seventy-five dollars for a registration valid for 7 consecutive days. A person may purchase more than one 7-day registration in any season; and

(2) ~~Sixty-eight~~ Ninety dollars for a registration valid for one year.

The registration for an ATV owned by a nonresident must specify the dates for which the registration is valid.

Twelve dollars of each fee collected pursuant to this subsection must be deposited in the ATV Recreational Management Fund established in section 1893, subsection 2.

Ten dollars of each fee collected pursuant to paragraph B must be deposited in the ATV Enforcement Fund established in section 10267.

Sec. 4. Appropriations and allocations.
The following appropriations and allocations are made.

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

Off-Road Recreational Vehicles Program Z224

Initiative: Provides allocations to conduct research on issues related to the management of ATVs; to assist in the formation of nonprofit ATV groups; to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, ATV groups and others to construct and maintain ATV trails; to purchase equipment; to assist in the design and development of ATV trails; to purchase, lease or otherwise acquire interests in land, including, but not limited to, fee or easement interests for ATV trails or sport-riding facilities; to provide protection to landowners against ATV-related suit or liability; and to otherwise provide for the wise and orderly management of ATVs.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$867,936	\$867,936
	\$867,936	\$867,936
OTHER SPECIAL REVENUE FUNDS TOTAL	\$867,936	\$867,936

AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$867,936	\$867,936
DEPARTMENT TOTAL - ALL FUNDS	\$867,936	\$867,936

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

ATV Enforcement Fund N308

Initiative: Provides allocations for personnel services costs, safety and education programs and the purchase of equipment or machinery related to the enforcement of ATV laws.

OTHER SPECIAL REVENUE FUNDS	2019-20	2020-21
All Other	\$124,960	\$124,960
	\$124,960	\$124,960
OTHER SPECIAL REVENUE FUNDS TOTAL	\$124,960	\$124,960

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$124,960	\$124,960
DEPARTMENT TOTAL - ALL FUNDS	\$124,960	\$124,960
SECTION TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$992,896	\$992,896
SECTION TOTAL - ALL FUNDS	\$992,896	\$992,896

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

Effective May 1, 2019.

CHAPTER 76

H.P. 572 - L.D. 767

An Act To Ensure the Availability of In-person Visitation in County Jails

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

Sec. 1. 30-A MRSA §1556-A is enacted to read:

§1556-A. Visitation

Except as otherwise provided in this section, and subject to any conditions and limitations required for the safety and security of a county jail as determined on a case-by-case basis by the sheriff of the county jail, the sheriff shall provide for in-person visitation between a prisoner and a visitor of the prisoner.

1. Video-only visitation. Upon a determination by the sheriff of a county jail that in-person visitation between a particular prisoner and a visitor of the prisoner may jeopardize the safety and security of the jail, the sheriff may restrict that prisoner to video-only visitation. Upon a determination by the sheriff that the jail facility is unable to provide a safe and secure location for any in-person visitation, the sheriff, on a short-term basis only, may restrict all visitation at the jail to video-only visitation.