

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

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time.~~ A person who violates this paragraph ~~after having previously been given a warning under this paragraph~~ commits a Class E crime for which a fine of \$1,000 must be adjudged, none of which may be suspended.

Sec. 2. 12 MRSA §12808, sub-§1-A, as amended by PL 2015, c. 423, §1, is further amended to read:

1-A. Prohibited acts regarding endangered or threatened species; intentional. Except as provided in section 12808-A, a person may not intentionally:

A. Import into the State or export out of the State any endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, take, trap, harass or possess any endangered or threatened species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

D. Feed or, set bait for ~~or harass~~ any endangered or threatened species. ~~A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time.~~ A person who violates this paragraph ~~after having previously been given a warning under this paragraph~~ commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

Sec. 3. 12 MRSA §12810, sub-§2, as enacted by PL 2009, c. 60, §2, is amended to read:

2. Prohibited acts regarding delisted species. Except as otherwise authorized by the commissioner pursuant to this Part, a person may not intentionally:

A. Import into the State or export out of the State a delisted species. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended;

B. Hunt, trap, harass or possess a delisted species within the State. A person who violates this paragraph commits a Class D crime, for which a fine of \$2,000 must be adjudged, none of which may be suspended; or

C. Process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, a delisted species or any part of a delisted species. A person who violates this paragraph commits a Class D crime; or, for which a fine of \$2,000 must be adjudged, none of which may be suspended.

~~D. Feed, set bait for or harass a delisted species. A law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this paragraph for the first time. A person who violates this paragraph after having previously been given a warning under this paragraph commits a Class D crime.~~

See title page for effective date.

CHAPTER 268

H.P. 659 - L.D. 885

An Act To Adopt Eastern Daylight Time Year-round

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

Sec. 1. 1 MRSA §151, as repealed and replaced by PL 2007, c. 129, §1, is repealed and the following enacted in its place:

§151. Standard time

1. Standard time. The standard time for the State is the time as determined by 15 United States Code, Sections 260 to 267 except that the standard time year-round for the State is the time commonly known as eastern daylight time or eastern daylight saving time, referred to in this section as eastern daylight time, if:

A. Federal law permits the year-round observation of eastern daylight time; and

B. All the states in the eastern time zone and the District of Columbia observe eastern daylight time year-round.

2. Secretary of State to monitor and provide public notice. The Secretary of State shall monitor whether the conditions under subsection 1, paragraphs A and B have been met and provide public notice when each has been met. When both conditions under subsection 1, paragraphs A and B have been met, the Secretary of State shall issue a public notice announcing the effective date of year-round eastern daylight time as established in subsection 3.

3. Effective date. Year-round eastern daylight time is effective immediately upon the fulfillment of both conditions in subsection 1, paragraphs A and B if the State is observing eastern daylight time on the date both conditions are met. Year-round eastern daylight time is effective on the next start date of eastern daylight time after both conditions in subsection 1, paragraphs A and B have been met if the State is not observing eastern daylight time on the date both of the conditions are met.

See title page for effective date.

**CHAPTER 269
H.P. 809 - L.D. 1105**

An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Substance Use and Co-occurring Disorders

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

Sec. 1. 32 MRSA §12501, sub-§1-B is enacted to read:

1-B. Acupuncture detoxification specialist. "Acupuncture detoxification specialist" means an individual licensed under this chapter to practice auricular acupuncture detoxification.

32 MRSA §12501, sub-§6-K is enacted to read:

6-K. National acupuncture detoxification association. "National acupuncture detoxification association" means the national organization that provides training in auricular acupuncture detoxification, as specified in rules by the board.

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

SUBCHAPTER 5

**AURICULAR ACUPUNCTURE
DETOXIFICATION LICENSING
REQUIREMENTS AND SCOPE OF PRACTICE**

§12551. License required; licensee title; scope of practice; limitations

1. License required. A person may not practice, offer to practice or profess to be authorized to practice auricular acupuncture detoxification or represent to the public that the person is an acupuncture detoxification specialist unless licensed by the board pursuant to this subchapter.

2. Title. A person licensed under this subchapter may use the title "licensed acupuncture detoxification specialist" and the designation "A.D.S." or "L.A.D.S." but may not represent to the public that the person is an acupuncturist.

3. Scope of practice. Auricular acupuncture detoxification is the subcutaneous insertion of sterile, single-use disposable acupuncture needles in consistent, predetermined bilateral locations on the outer ear according to national acupuncture detoxification association protocol for the purpose of treatment of substance use and co-occurring disorders. The practice is limited to the outer ear.

4. Limitations. An acupuncture detoxification specialist:

A. May not perform acupuncture outside of the scope of practice of auricular acupuncture detoxification;

B. May provide auricular acupuncture detoxification only under the general supervision of a licensed acupuncturist whose license is in good standing. The supervising acupuncturist must, at a minimum, be available by telephone or electronic means during business hours and shall conduct at least 2 in-person visits or visits through videoconferencing with the acupuncture detoxification specialist during the first year the supervising acupuncturist oversees the work of the acupuncture detoxification specialist; and

C. May provide auricular acupuncture detoxification in, or in collaboration with, a program for substance use and co-occurring disorders or other state-approved program. An acupuncture detoxification specialist shall provide documentation to the program administrator demonstrating that the acupuncture detoxification specialist possesses a record of completion of training in auricular acupuncture detoxification from the national acupuncture detoxification association or completion of other board-approved auricular acupuncture detoxification training.

§12552. Qualifications for licensure as an acupuncture detoxification specialist

1. Qualifications. To be eligible for licensure as an acupuncture detoxification specialist under this subchapter, the applicant must hold a valid unrestricted Maine license as a:

A. Certified alcohol and drug counselor or licensed alcohol and drug counselor;

B. Physician or physician assistant;

C. Nurse or nurse practitioner;

D. Professional counselor or clinical professional counselor;