

# 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**

mit the form to the ~~minor's attending physician~~ health care professional performing the abortion.

**Sec. 3. 22 MRSA §1597-A, sub-§8, ¶B,** as enacted by PL 2003, c. 452, Pt. K, §11 and affected by Pt. X, §2, is amended to read:

B. ~~An attending physician~~ A health care professional, as defined in section 1596, subsection 1, paragraph C, or counselor may not knowingly fail to perform any action required by this section. A person who violates this paragraph commits a civil violation for which a fine of not more than \$1,000 may be adjudged for each violation.

**Sec. 4. 22 MRSA §1598, sub-§1,** as amended by PL 1993, c. 61, §2, is further amended to read:

**1. Policy.** It is the public policy of the State that the State not restrict a woman's exercise of her private decision to terminate a pregnancy before viability except as provided in section 1597-A. After viability an abortion may be performed only when it is necessary to preserve the life or health of the mother. It is also the public policy of the State that all abortions may be performed only by a ~~physician health care professional,~~ as defined in section 1596, subsection 1, paragraph C.

**Sec. 5. 22 MRSA §1598, sub-§3, ¶A,** as enacted by PL 1979, c. 405, §2, is amended to read:

A. Only a person licensed under Title 32, chapter 36 or ~~chapter 48,~~ to practice medicine in Maine the State as a medical or an osteopathic or medical physician, or physician assistant or a person licensed under Title 32, chapter 31 to practice in the State as an advanced practice registered nurse may perform an abortion on another person.

**Sec. 6. 22 MRSA §1599-A,** as enacted by PL 1993, c. 61, §4, is amended to read:

**§1599-A. Informed consent to abortion**

**1. Consent by the woman.** A ~~physician health care professional,~~ as defined in section 1596, subsection 1, paragraph C, may not perform an abortion unless, prior to the performance, the ~~attending physician health care professional~~ certifies in writing that the woman gave her informed written consent, freely and without coercion.

**2. Informed consent.** To ensure that the consent for an abortion is truly informed consent, the ~~attending physician health care professional,~~ as defined in section 1596, subsection 1, paragraph C, shall inform the woman, in a manner that in the ~~physician's health care professional's~~ professional judgment is not misleading and that will be understood by the patient, of at least the following:

A. According to the ~~physician's health care professional's~~ best judgment she is pregnant;

B. The number of weeks elapsed from the probable time of the conception;

C. The particular risks associated with her own pregnancy and the abortion technique to be performed; and

D. At the woman's request, alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will provide the woman with economic and other assistance to carry the fetus to term, including, if the woman so requests, a list of these agencies and the services available from each.

See title page for effective date.

**CHAPTER 263**

**H.P. 1141 - L.D. 1579**

**An Act To Create a Limited Fish Stocking Permit**

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

**Sec. 1. 12 MRSA §12510, sub-§3** is enacted to read:

**3. Limited permit.** The commissioner may issue a written limited permit to a local government under this subsection. A limited permit:

A. Allows the local government to introduce fish only into a great pond that:

(1) Is within the jurisdiction of the local government; and

(2) Was previously stocked by the department and in which stocking was suspended prior to January 1, 2019 and has not been resumed by the department due to inadequate public access;

B. Allows the introduction of only:

(1) The same species of fish that was stocked at the time the department suspended stocking; and

(2) Fish obtained by the local government at its own expense from an in-state commercial facility that meets testing and health guidelines approved by the department; and

C. May be issued only if the local government identifies public access to the great pond that:

(1) Is at least suitable for the hand carrying of boats to the water;

(2) Includes a parking area; and

(3) Has been marked with signage adequate to ensure public awareness of the public access.

For purposes of this subsection, "local government" means a municipality or, in the unorganized territory, a county.

See title page for effective date.

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**CHAPTER 264**  
**H.P. 198 - L.D. 235**

**An Act To Increase Funding  
To Contain and Manage the  
Spread of Invasive Aquatic  
Species**

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

**Sec. 1. 12 MRSA §10206, sub-§3, ¶C**, as amended by PL 2013, c. 580, §1, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to a formula that is jointly agreed upon by the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources biannually that pays to the department the administrative costs of the Division of Licensing and Registration. 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 costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The remainder of revenues after reduction for administrative costs and after allowing for any necessary year-end reconciliation and accounting distribution must be allocated 75% to the department and 25% to the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

The Prior to January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. Beginning January 1, 2020, the fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a

\$15 fee for invasive species prevention and control. This fee is disposed of as follows:

- (1) Eighty percent must be credited to the Invasive Aquatic Plant and Nuisance Species Fund; and
- (2) Twenty percent must be credited to the Lake and River Protection Fund established within the department under section 10257.

**Sec. 2. 12 MRSA §10206, sub-§6**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

**6. Lake and river protection sticker revenues.**

All fees collected by the commissioner from the sale of stickers under section 13058, subsection 3 must be paid daily to the Treasurer of State. Notwithstanding subsection 3, the Treasurer of State shall credit funds received under this subsection as follows:

- A. ~~Sixty~~ Eighty percent of the revenues must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established in the Department of Environmental Protection under Title 38, section 1863; and
- B. ~~Forty~~ Twenty percent of the revenues must be credited to the Lake and River Protection Fund established in the department under section 10257.

**Sec. 3. 12 MRSA §13056, sub-§8, ¶A**, as amended by PL 2009, c. 213, Pt. OO, §14, is further amended to read:

A. For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

- (1) Ten horsepower or less, prior to January 1, 2020 the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$30 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State;
- (2) Greater than 10; horsepower but not more than 50 horsepower, prior to January 1, 2020 the fee is \$30 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this subparagraph is \$35 for operating on inland waters of the State and \$20 for operating only on tidal waters of the State; and
- (3) Greater than 50 horsepower but not more than 115 horsepower, prior to January 1, 2020 the fee is \$36 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State. Beginning January 1,