

# 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 162  
H.P. 999 - L.D. 1378**

**An Act To Ensure the  
Provision of Medical  
Assessments for Youth in  
Foster Care**

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

**Sec. 1. 22 MRSA §4063-A**, as enacted by PL 1991, c. 194, is amended to read:

**§4063-A. Medical and psychological examination;  
provision of medical information**

**1. Physical examination required.** The department shall ensure that a child ordered into its custody receives an appointment for a medical examination by a licensed physician or nurse practitioner within 10 working days after the department's custody of the child commences.

**2. Psychological assessment.** If the physician or nurse practitioner who performs a physical examination pursuant to subsection 1 determines that a psychological assessment of the child is appropriate, the department shall ensure that an appointment is obtained for such an assessment within 30 days of the physical examination.

**3. Medical, dental, educational and behavioral assessment reimbursable.** The department shall provide for reimbursement under MaineCare for a comprehensive medical, dental, educational and behavioral assessment, which includes obtaining relevant records, when a child enters the custody of the department. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A to implement this subsection.

See title page for effective date.

**CHAPTER 163  
H.P. 1107 - L.D. 1514**

**An Act To Improve  
Enforcement in the Elver  
Fishery**

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

**Sec. 1. 12 MRSA §6207, first ¶**, as amended by PL 1989, c. 742, §3, is further amended to read:

Any marine organism; that is taken, bought, sold, shipped, transported or found in the possession of any person in violation of any provision of marine resources' resources laws; and all currency that is used in

violation of any provision of marine resources laws is contraband and is subject to forfeiture in accordance with this section and section 6206. All equipment and vehicles used or possessed in violation of any provision of marine resources' resources laws are contraband and are subject to forfeiture.

**Sec. 2. 12 MRSA §6374, sub-§3-A, ¶¶D and E**, as enacted by PL 2017, c. 197, §4, are amended to read:

D. Not less than 4 years from the date of a finding of a violation of section 6438-A; and

E. Permanent for conduct that is grounds for suspension under section 6371, subsection 3, paragraph C; and

**Sec. 3. 12 MRSA §6374, sub-§3-A, ¶F** is enacted to read:

F. Permanent for a first finding of a violation of section 6505-A, subsection 1-D.

**Sec. 4. 12 MRSA §6404-N** is enacted to read:

**§6404-N. Revocation based on conviction of failing to record the sale of elvers with an elver transaction card**

The commissioner shall permanently revoke the elver fishing license, elver dealer's license or elver exporter's license of any license holder convicted of violating section 6505-A, subsection 1-D.

**Sec. 5. 12 MRSA §6505-A, sub-§1-D**, as enacted by PL 2013, c. 468, §24, is amended to read:

**1-D. Use of elver transaction card required.** The holder of an elver fishing license issued under this section or section 6302-A, subsection 3, paragraph E, E-1, F or G may not sell or transfer elvers the license holder has taken to an elver dealer licensed under section 6864 unless the holder of the elver fishing license presents to the elver dealer the elver transaction card issued to that person under subsection 1-C and that card is used to record the transaction between the license holder and the dealer so that the amount of elvers transferred or sold is deducted from the license holder's quota.

**Sec. 6. 12 MRSA §6575-J**, as amended by PL 2017, c. 250, §8, is further amended to read:

**§6575-J. Seizure of illegal elvers**

In addition to any other penalty imposed, elvers that are taken, sold, purchased or possessed that were taken in violation of any law or rule pertaining to elvers are subject to seizure by any officer authorized to enforce this Part. The entire bulk pile containing illegally harvested illegal elvers may be seized. For the purposes of this section, "bulk pile" means all elvers in the possession of a holder of an elver fishing license, an elver dealer's license or an elver exporter's license person who fished for, took, possesses or bought el-

vers in violation of any law or rule regulating elvers under this Part.

**Sec. 7. 12 MRSA §6865, sub-§5**, as enacted by PL 2015, c. 45, §6, is amended to read:

**5. Fees.** The fee for an elver exporter's license is \$5,000. If the department requires inspection of elvers prior to export, the department may charge up to \$500 for each inspection.

**Sec. 8. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF  
Bureau of Marine Science 0027**

Initiative: Provides allocations to research and manage the State's eel and elver resources, to enforce the laws related to eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$30,000	\$30,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$30,000	\$30,000

See title page for effective date.

**CHAPTER 164  
S.P. 502 - L.D. 1567**

**An Act To Change the  
Deadline for Submission of the  
Annual Report of the Public  
Advocate**

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

**Sec. 1. 35-A MRSA §1702, sub-§6**, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

**6. Annual report.** The Public Advocate shall prepare and submit an annual report of activities of the Public Advocate to the Governor and to the joint standing committee of the Legislature having jurisdiction over public utilities matters by ~~August~~ September 1st of each year, with copies available to all legislators on request.

See title page for effective date.

**CHAPTER 165  
H.P. 755 - L.D. 1025**

**An Act To Prohibit the  
Provision of Conversion  
Therapy to Minors by Certain  
Licensed Professionals**

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

**Sec. 1. 20-A MRSA §13020, sub-§2-A** is enacted to read:

**2-A. Grounds for discipline of a school psychologist or guidance counselor.** Evidence that a person who is certified under this Title as a school psychologist or guidance counselor has advertised, offered or administered conversion therapy as defined in Title 32, section 59-C, subsection 1 to a child is grounds for discipline of that person.

**Sec. 2. 20-A MRSA §13020, sub-§3**, as enacted by PL 1983, c. 845, §4, is amended to read:

**3. Denial of certificate for prior immoral or prohibited conduct.** Evidence that an applicant for initial certification or renewal has injured the health or welfare of a child through physical or sexual abuse or exploitation is grounds for a denial of a certificate. Evidence that an applicant for initial certification or renewal as a school psychologist or guidance counselor has advertised, offered or administered conversion therapy as defined in Title 32, section 59-C, subsection 1 to a child is grounds for a denial of a certificate. Notwithstanding Title 5, chapter 341, every person, who, within 5 years of the application for initial certification or renewal, has been convicted in any state or federal court of a criminal offense involving the physical or sexual abuse or exploitation of a child, may be presumed by the commissioner to lack good moral character for the purposes of this chapter. This presumption ~~shall be~~ is a rebuttable presumption. Notwithstanding Title 5, chapter 341, the commissioner ~~shall be~~ is entitled to consider all records of prior criminal convictions involving child abuse or exploitation in determining an applicant's eligibility for a certificate.

**Sec. 3. 22 MRSA §3174-BBB** is enacted to read:

**§3174-BBB. Coverage for conversion therapy**

The department may not provide MaineCare reimbursement for conversion therapy as defined in Title 32, section 59-C, subsection 1 administered to a minor.

**Sec. 4. 32 MRSA §59-C** is enacted to read: