

# 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**

(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,

2020, the fee under this subparagraph is \$41 for operating on inland waters of the State and \$26 for operating only on tidal waters of the State.

**Sec. 4. 12 MRSA §13056, sub-§8, ¶B,** as amended by PL 2009, c. 213, Pt. OO, §15, is further amended to read:

B. ~~For~~ Prior to January 1, 2020, for a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating of 115 horsepower or greater, the fee is \$44 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State. Beginning January 1, 2020, the fee under this paragraph is \$49 for operating on inland waters of the State and \$34 for operating only on tidal waters of the State.

**Sec. 5. 12 MRSA §13058, sub-§3,** as repealed and replaced by PL 2013, c. 580, §3, is amended to read:

**3. Nonresident motorboat and personal watercraft lake and river protection sticker and resident and nonresident seaplane lake and river protection sticker; fee.** No later than January 1st of each year, the commissioner shall provide the agents authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State and for all seaplanes, whether or not registered in the State, for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft or to each outside edge of a seaplane's pontoons. ~~The~~ Prior to January 1, 2020, the fee for a sticker issued under this subsection is \$20, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2020, the fee for a sticker issued under this subsection is \$35, \$1 of which is retained by the agent who sold the sticker. Beginning January 1, 2022, the fee for a sticker issued under this subsection is \$45, \$1 of which is retained by the agent who sold the sticker.

The remainder of the fee is disposed as follows:

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

A motorboat, personal watercraft or seaplane owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF  
Water Quality 0248**

Initiative: Provides allocations for costs related to conducting inspections and invasive aquatic plant prevention, for containment, eradication and management activities and to contract with municipalities or other entities to conduct inspection, prevention or eradication programs to protect the inland waters of the State from invasive aquatic plant and nuisance species.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$534,285	\$613,037
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$534,285	\$613,037

<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2019-20</b>	<b>2020-21</b>
<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$534,285</b>	<b>\$613,037</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$534,285</b>	<b>\$613,037</b>

**INLAND FISHERIES AND WILDLIFE,  
DEPARTMENT OF**

**Enforcement Operations - Inland Fisheries and Wildlife 0537**

Initiative: Provides allocations for enforcing laws pertaining to invasive aquatic plants and nuisance species, inspecting watercraft for invasive aquatic plant and nuisance species materials and for educational and informational efforts targeted at invasive aquatic plant and nuisance species prevention, eradication and management activities and the production and distribution of lake and river protection stickers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2019-20</b>	<b>2020-21</b>
All Other	\$84,351	\$104,039
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$84,351	\$104,039

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
DEPARTMENT TOTALS	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS	\$84,351	\$104,039
DEPARTMENT TOTAL - ALL FUNDS	\$84,351	\$104,039
SECTION TOTALS		
OTHER SPECIAL REVENUE FUNDS	\$618,636	\$717,076
SECTION TOTAL - ALL FUNDS	\$618,636	\$717,076

See title page for effective date.

**CHAPTER 265**  
**S.P. 104 - L.D. 364**

**An Act To Establish the Right To Practice Complementary and Alternative Health Care Act**

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

**Sec. 1. 32 MRSA c. 113-B, sub-c. 5 is enacted to read:**

**SUBCHAPTER 5**  
**COMPLEMENTARY AND ALTERNATIVE HEALTH CARE**

**§12601. Short title**

This subchapter may be known and cited as "the Right To Practice Complementary and Alternative Health Care Act."

**§12602. License not required**

A person who provides complementary or alternative health care services in accordance with this subchapter but who is not licensed, certified or registered in this State as a health care professional or practitioner under this Title does not violate any law relating to the licensing of health care professionals under this Title as long as the person complies with the requirements of this subchapter.

**1. Prohibited acts.** A person providing complementary or alternative health care services under this subchapter may not engage in any of the following activities:

A. Performing surgery, setting fractures or performing any other procedure on a person that punctures the skin;

B. Administering or prescribing radiation, including x-ray radiation;

C. Prescribing or administering medications, drugs or devices that require a prescription from a licensed health care professional;

D. Recommending the discontinuance of medications or drugs or the use of devices prescribed by a licensed health care professional;

E. Performing chiropractic adjustment of joints or spine; or

F. Acting in any way that suggests, advertises or implies that the person providing complementary or alternative health care services is licensed as a health care professional under any other chapter of this Title.

**2. Required disclosures.** A person who provides complementary or alternative health care services under this subchapter and is advertising or charging a fee for those services shall, prior to providing services, disclose the following in writing to the person receiving services:

A. The name, business address and telephone number of the person providing complementary or alternative health care services;

B. The fact that the person providing complementary or alternative health care services is not a licensed health care professional;

C. The nature of the complementary or alternative health care services to be provided; and

D. The degrees, training, experience, credentials or other qualifications of the person providing complementary or alternative health care services.

A written copy of the disclosures required under this subsection must be posted in a prominent location on the premises where the complementary or alternative health care services are being provided.

**3. Acknowledgment required.** Prior to providing complementary or alternative health care services to another person for the first time, the person providing services shall obtain a written, signed statement that the disclosures required in subsection 2 have been provided and understood. The written, signed statement must be retained for 2 years by the person providing the complementary or alternative health care services.