

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

~~1999~~ that is at least 20 years old according to its model year at the time of sale or transfer of ownership to a recycler, salvage vehicle dealer or scrap processor if:

A. ~~A~~ The recycler, salvage vehicle dealer or scrap processor obtains the seller's name and the address of the seller's residence from a government-issued photograph identification document or credential and maintains the seller's name and address and vehicle identification number of the scrapped vehicle for a period of at least one year; and

B. ~~A~~ The recycler, salvage vehicle dealer or scrap processor reports the destruction of the vehicle to the Secretary of State within 30 days in a manner prescribed by the Secretary of State.

This subsection applies only to vehicles that are scrapped. For purposes of this subsection, a government-issued photograph identification document or credential includes, but is not limited to, a current and valid United States passport, military identification, driver's license or nondriver identification card.

See title page for effective date.

**CHAPTER 142
H.P. 622 - L.D. 848**

An Act Concerning Disclosure Requirements for Transfers of Properties Accessed by Means Other Than a Public Way

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

Sec. 1. 33 MRSA §193, sub-§§1 and 2, as enacted by PL 2017, c. 345, §4, are repealed.

Sec. 2. 33 MRSA §193, sub-§3 is enacted to read:

3. Access to the property. Information describing the means of accessing the property by:

A. A public way, as defined in Title 29-A, section 101, subsection 59; and

B. Any means other than a public way, in which case the seller shall disclose information about who is responsible for maintenance of the means of access, including any responsible road association, if known by the seller.

See title page for effective date.

**CHAPTER 143
H.P. 687 - L.D. 932**

An Act Regarding the Transfer of a Deceased Person's Moose Permit to a Family Member

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

Sec. 1. 12 MRSA §11154, sub-§15, as enacted by PL 2015, c. 95, §1, is amended to read:

15. Moose permit transfer; family members. The commissioner, in cases involving exceptional extenuating circumstances as determined by the commissioner, may authorize a person who holds a valid moose permit to transfer that permit to a family member who meets the eligibility and permit requirements under this section and who is not otherwise prohibited from holding the moose permit, except that the commissioner shall transfer a moose permit to a family member who meets the eligibility and permit requirements under this section and who is not otherwise prohibited from holding the moose permit if the permit holder dies at any time prior to or during the moose hunting season if a moose has not yet been harvested under that permit. A transferor and a transferee are subject to the elimination of any accumulated points under subsection 8 and the 3-year ineligibility period under subsection 5. For purposes of this subsection, "family member" means the transferor's spouse, child, stepchild, grandchild, parent, grandparent, stepparent, brother, sister, half-sister, half-brother or adopted child.

The commissioner shall adopt rules to implement this subsection and may establish a transfer fee to recover administrative costs associated with transferring moose permits. 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 144
H.P. 715 - L.D. 960**

An Act To Allow Municipalities with Municipal Shellfish Conservation Ordinances To Establish Minimum and Maximum Size Limits for Shellfish That Are at Least as Strict as Those Limits Established by the State

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

Sec. 1. 12 MRSA §6671, sub-§3, ¶A, as amended by PL 2017, c. 350, §1, is further amended to read:

A. Within any area of the intertidal zone within the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators;
- (4) Authorize the municipal officials to open and close flats under specified conditions; ~~and~~
- (5) Specify areas of the intertidal zone in which the dragging of mussels may be limited to the degree necessary to support a municipal shellfish conservation program;

(6) Establish a minimum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any minimum size limit set in this chapter or by rule, except that an ordinance must establish minimum size limits for possession of soft-shell clams that are at least as strict as those limits established in section 6681; and

(7) Establish a maximum size limit for possession of shellfish regulated in the ordinance, as long as those size limits are as strict or stricter than any maximum size limit set in this chapter or by rule.

Sec. 2. 12 MRSA §6671, sub-§3, ¶B, as enacted by PL 2001, c. 188, §2, is repealed.

Sec. 3. 12 MRSA §6671, sub-§8, ¶D is enacted to read:

D. Enforcement by the municipality of any provision adopted by a municipality pursuant to this section may occur only in the municipality in which the shellfish is harvested.

See title page for effective date.

**CHAPTER 145
H.P. 725 - L.D. 970**

**An Act To Encourage Policies
Regarding Accessory Dwelling
Units under Local
Comprehensive Plans and
Zoning Requirements**

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

Sec. 1. 30-A MRSA §4301, sub-§1-B is enacted to read:

1-B. Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land.

Sec. 2. 30-A MRSA §4312, sub-§3, ¶J, as amended by PL 2015, c. 349, §1, is further amended to read:

J. To promote and protect the availability of outdoor recreation opportunities for all Maine citizens, including access to surface waters; ~~and~~

Sec. 3. 30-A MRSA §4312, sub-§3, ¶K, as enacted by PL 2015, c. 349, §2, is amended to read:

K. To encourage municipalities to develop policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets; ~~and~~

Sec. 4. 30-A MRSA §4312, sub-§3, ¶L is enacted to read:

L. To encourage municipalities to develop policies that provide for accessory dwelling units.

Sec. 5. 30-A MRSA §4326, sub-§1, ¶H, as amended by PL 2015, c. 349, §3, is further amended to read:

H. Residential housing stock, including affordable housing, ~~and~~ policies that assess community needs and environmental effects of municipal regulations, lessen the effect of excessive parking requirements for buildings in downtowns and on main streets and provide for alternative approaches for compliance relating to the reuse of upper floors of buildings in downtowns and on main streets and policies that provide for accessory dwelling units;