

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

**Augusta, Maine
2020**

to, pipes, sewers, conduits, cables, valves, lines, wires, manholes, attachments, appurtenances and those parts of poles below ground. ~~This definition~~ Except for liquefied propane gas distribution systems that have underground pipes, "underground facility" does not include liquefied propane gas distribution systems that are not included within the scope of 49 Code of Federal Regulations, Part 192 and. "Underground facility" does not include highway drainage culverts or under drains.

Sec. 2. 23 MRSA §3360-A, sub-§6-C, as amended by PL 2011, c. 588, §9, is further amended to read:

6-C. Penalties. In an adjudicatory proceeding, the Public Utilities Commission may, in accordance with this subsection, impose an administrative penalty on any person who violates this subsection. The administrative penalty may not exceed ~~\$500~~ \$1,000, except that, if the person has been found in violation of this subsection within the prior 12 months, the administrative penalty may not exceed ~~\$5,000~~ \$10,000. Administrative penalties imposed pursuant to this subsection are in addition to any other remedies or forfeitures provided by law and any liability that may result from the act or omission constituting the violation. Before imposing any penalties under this subsection, the commission shall consider evidence of the record of the violator, including, to the extent applicable, the number of successful excavations undertaken by the violator or the number of locations successfully marked by the violator during the prior 12 months. The commission may require a person who violates any provision of this section to participate, at the expense of the violator, in an educational program developed and conducted by the system.

The Public Utilities Commission may impose administrative penalties for any of the following violations:

- A. Failure of an excavator to give notice of an excavation as required under subsection 3, except to the extent the excavator is exempt from the provisions of subsection 3 pursuant to other provisions of this section;
- B. Excavation by an excavator in a reckless or negligent manner that poses a threat to an underground facility;
- C. Excavation by an excavator that does not comply with the requirements of subsection 4-C, except to the extent the excavator is exempt from the provisions of subsection 4-C pursuant to subsection 5-C;
- D. Failure of an underground facility operator to mark the location of the operator's underground facilities within the time limits required by subsection 4;

E. Marking by an underground facility operator of the location of an underground facility in a reckless or negligent manner; or

F. Failure of an excavator to comply with the requirements of subsection 5-C, 5-D, 5-E, 5-I or 5-J.

The commission shall establish by rule standards for when and at what level penalties must be assessed under this subsection. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 17, 2020.

CHAPTER 593

H.P. 1389 - L.D. 1945

An Act To Require Forest Rangers To Be Trained at the Maine Criminal Justice Academy

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to ensure that certain forest rangers complete the basic law enforcement training program at the Maine Criminal Justice Academy as soon as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 25 MRSA §2803-A, sub-§8-D, as enacted by PL 2017, c. 456, §3, is amended to read:

8-D. Training of forest rangers. To establish certification standards and a training program for the state supervisor of the forest protection unit of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry and forest rangers appointed under Title 12, section 8901. This program must include:

- A. Preservice law enforcement training under section 2804-B;
- B. An additional basic forest ranger training program developed by the state supervisor of the forest protection unit of the Bureau of Forestry within the

Department of Agriculture, Conservation and Forestry and approved by the board that is specific to the duties of a forest ranger;

C. In-service law enforcement training that is specifically approved by the board as prescribed in section 2804-E; and

D. A firearms training program equivalent to a firearms training program of a full-time law enforcement officer trained at the Maine Criminal Justice Academy that is developed and approved by the board.

A forest ranger hired on or after July 1, 2019 shall complete basic training under section 2804-C.

Forest ranger pilots regardless of hire date and forest rangers hired prior to July 1, 2019 are exempt from basic training under section 2804-C, but completion of basic training under section 2804-C exempts a person from the preservice training requirement under paragraph A;

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 17, 2020.

CHAPTER 594

S.P. 205 - L.D. 689

An Act Regarding Temporary Signs That Are Placed in the Public Right-of-way

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

Sec. 1. 23 MRSA §1913-A, sub-§1, ¶L, as amended by PL 2017, c. 321, §1, is further amended to read:

L. Temporary signs placed within the public right-of-way for a maximum of 12 weeks per calendar year, except that a temporary sign may not be placed within the public right-of-way for more than 6 weeks from January 1st to June 30th or for more than 6 weeks from July 1st to December 31st. A temporary sign may not be placed within 30 feet of another temporary sign bearing the same or substantially the same message. A temporary sign may not exceed 4 feet by 8 feet in size. A sign under this paragraph must include or be marked with the name and address of the individual, entity or organization that placed the sign within the public right-of-way and the date the sign was erected within the public right-of-way.

See title page for effective date.

CHAPTER 595

S.P. 575 - L.D. 1726

An Act To Penalize Violators of Wood Shipment and Quarantine Laws

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

Sec. 1. 7 MRSA §2303, as repealed and replaced by PL 1977, c. 696, §94, is repealed and the following enacted in its place:

§2303. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 2301 commits a civil violation.

2. Penalty. Except as provided in subsection 3, the following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$100 and not more than \$1,000 may be adjudged for each day of that violation.

B. A person who violates this section after having been adjudicated of a violation of this section within the previous 5-year period commits a civil violation for which a fine of not less than \$1,000 and not more than \$2,000 may be adjudged for each day of that violation.

3. Economic benefit. If the economic benefit resulting from a violation under subsection 1 exceeds the applicable penalties under subsection 2, the maximum fines may be increased. The maximum fine may not exceed an amount equal to twice the economic benefit resulting from the violation. The court shall consider as economic benefit, without limitation, the costs avoided or the enhanced value accrued at the time of the violation by the violator as a result of not complying with the applicable legal requirements.

4. Costs permitted. In any action or proceeding brought by the Attorney General under this section, the court may award litigation costs, including court costs, reasonable attorney's fees and reasonable expert witness fees, to be deposited in the General Fund if the State or any of its officers or agencies is a prevailing party in the action or proceeding and the defendant's defense was not substantially justified. For the purposes of this subsection, a defense is substantially justified if the defense had a reasonable basis in law or fact at the time it was raised.

Sec. 2. 12 MRSA §8307 is enacted to read:

§8307. Penalties

1. Civil violation. A person who violates a rule adopted pursuant to section 8306 or a condition or term