

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**

**CHAPTER 661
H.P. 1462 - L.D. 2058**

**An Act To Strengthen
Protections for Incapacitated
and Dependent Adults from
Abuse, Neglect and
Exploitation**

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

Sec. 1. 22 MRSA §3473, sub-§2, ¶B, as amended by PL 2003, c. 653, §4, is further amended to read:

B. Take appropriate action, including providing or arranging for the provision of appropriate services and making referrals to law enforcement; ~~and~~

Sec. 2. 22 MRSA §3473, sub-§2, ¶C, as amended by PL 2017, c. 402, Pt. C, §54 and PL 2019, c. 417, Pt. B, §14, is further amended to read:

C. Petition for guardianship or a protective order under Title 18-C, Article 5, when all less restrictive alternatives have been tried and have failed to protect the incapacitated adult; ~~and~~

Sec. 3. 22 MRSA §3473, sub-§2, ¶D is enacted to read:

D. Establish and maintain an adult protective services registry of persons for whom there have been substantiated reports of abuse, neglect or exploitation of dependent adults or incapacitated adults. The department shall adopt routine technical rules to implement this paragraph pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. 34-B MRSA §5604-A, sub-§2, as amended by PL 2011, c. 542, Pt. A, §128, is further amended to read:

2. Maintain reporting system. The department shall maintain a reportable event and adult protective services system that provides for receiving reports of alleged incidents, prioritizing such reports, assigning reports for investigation by qualified investigators, reviewing the adequacy of the investigations, making recommendations for preventive and corrective actions as appropriate and substantiating allegations ~~against individuals who have been found under the Adult Protective Services Act to have abused, neglected or exploited persons with intellectual disabilities or autism~~ of abuse, neglect or exploitation in accordance with Title 22, chapter 958-A. The department shall fully establish the reportable event and adult protective services system through rulemaking.

See title page for effective date.

**CHAPTER 662
H.P. 1467 - L.D. 2065**

**An Act To Address Decibel
Level Limits for Airboats**

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

Sec. 1. 12 MRSA §13068-A, sub-§10, ¶A, as enacted by PL 2003, c. 655, Pt. B, §380 and affected by §422, is amended to read:

A. A person may not operate a motorboat in such a manner as to exceed:

- (1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or
- (2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph A-1.

Sec. 2. 12 MRSA §13068-A, sub-§10, ¶A-1 is enacted to read:

A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

Sec. 3. Collection of information. The Department of Inland Fisheries and Wildlife and the Department of Marine Resources jointly shall solicit and collect information regarding airboats, including, but not limited to, information regarding uses of airboats, noise levels and complaints and suggestions for reducing complaints regarding the use of airboats, from interested parties, including, but not limited to, harbor masters, town clerks and residents of coastal towns and airboat users and sellers. Based on the suggestions, the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources may jointly submit recommended legislation to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters by February 1, 2021. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters may report out legislation to the First Regular Session of the 130th Legislature to implement the recommendations. As used in this section, "airboat" means a flat-bottomed

watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine.

See title page for effective date.

CHAPTER 663

H.P. 1468 - L.D. 2066

**An Act To Authorize the
Maine Pilotage Commission To
Establish Alternative Initial
License Criteria for Existing
Pilots Seeking Endorsements
for Low Traffic Volume Routes**

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

Sec. 1. 38 MRSA §91, as amended by PL 1999, c. 355, §14, is further amended by adding at the end a new paragraph to read:

Notwithstanding the training trip requirements under this section, the commission may establish alternative requirements for pilots under the jurisdiction of the commission who are seeking route endorsements in areas of low traffic volume as defined by the commission. The commission shall adopt rules implementing any alternative initial license criteria for pilots seeking route endorsements in areas of low traffic volume that are established by the commission. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 664

H.P. 1480 - L.D. 2079

**An Act To Implement the
Recommendations of the
Family Law Advisory
Commission Concerning
Adoption and Minor
Guardianship**

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

PART A

Sec. A-1. 18-C MRSA §9-302, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§9-302. Consent for adoption

1. Written consent. Before an adoption is granted, written consent to the adoption must be given by:

A. The adoptee, if the adoptee is ~~44~~ 12 years of age or older;

B. Each of the adoptee's living parents, except as provided in subsection 2;

C. A person or agency having legal custody or guardianship of the adoptee if the adoptee is a child or to whom the child has been surrendered and released, except that the person's or agency's lack of consent, if adjudged unreasonable by a court, may be overruled by the court. In order for the court to find that the person or agency acted unreasonably in withholding consent, the petitioner must prove, by a preponderance of the evidence, that the person or agency acted unreasonably. The court shall determine whether the person or agency acted unreasonably in withholding consent prior to any hearing on whether to grant the adoption. The court may hold a pretrial conference to determine who will proceed. The court may determine that even though the burden of proof ~~is~~ remains on the petitioner, the person or agency should ~~proceed~~ proceed ~~if the person or agency has important facts necessary to the petitioner in presenting the petitioner's case~~ present its reasons for withholding consent and the facts supporting the decision before the petitioner presents its evidence. The court shall consider the following:

(1) Whether the person or agency determined the needs and interests of the child;

(2) Whether the person or agency determined the ability of the petitioner and other prospective families to meet the child's needs;

(3) Whether the person or agency made the decision consistent with the facts;

(4) Whether the harm of removing the child from the child's current placement outweighs any inadequacies of that placement; ~~and~~

(4-A) Whether an agency withholding consent to the petitioner consented to the adoption of the child by a person who is a preadoptive parent as defined in Title 22, section 4002, subsection 9-A or who was identified as an appropriate permanency placement in a court-approved permanency plan pursuant to Title 22, section 4038-B; and

(5) All other factors that have a bearing on a determination of the reasonableness of the person's or agency's decision in withholding consent; and

D. A guardian appointed by the court, if the adoptee is a child, when the child has no living parent, guardian or legal custodian who may consent.

A petition for adoption must be pending before a consent is executed.