

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

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

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.~~

3. **Media.** "Media" means print, radio, Internet-based communication systems or other methods of communicating information to the public.

3-A. Missing endangered person. "Missing endangered person" means a person who is believed to be in danger because of the person's age, mental or physical health or intellectual or developmental disability, because of environmental or weather conditions or because the person is missing in dangerous, unexplained, involuntary or suspicious circumstances as determined by a local law enforcement agency.

4. **Silver Alert.** "Silver Alert" means a notice provided under this chapter to the public through law enforcement agencies and the media.

5. **Silver Alert Program.** "Silver Alert Program" means the statewide alert program for missing ~~senior citizens~~ endangered persons developed and implemented under this chapter.

Sec. 2. 25 MRSA §2202, as enacted by PL 2009, c. 583, §1, is amended to read:

§2202. Silver Alert Program

In accordance with this chapter and with the cooperation of the Department of Transportation, the Maine Turnpike Authority, a statewide organization representing broadcast groups in the State, the Office of the Governor and appropriate law enforcement agencies, the department shall develop and implement the Silver Alert Program to be activated on behalf of missing ~~senior citizens~~ endangered persons. The program must include standards of procedure for local law enforcement agencies to determine that a missing person is a missing ~~senior citizen~~ endangered person, to determine information to be released regarding the missing endangered person or the circumstances of the person's disappearance and to appropriately activate a Silver Alert to local or statewide law enforcement agencies and to the media, a plan for providing relevant information to the public through an existing system of dynamic message signs located across the State when necessary and training for all law enforcement officers. The Silver Alert Program must be developed and implemented using existing resources.

See title page for effective date.

**CHAPTER 63
S.P. 42 - L.D. 34**

**An Act To Create the Maine
Forestry Operations Cleanup
and Response Fund**

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

Sec. 1. 12 MRSA §8869-B is enacted to read:

§8869-B. Maine Forestry Operations Cleanup and Response Fund

The Maine Forestry Operations Cleanup and Response Fund, referred to in this section as "the fund," is established to be used by the bureau as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. The balance in the fund is limited to \$20,000. To this fund are credited permit fees, civil penalties and other fees and charges related to this subchapter. To this fund are charged expenses of the bureau incurred to mitigate and remediate damages or potential damages to waters of the State created by violations of this subchapter, including but not limited to costs of cleanup of discharges of pollutants to waters of the State and the restoration of water supplies.

1. Disbursements from and use of fund. Money in the fund may be used by the department and disbursed only to pay the costs, including without limitation payments to contractors undertaking physical mitigation and remediation activities and equipment expenses, involved in the control of sediment and water flow, the abatement of pollution and the implementation of remediation activities, including restoration of water supplies, related to the discharge of sediment and other pollutants discharged or at risk of discharging to waters of the State by timber harvesting activities.

Prior to undertaking mitigation or remediation activities that will result in the use of the fund, the director shall use all reasonable efforts to notify the responsible party of the mitigation and remediation activities needed and to provide a reasonable time frame for the responsible party to implement those activities. The director shall notify the responsible party that a lien may be imposed on real estate owned by the responsible party in accordance with subsection 3 if the department undertakes mitigation and remediation activities that will result in the use of the fund.

2. Reimbursements to the fund. The following provisions govern reimbursements to the fund.

A. The director shall seek recovery of all costs paid from the fund from the responsible party, unless the bureau finds the amount involved too small, the likelihood of success too uncertain or that recovery of costs is unlikely due to the inability of the responsible party to pay those costs.

B. Requests by the department for reimbursement of costs paid from the fund, if not paid by the responsible party within 30 days of the request, may be turned over to the Attorney General for collection or may be submitted to a collection agency or agent or an attorney retained by the department with the approval of the Attorney General in conformance with Title 5, section 191, or the bureau may file an appropriate action in District Court for recovery of the costs paid from the fund.