

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

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FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

**CHAPTER 58
S.P. 145 - L.D. 338**

**An Act To Amend the Law
Governing the Maine Lobster
Marketing Collaborative**

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

Sec. 1. 12 MRSA §6455, sub-§5-A, ¶A, as enacted by PL 2013, c. 309, §2, is repealed.

Sec. 2. 12 MRSA §6455, sub-§5-A, ¶B, as amended by PL 2013, c. 492, §5, is repealed.

Sec. 3. 12 MRSA §6455, sub-§5-A, ¶C, as amended by PL 2013, c. 492, §5, is repealed.

Sec. 4. 12 MRSA §6455, sub-§5-A, ¶D, as amended by PL 2017, c. 368, §3, is further amended to read:

D. ~~For the years 2016 to 2021~~ the The surcharges are, for:

- (1) Class I lobster and crab fishing licenses for persons 18 to 69 years of age, \$165.25;
- (2) Class II lobster and crab fishing licenses, \$330.50, except that for license holders 70 years of age or older the surcharge is \$165;
- (3) Class III lobster and crab fishing licenses, \$480.75, except that for license holders 70 years of age or older the surcharge is \$240;
- (4) Nonresident lobster and crab landing permits, \$480.75;
- (5) Wholesale seafood licenses with lobster permits if the license holders hold no supplemental wholesale seafood licenses with lobster permits, or lobster transportation licenses if the license holders hold no supplemental lobster transportation licenses, \$1,200;
- (6) Supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses as follows:
 - (a) One thousand eight hundred dollars for up to 2 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses;
 - (b) Two thousand four hundred dollars for 3 to 5 supplemental wholesale seafood licenses with lobster permits or supplemental lobster transportation licenses; and
 - (c) Three thousand dollars for 6 or more supplemental wholesale seafood licenses with lobster permits or supplementary lobster transportation licenses; and

(7) Lobster processor licenses, \$1,000 if less than 1,000,000 pounds of raw product is processed, and \$4,000 if 1,000,000 pounds or more of raw product is processed.

Sec. 5. 12 MRSA §6455, sub-§9, as enacted by PL 2017, c. 368, §5, is amended to read:

9. Repeal. This section is repealed October 1, ~~2021~~ 2026.

See title page for effective date.

**CHAPTER 59
H.P. 330 - L.D. 454**

**An Act To Ensure Equity in
the Shellfish Depuration
Compensation Process for
Municipalities by Increasing
the Rate of Reimbursement
Paid to Municipalities**

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

Sec. 1. 12 MRSA §6856, sub-§3-D, ¶D, as enacted by PL 2011, c. 175, §5, is amended to read:

D. A depuration certificate holder shall pay each municipality an amount equal to ~~50¢~~ one dollar for each bushel of soft-shelled clams taken in that municipality under the depuration certificate. When submitting payment to a municipality under this paragraph, the depuration certificate holder shall include a summary of reports submitted to the department pursuant to rules adopted under subsection 4.

See title page for effective date.

**CHAPTER 60
H.P. 392 - L.D. 547**

**An Act Regarding Nuisance
Beavers**

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 must take effect in time for the 2021 growing season; 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. 12 MRSA §12404, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §242 and affected by §422, is further amended to read:

2. Beaver. A Except as provided in paragraph A, a person may not take or kill beaver under sections 12401 and 12402. ~~The commissioner may cause agents of the department to take nuisance beaver at any time.~~

A. In accordance with section 10105, subsection 1, the commissioner may at any time authorize a landowner, a person on behalf of the landowner or an agent of the department to take or kill nuisance beaver.

A person who violates this subsection commits a Class E crime.

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

Effective May 25, 2021.

CHAPTER 61

H.P. 229 - L.D. 325

An Act To Allow Students Who Experienced Significant Education Interruption as a Result of the COVID-19 Pandemic To Be Eligible for a Department of Education Diploma

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

Whereas, as a result of the COVID-19 pandemic and resulting state of emergency, many students have been unable to access on-site education on a consistent basis; and

Whereas, this legislation allows students who have had limited access to on-site education to become eligible for a Department of Education diploma if that student cannot meet the additional requirements necessary for a local diploma; and

Whereas, this legislation is necessary to support students who are currently in their 4th year of secondary school with anticipated graduation in May 2021; 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. 20-A MRSA §257-A, sub-§1-A is enacted to read:

1-A. Eligibility for students impacted by COVID-19 pandemic. Notwithstanding the eligibility requirements in subsection 1, a student is eligible to apply for a Department of Education diploma if that student is a 4th year secondary school student and is unable to satisfy the requirements for a diploma from a school administrative unit because the student experienced a significant interruption to the student's education as a result of the COVID-19 pandemic and civil emergency during the student's secondary school education history.

This subsection is repealed on September 1, 2023.

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

Effective May 25, 2021.

CHAPTER 62

S.P. 36 - L.D. 28

An Act To Update the Silver Alert Program To Include Missing Endangered Persons

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

Sec. 1. 25 MRSA §2201, as enacted by PL 2009, c. 583, §1, is amended to read:

§2201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Department. "Department" means the Department of Public Safety.

~~2. Missing senior citizen. "Missing senior citizen" means a person:~~

~~A. Who at the time the person is first reported missing is 60 years of age or older or, under extraordinary circumstances, a person 18 to 59 years of age who also meets the criteria in paragraphs B and C;~~

~~B. With respect to whom there is a clear indication that the person has an irreversible deterioration of intellectual faculties such as dementia, as determined by a local law enforcement agency; and~~

~~C. Whose disappearance poses a credible threat to the safety and health of the person as determined by a local law enforcement agency.~~