

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

sociation with employer members representing multiple trades, industries or professions; political subdivision of the State; religious organization; or professional association of employers or professionals that has a constitution or bylaws and that has been organized and maintained in good faith for a continuous period of one year for purposes other than that of obtaining or providing insurance;

D. May not be offered, advertised or available to employers or other members of the public generally, ~~except as allowed under subsection 1-A;~~

Sec. 3. 24-A MRSA §6603, sub-§1-A, as enacted by PL 2001, c. 570, §2, is repealed.

See title page for effective date.

CHAPTER 97

H.P. 249 - L.D. 324

An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses

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

Sec. 1. 15 MRSA §5821, sub-§7-A, ¶A, as enacted by PL 1999, c. 349, §2, is amended to read:

A. Property may not be forfeited under this subsection, to the extent of the interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of the owner; ~~and~~

Sec. 2. 15 MRSA §5821, sub-§9, as enacted by PL 2007, c. 684, Pt. C, §2 and affected by Pt. H, §1, is amended to read:

9. Assets in human trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a human trafficking offense as defined in Title 5, section 4701, subsection 1, paragraph C;

Sec. 3. 15 MRSA §5821, sub-§§10 and 11 are enacted to read:

10. Assets in sex trafficking offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to an aggravated sex trafficking offense as defined in Title 17-A, section 852 or a sex trafficking offense as defined in Title 17-A, section 853; and

11. Assets in criminal forced labor offenses. All assets, including money instruments, personal property and real property, used or intended for use in or traceable to a criminal forced labor offense as defined in Title 17-A, section 304 or an aggravated criminal forced labor offense as defined in Title 17-A, section 305.

Sec. 4. 15 MRSA §5826, sub-§1, as enacted by PL 1995, c. 421, §1, is amended to read:

1. Property subject to criminal forfeiture. Notwithstanding any other provision of law, a person convicted of a ~~violation of Title 17-A, chapter 45 crime that subjects the person to forfeiture of property under section 5821~~ forfeits to the State all rights, privileges, interests and claims to ~~that property that is subject to forfeiture pursuant to section 5821.~~ All rights, privileges, interest and title in property subject to forfeiture under this section vests in the State upon the commission of the act giving rise to forfeiture pursuant to section 5821.

Sec. 5. 15 MRSA §5826, sub-§2, as amended by PL 2015, c. 431, §33, is further amended to read:

2. Commencement of criminal forfeiture action. Property subject to forfeiture may be proceeded against by indictment of the grand jury or by complaint in the District Court in any related criminal proceeding in which a person with an interest in the property has been simultaneously charged with a ~~violation of Title 17-A, chapter 45 crime that subjects the person to forfeiture of property under section 5821.~~ At any time prior to trial, the State, with the consent of the court and any defendant with an interest in the property, may file an ancillary charging instrument or information alleging that property is subject to criminal forfeiture. Discovery in the criminal action must be as provided for by the Maine Rules of Unified Criminal Procedure.

Sec. 6. 15 MRSA §5826, sub-§6, as amended by PL 2017, c. 460, Pt. F, §1, is further amended to read:

6. Final order of disposition of property; public education campaign. Following the entry of a verdict of forfeiture of property pursuant to this section or the entry of a guilty plea in open court on the record and following the court's disposition of all petitions for hearing timely filed by 3rd parties, the State has clear title to property that is the subject of the indictment, information or complaint. The final order must provide for the deposit of the property or the proceeds from the disposition of the property, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice, in the General Fund, except that, to the extent that the court finds it reasonable, the court may order forfeiture of as much of the property as is appropriate, less the reasonable expenses of the forfeiture

proceedings, seizure, storage, maintenance of custody, advertising and notice, to a municipality, county or state agency that has made a substantial contribution to the investigation or prosecution of a related criminal case or, upon request of the investigating agency or the prosecuting agency, to a law enforcement agency in this State that provides case management and other social services to persons ~~with substance use disorders affected by crimes that are subject to forfeiture of property under this chapter.~~

See title page for effective date.

CHAPTER 98

H.P. 28 - L.D. 27

An Act To Allow the Use of a Crossbow for a Limited Duration during the Archery Season on Deer and the Fall Season on Wild Turkey

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

Sec. 1. 12 MRSA §10953, sub-§1, as amended by PL 2017, c. 85, §1, is further amended to read:

1. Species and seasons. A person may:

A. Hunt bear with a crossbow during the open season on bear as provided in section 11251;

B. Hunt wild turkey with a crossbow ~~in areas open to wild turkey hunting as established by rule in~~ during the spring open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701, ~~except that a person may not hunt wild turkey with a crossbow from October 1st until the first day of the open season established by the commissioner in the following year;~~

C. Hunt moose with a crossbow in areas of the State open to moose hunting during the open season on moose established by rule in section 11552, subsections 1 and 2 and according to the rules pertaining to moose hunting permits adopted by the commissioner for the protection of the moose resource under section 11551 and in accordance with the provisions of section 11601; ~~and~~

D. Hunt deer with a crossbow during the open firearm season on deer as provided in section 11401-;

E. Notwithstanding the restriction in section 11403 to hunting with bow and arrow only, hunt deer with a crossbow during the 2020, 2021 and 2022 open archery season on deer established by the commissioner in accordance with rules adopt-

ed pursuant to section 11403. A person may not take an antlerless deer with a crossbow under this paragraph during an open archery season on deer unless that person possesses an antlerless deer permit in accordance with section 11152.

This paragraph is repealed January 1, 2023; and

F. Notwithstanding the prohibition on hunting wild turkey with a crossbow during the fall open season on hunting wild turkey in section 11701 and also notwithstanding paragraph B, hunt wild turkey with a crossbow during the 2020, 2021 and 2022 fall open season on hunting wild turkey established by the commissioner in accordance with rules adopted pursuant to section 11701.

This paragraph is repealed January 1, 2023.

Sec. 2. 12 MRSA §11701, first ¶, as amended by PL 2017, c. 85, §3, is further amended to read:

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource. The rules must permit the use of a crossbow during an open season for hunting wild turkey, except that a person may not hunt wild turkey with a crossbow ~~from October 1st until the first day of the open season established by the commissioner in the following year during the fall open season on hunting wild turkey established by the commissioner.~~

Sec. 3. Report. By January 15, 2022, the Commissioner of Inland Fisheries and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters detailing the impact on the deer population from the use of a crossbow in accordance with the Maine Revised Statutes, Title 12, section 10953, subsection 1, paragraph E and the impact on the turkey population from the use of a crossbow in accordance with Title 12, section 10953, subsection 1, paragraph F. The report must include whether the commissioner allowed the use of a crossbow in any area where a special archery hunting season on deer was established by the commissioner pursuant to Title 12, section 11402, subsection 4 during the 2020, 2021 or 2022 season. The report must detail any issues or conflicts that arose from the use of a crossbow during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. Lastly, the report must specify if the use of a crossbow should continue to be permitted