

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

during the regular archery deer hunting season, any special archery hunting season and the fall open season on hunting wild turkey. The committee may report out a bill to the Second Regular Session of the 130th Legislature based on the report.

See title page for effective date.

CHAPTER 99

H.P. 61 - L.D. 64

An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense

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

Sec. 1. 17 MRSA §1031, sub-§3-B, ¶B, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is repealed.

Sec. 2. 17 MRSA §1031, sub-§3-B, ¶C, as enacted by PL 2003, c. 452, Pt. I, §20 and affected by Pt. X, §2, is amended to read:

C. Title 17-A, section 9-A governs the use of prior convictions when determining a sentence under this subsection.

Sec. 3. 17 MRSA §1031, sub-§3-B, ¶¶D, E and F are enacted to read:

D. The court, as part of the sentence for a violation of this section:

(1) May prohibit a defendant convicted of a Class D crime under this section from owning, possessing or having on the defendant's premises an animal for a period of time that the court determines to be reasonable, up to and including permanent relinquishment;

(2) Shall prohibit a defendant convicted of a Class C crime under this section from owning, possessing or having on the defendant's premises an animal for a period of at least 5 years, up to and including permanent relinquishment;

(3) May impose any other reasonable restrictions on a defendant's future ownership or custody of an animal as determined by the court to be necessary for the protection of animals, including but not limited to reasonable restrictions on future ownership, possession or custody and prohibiting the person from employment that involves the care of animals or any other contact with animals; and

(4) May order as a condition of probation that probationer be evaluated to determine the

need for psychiatric or psychological counseling and, if it is determined to be appropriate by the court, receive psychiatric or psychological counseling at the defendant's expense.

Upon motion by the defendant and upon completion of conditions specified in an order entered under this paragraph, the court may reduce or modify restrictions or conditions imposed under this paragraph.

E. Intentional or knowing violation of a court order issued under paragraph D is a Class D crime. An animal owned or possessed by the defendant or on the defendant's premises in violation of a court order under paragraph D is subject to immediate forfeiture as ordered by the court.

F. A person placed on probation for a violation of this section with a condition that prohibits owning, possessing or having on the probationer's premises an animal is subject to revocation of probation and removal of the animal at the probationer's expense if this condition is intentionally or knowingly violated.

See title page for effective date.

CHAPTER 100

H.P. 261 - L.D. 336

An Act To Require That Notice of Lead Abatement Orders Be Filed with the Registry of Deeds

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

Sec. 1. 22 MRSA §1321, sub-§1, as amended by PL 2005, c. 530, §4, is further amended to read:

1. Notice posted. The department shall post in or upon the dwelling, premises, residential child-occupied facility, child care facility, premises of the family child care provider or nursery school, in a conspicuous place or places, notice of the existence of environmental lead hazard. Notice may not be removed until the department states that the ~~environmental lead hazard no longer exists~~ property owner has complied with the order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered;

Sec. 2. 22 MRSA §1321, sub-§3, as amended by PL 1999, c. 790, Pt. A, §23, is further amended to read:

3. Notice to owner; removal. The department shall give notice of the existence of the environmental lead hazard to the owner and order that the lead-based substances be removed, replaced or securely and per-

manently covered within 30 days of receipt of the notice. If the lead-based substances can not be removed, replaced or securely and permanently covered within 30 days, the department may grant an extension of reasonable time. All lead-based paint activities must be performed in accordance with rules adopted by the Department of Environmental Protection pursuant to Title 38, chapter 12-B. In the case of an owner-occupied, single-family residence, the department may provide technical assistance and guidance in lieu of enforcement activity at the department's discretion; ~~and~~

Sec. 3. 22 MRSA §1321, sub-§4, as amended by PL 2005, c. 530, §4, is further amended to read:

4. Sale of dwelling, residential facility, child-occupied facility or nursery school. If, before the end of the 30-day period or extension, the owner sells the dwelling, premises, child care facility, premises of the family child care provider, residential child-occupied facility or nursery school, the owner shall notify the prospective buyer of the environmental lead hazard and the new owner must assume the responsibility of carrying out the requirements of this section within the specified time period; and

Sec. 4. 22 MRSA §1321, sub-§7 is enacted to read:

7. Notice filed in registry of deeds. The department shall file in the registry of deeds in the county in which the property is located a notice of an order issued pursuant to subsection 3 that the lead-based substances be removed, replaced or securely and permanently covered. When the department determines that the property owner has complied with the order, the department shall file a notice in the registry of deeds in the county in which the property is located stating that the property owner has complied with the order. A notice filed pursuant to this subsection must contain:

- A. The name of the property owner;
- B. The book and page in the registry of the property owner's deed; and
- C. A notarized signature of the person from the department filing the notice.

A notice stating that the property owner has complied with the order must also contain the book and page of the original order. The department shall adopt rules to implement this subsection, including, but not limited to, rules establishing the form of the notice to be filed in the registry of deeds. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 101 H.P. 500 - L.D. 679

An Act Regarding the Licensing of Funeral Practitioners

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

Sec. 1. 32 MRSA §1501-B, as enacted by PL 2015, c. 246, §1, is repealed.

Sec. 2. 32 MRSA §1501-C is enacted to read:
§1501-C. Licensing of out-of-state licensees

1. Issuance of licenses. The board may issue a license to an applicant who holds an active and unrestricted license to practice funeral service in another state, the license requirements of which are substantially similar to the license requirements under this chapter and board rules, as long as the licensee has not been subjected to disciplinary action under that license.

2. Rulemaking. The board shall adopt rules to implement and administer the provisions of this section, including rules that define substantially similar license requirements. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 32 MRSA §1506, sub-§§2 and 3, as enacted by PL 1991, c. 117, §1, are amended to read:

2. Requirements. ~~As a prerequisite to renewal on or after January 1, 1993 of any license subject to this subchapter, licensees must~~ A licensee shall complete 12 hours of continuing education within 2 years prior to the date of renewal in programs or courses approved by the board. The board may, for good cause shown, grant an extension of time to any person to allow that person to comply with this subchapter. No more than 6 of the 12 hours may be completed through online or distance learning programs.

3. Program approval. ~~Each application for approval of a continuing education program must be submitted according to the guidelines prescribed by the board.~~ The board may establish by rule criteria for the review and approval of courses and for the determination of the number of continuing education hours to be credited for completion of each course or program.

See title page for effective date.