

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

(g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle town line - Class A.

(h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(j) Scopan Stream from the outlet of Scopan Lake to its confluence with the Aroostook River - Class C.

(k) Limestone Stream from the Long Road bridge to the Canadian border - Class C.

(l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.

(m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Wade) - Class A.

(n) Salmon Brook and its tributaries (Perham, Westmanland) above Route 228 crossing on main stem in Perham - Class A.

(o) West Branch Salmon Brook and its tributaries (Wade, Perham, T.14 R.5 W.E.L.S.) above the Washburn-Wade town line - Class A.

Sec. 9. 38 MRSA §468, sub-§2, ¶N, as amended by PL 2003, c. 317, §20, is amended to read:

N. Township 7 Southern Division.

(1) Whitten Parritt Stream - Class A.

(2) Tributaries to Tunk Stream - Class A.

Sec. 10. 38 MRSA §468, sub-§2, ¶¶O and P are enacted to read:

O. Sullivan.

(1) Tributaries to Tunk Stream - Class A.

P. Township 10 Southern Division.

(1) Tunk Stream and its tributaries - Class A.

Sec. 11. 38 MRSA §468, sub-§8, ¶P is enacted to read:

P. Cherryfield.

(1) Tunk Stream and its tributaries - Class A.

See title page for effective date.

**CHAPTER 334
H.P. 1244 - L.D. 1745**

**An Act Regarding the Tagging
and Sale of Shellfish**

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

Sec. 1. 12 MRSA §6625, sub-§1, as amended by PL 2005, c. 434, §5, is further amended to read:

1. Tagging required. The holder of a ~~commercial shellfishing~~ license issued under section 6601, 6731, 6732, 6745 ~~or~~, 6746 ~~or~~ 6810-B shall identify shellstock the license holder has taken by means of a harvester's tag. The tag must be consistent with the format required by the department under rules adopted to meet this requirement. Each container of shellstock must be tagged in accordance with department rules. The tag must accompany the harvested product while the product is in wholesale or retail commerce within the State.

Sec. 2. 12 MRSA §6810-B, sub-§4, as enacted by PL 2017, c. 296, §9, is amended to read:

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 or an enhanced retail certificate holder under section 6852, subsection 2-A cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C or under Title 7, section 1501. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §6856, sub-§1, as amended by PL 2017, c. 224, §2, is further amended to read:

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate issued by the department or a valid, current certificate issued by the relevant regulatory authority recognized by the United States Department of Health and Human

Services, Food and Drug Administration and posted on the administration's interstate certified shellfish shippers list, unless authorized under section 6701 or 6702. A person may engage in activities only to the extent authorized by the certificate held by the person. The commissioner may issue a shellfish sanitation certificate to a wholesale seafood license holder or a shellfish transportation license holder that authorizes the holder to undertake the activities expressly authorized therein, which may include buying and selling, shipping, transporting, shucking or other processing of shellfish or whole scallops. A wholesale seafood license or shellfish transportation license is also necessary to undertake the activities authorized under those licenses. A shellfish sanitation certificate does not authorize a person to undertake any of the activities for which a permit is required pursuant to subsection 2-A. Beginning June 1, 2018, the fee for a shellfish sanitation certificate is \$50.

Sec. 4. 12 MRSA §6856, sub-§2-A, ¶D, as enacted by PL 2017, c. 224, §2, is amended to read:

D. A person may not use a vehicle to transport ~~soft-shelled clam shell stock~~ shellstock purchased at a location other than the establishment or vehicle authorized under the license without a shellfish buying station permit. Beginning June 1, 2018, the fee for a shellfish buying station permit is \$100.

See title page for effective date.

CHAPTER 335

H.P. 1256 - L.D. 1769

An Act To Make Various Changes to the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §101, sub-§27-B is enacted to read:

27-B. Heavy duty recovery vehicle. "Heavy duty recovery vehicle" means a wrecker that:

A. Is designed for the specific purpose of recovering vehicles that have a gross, combined or actual weight of more than 80,000 pounds;

B. Has either 4 or 5 axles;

C. Has a manufacturer's gross vehicle weight rating of 70,000 pounds or more;

D. Is equipped with a recovery boom that is rated for 70,000 pounds or more;

E. Is equipped with an air brake system capable of providing compressed air to the braking or sus-

pension system of a vehicle being towed by the heavy duty recovery vehicle; and

F. Is capable of towing a combination vehicle with a gross weight of more than 99,000 pounds.

Sec. 2. 29-A MRSA §1920, sub-§1, ¶¶C and D, as amended by PL 2013, c. 30, §2, are further amended to read:

C. For a vehicle of 4,501 pounds to 7,500 pounds, ~~27~~ 28 inches in the front and ~~29~~ 30 inches in the rear;

D. For a vehicle of 7,501 pounds to 10,000 pounds, ~~28~~ 30 inches in the front and ~~30~~ 32 inches in the rear; and

Sec. 3. 29-A MRSA §1920, sub-§1, ¶E, as enacted by PL 2013, c. 30, §2, is amended to read:

E. For a vehicle of 10,001 pounds to 11,500 pounds, ~~29~~ 31 inches in the front and ~~31~~ 33 inches in the rear; and

Sec. 4. 29-A MRSA §1920, sub-§1, ¶F is enacted to read:

F. For a vehicle of 11,501 pounds to 13,000 pounds, 32 inches in the front and 34 inches in the rear.

Sec. 5. 29-A MRSA §2054, sub-§2, ¶D, as amended by PL 2017, c. 21, §1, is further amended to read:

D. Except as provided in this paragraph, a vehicle may not be equipped with or display a blue light.

(1) Emergency lights used on the following vehicles must emit a blue light or a combination of blue and white light: a police vehicle, except that a police vehicle may also use red emergency lights under paragraph F; a Department of Corrections vehicle as described in subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services.

(2) Emergency lights used on an ambulance, an emergency medical service vehicle, a fire department vehicle or a hazardous material response vehicle may include one blue light mounted facing toward the rear of the vehicle so that the light is primarily visible to approaching traffic from the rear only.

(3) The taillight of a vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 457, may contain a blue or purple insert of not more than one inch in diameter.