

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

day care facility an animal care facility is a Class D crime.

Sec. 13. 17 MRSA §1038, sub-§1, ¶A, as enacted by PL 2005, c. 422, §11, is amended to read:

A. Places an animal in the custody of ~~a licensed veterinarian for treatment, boarding or other care, or in a boarding kennel, animal grooming facility or animal day care facility~~ an animal care facility for services offered by that facility; and

Sec. 14. 17 MRSA §1038, sub-§2, as enacted by PL 2005, c. 422, §11, is amended to read:

2. Notice requirement. Before any animal may be considered abandoned under this section, ~~a veterinarian's office, boarding kennel, animal grooming facility or animal day care facility~~ an animal care facility shall send written notice, by registered or certified mail, return receipt requested, to the owner or keeper at the owner's or keeper's last known address. Proof of attempted delivery constitutes sufficient notice.

Sec. 15. 17 MRSA §1038, sub-§3, as enacted by PL 2005, c. 422, §11, is amended to read:

3. Ownership of abandoned animal. When an owner or keeper fails to claim an animal within 10 days of a notice being sent under subsection 2, the ~~veterinarian, kennel, animal care facility~~ or individual who has custody and control of the animal is considered the owner of the animal and shall arrange for its care, including, but not limited to, its adoption, sale or placement with a licensed animal shelter.

Sec. 16. Transition provision. An owner or keeper of a dog that is over 3 months of age on the effective date of this Act that has not been vaccinated against rabies shall have that dog vaccinated against rabies within 30 days after the effective date of this Act, unless exempt under the Maine Revised Statutes, Title 7, section 3916, subsection 4.

See title page for effective date.

**CHAPTER 100
H.P. 98 - L.D. 142**

**An Act To Give the
Commissioner of Inland
Fisheries and Wildlife Rule-
making Authority To Establish
a Bear Season Framework and
Bag Limits**

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

Sec. 1. 12 MRSA §10902, sub-§6, ¶E, as repealed and replaced by PL 2011, c. 691, Pt. A, §7, is amended to read:

~~E. Buying or selling bear, hunting or trapping bear after having killed 2 or exceeding the bag limit on bear, in violation of section 11217; or hunting or trapping bear or exceeding the bag limit on bear in violation of section 11351 or 12260;~~

Sec. 2. 12 MRSA §11151, sub-§1, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §118 and affected by §422, is further amended to read:

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt for bear without a valid permit ~~from the first Monday preceding September 1st to the day preceding the open firearm season on deer during the open season on hunting bear established pursuant to section 11251.~~ A person may hunt for bear without a valid permit during the open firearm season on deer under section 11401. This section does not apply to trapping for bear.

Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.

Sec. 3. 12 MRSA §11151, sub-§3, as amended by PL 2009, c. 213, Pt. OO, §6, is further amended to read:

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit or permits to an eligible person. When the bag limit on bear is more than one, a bear hunting permit is required for each bear. The annual fee for each permit issued is ~~\$27~~ \$10 for residents and \$74 for nonresidents.

Sec. 4. 12 MRSA §11151-A, sub-§3, as enacted by PL 2007, c. 168, §4 and affected by §8, is amended to read:

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a nonresident late season bear hunting permit or permits to an eligible person. When the bag limit on bear is more than one, a bear hunting permit is required for each bear. The annual fee for each permit issued is \$40.

Sec. 5. 12 MRSA §11251, sub-§1, as amended by PL 2017, c. 357, §1, is further amended to read:

1. Open season on bear; commissioner's authority. This subsection governs the open and closed seasons on bear.

~~A. There is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. The commissioner shall by rule establish an open season on hunting bear beginning no earlier than the 2nd Monday preceding September 1st and ending no later than November 30th annually. The commissioner may, pursuant to section 10104, subsection 1, adopt rules prohibiting~~

the use of bait or a dog or dogs to hunt black bear during any portion of the open bear hunting season.

B. There is an open season on using a dog or dogs in conjunction with bear hunting ~~from the first Monday preceding September 1st to the day preceding the open firearm season on deer provided in sections 11401 and 11402~~ during the open season on hunting bear established by the commissioner in accordance with paragraph A.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 12 MRSA §11301, sub-§1, ¶E, as repealed and replaced by PL 2011, c. 691, Pt. A, §9, is amended to read:

E. The bait is placed not more than 30 days before the opening day of the season, and not more than 30 days before the first Monday preceding September 1st and not after October 31st;

Sec. 7. 12 MRSA §11351, as amended by PL 2011, c. 309, §§2 and 3, is repealed and the following enacted in its place:

§11351. Bear bag limit

The commissioner shall establish by rule limits on the number of bears a person may hunt, trap and possess in a season, which may not exceed 2 bears in total and may not exceed one bear by trapping in a calendar year, except a person may keep more than 2 legally obtained bears in that person's home as otherwise provided in law or rule. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

1. Hunting or trapping bear; limit. A person may not in one calendar year:

A. Hunt bear after that person has killed or registered the least of:

- (1) Two bears by means of hunting;
- (2) One bear by means of hunting and one by means of trapping during the open season on trapping bear under section 12260; and
- (3) The maximum number established by rule under this section; or

B. Trap bear after that person has killed or registered the least of:

- (1) Two bears by means of hunting;
- (2) One bear by means of trapping during the open season on trapping bear under section 12260; and
- (3) The maximum number established by rule under this section.

The daily bag limit on bear taken by hunting is one bear.

2. Exceeding limit on bear. A person may not possess more than 2 bears in any calendar year, or the maximum number of bears established by rule under this section, whichever is less, except a person may keep more than 2 legally obtained bears in that person's home or as otherwise provided in law or rule.

3. Penalty. A person who violates this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense and of not less than 10 days for each succeeding offense; the court also shall impose a fine of not less than \$1,000.

Sec. 8. 12 MRSA §12260, sub-§4, as amended by PL 2011, c. 309, §5, is repealed.

Sec. 9. 12 MRSA §12260, sub-§5, as amended by PL 2011, c. 309, §6, is repealed.

Sec. 10. 12 MRSA §12260-A, sub-§2, as enacted by PL 2007, c. 168, §7 and affected by §8, is amended to read:

2. Eligibility; trapping license required. A person who possesses a valid trapping license or a license that authorizes the hunting of bear, deer, moose, bobcat and raccoon may obtain a permit to trap bear from the commissioner or the commissioner's authorized agent.

Sec. 11. 12 MRSA §12260-A, sub-§3, as enacted by PL 2007, c. 168, §7 and affected by §8, is amended to read:

3. Issuance; permit fee. The commissioner, through the commissioner's authorized agent, shall issue a bear trapping permit to an eligible person. The annual fee for each permit issued is \$27 \$10 for residents and \$67 for nonresidents.

Sec. 12. 12 MRSA §12260-A, sub-§4 is enacted to read:

4. Bear trapping education course requirements; proof of bear trapping permit. Beginning January 1, 2022, a person who applies for a bear trapping permit must submit proof of having successfully completed a bear trapping education course as provided by the department or satisfactory evidence of having previously held a valid Maine bear trapping permit in any year prior to 2022. When proof of competency cannot otherwise be provided, the applicant may substitute a signed affidavit stating that the applicant has successfully completed the required bear trapping education course or held a valid Maine bear trapping permit prior to 2022.

A person who is trapping for bear under the supervision of and in the presence of a licensed guide who has successfully completed the bear trapping education course is exempt from this subsection.

For the purposes of this subsection, "in the presence of" means in visual and voice contact without the use of visual or audio enhancement devices, including but not

limited to binoculars, citizen band radios or electronic communication systems.

Sec. 13. Effective date. This Act takes effect January 1, 2022.

Effective January 1, 2022.

**CHAPTER 101
H.P. 99 - L.D. 143**

**An Act Regarding the
Arrearage Management
Program**

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

Sec. 1. 35-A MRSA §3214, sub-§2-A, as amended by PL 2019, c. 608, §1, is further amended to read:

2-A. Arrearage management program. Each investor-owned transmission and distribution utility shall implement pursuant to this subsection an arrearage management program to assist eligible low-income residential customers who are in arrears on their electricity bills. An arrearage management program implemented pursuant to this subsection is a plan under which a transmission and distribution utility works with an eligible low-income residential customer to establish an affordable payment plan and provide credit to that customer toward the customer's accumulated arrears as long as that customer remains in compliance with the terms of the program. If a consumer-owned transmission and distribution utility elects to implement an arrearage management program, it must do so in accordance with this subsection and rules adopted pursuant to this subsection. The commission shall establish requirements relating to the arrearage management programs by rule. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

In adopting rules regarding arrearage management programs, the commission shall:

- A. Consider best practices as developed and implemented in other states or regions;
- B. Require that an arrearage management program include an electricity usage assessment at no cost to the participant;
- D. Ensure that a transmission and distribution utility develops terms and conditions for its arrearage management program in a manner that is consistent with the program's objectives and is in the best interests of all ratepayers; ~~and~~

D-1. Ensure that if a transmission and distribution utility produces any materials, either written or electronic, regarding the arrearage management

program offered by the utility, those materials must state in plainly worded language and in a type size that is no less than 12 points that state law requires the utility to offer an arrearage management program to its customers and that costs described in paragraph E are not paid for by the utility; and

E. Ensure that a transmission and distribution utility recovers in rates all reasonable costs of arrearage management programs, including:

- (1) Incremental costs;
- (2) Reconnection fees;
- (3) Administrative costs;
- (4) Marketing costs;
- (5) Costs for any 3rd-party assistance it receives in administering its arrearage management program; and
- (6) Costs for providing financial and budgetary guidance to participants whether provided directly or through a 3rd party contracted by the transmission and distribution utility to provide that guidance.

The amount of any arrearage forgiven that is treated as bad debt for purposes of cost recovery by the transmission and distribution utility may not be included as a reasonable cost under this paragraph.

The Efficiency Maine Trust shall work with investor-owned transmission and distribution utilities, consumer-owned transmission and distribution utilities that elect to participate in an arrearage management program and other stakeholders to provide access to a complementary low-income energy efficiency program for participants in arrearage management programs in order to help reduce participants' energy consumption.

No later than January 28, ~~2022~~ 2024, the commission shall prepare a report assessing the effectiveness of arrearage management programs, including the number of participants enrolled in the programs, the number of participants completing the programs, the number of participants who have failed to complete the programs, the payment patterns of participating customers after completing the programs, the dollar amount of arrears forgiven, a comparison of outcomes for those participating in the programs and those not participating, the impact on any participating transmission and distribution utility's bad debt as a result of the programs, the costs and benefits to all ratepayers associated with the programs and recommendations for ways in which the programs might be improved or continued for the benefit of all ratepayers. In preparing its report, the commission shall hold at least one formal stakeholder meeting involving affected parties, including the Office of the Public Advocate and the participating transmission and distribution utilities. Parties must also be provided