

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

- B. Deer;
- C. Moose; or
- D. Wild turkey.

Sec. 6. 12 MRSA §12307 is enacted to read:

§12307. Exception for fall turkey hunting

Notwithstanding any other provision of this chapter, a person who kills a wild turkey during any fall open season on hunting wild turkey established by rule by the commissioner under section 11701 is not required to register or attach a tag to that turkey.

Sec. 7. Evaluation of electronic tagging. The Department of Inland Fisheries and Wildlife shall determine the direct costs of and timeline required for implementing an electronic tagging system for wild turkey. The department shall also evaluate whether and how such a system could be effectively implemented and any related costs and benefits of such a system. The department shall report the department's findings and recommendations to the Joint Standing Committee on Inland Fisheries and Wildlife by January 3, 2022 and the committee may report out a bill related to turkey tagging to the Second Regular Session or any special session of the 130th Legislature.

See title page for effective date.

CHAPTER 122

H.P. 703 - L.D. 947

An Act To Address the Long-term Impact of Economic Abuse by a Spouse

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

Sec. 1. 19-A MRSA §951-A, sub-§2, ¶C, as enacted by PL 1999, c. 634, §3, is amended to read:

C. Reimbursement support may be awarded to achieve an equitable result in the overall dissolution of the parties' financial relationship in response to exceptional circumstances. Exceptional circumstances include, but are not limited to:

- (1) Economic misconduct by a spouse; ~~and~~
- (2) Substantial contributions a spouse made towards the educational or occupational advancement of the other spouse during the marriage; ~~and~~
- (3) Economic abuse by a spouse. For the purposes of this subparagraph, "economic abuse" has the same meaning as in section 4002, subsection 3-B.

Reimbursement support may be awarded only if the court determines that the parties' financial circumstances do not permit the court to fully address equitable considerations through its distributive order pursuant to section 953.

Sec. 2. 19-A MRSA §951-A, sub-§5, ¶M-1 is enacted to read:

M-1. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section 4002, subsection 3-B;

Sec. 3. 19-A MRSA §953, sub-§1, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

1. Disposition. In a proceeding for a divorce, for legal separation or for disposition of property following dissolution of the marriage by a court that lacked personal jurisdiction over the absent spouse or lacked jurisdiction to dispose of the property, the court shall set apart to each spouse the spouse's property and shall divide the marital property in proportions the court considers just after considering all relevant factors, including:

- A. The contribution of each spouse to the acquisition of the marital property, including the contribution of a spouse as homemaker;
- B. The value of the property set apart to each spouse; ~~and~~
- C. The economic circumstances of each spouse at the time the division of property is to become effective, including the desirability of awarding the family home or the right to live in the home for reasonable periods to the spouse having custody of the children; ~~and~~
- D. Economic abuse by a spouse. For the purposes of this paragraph, "economic abuse" has the same meaning as in section 4002, subsection 3-B.

See title page for effective date.

CHAPTER 123

S.P. 323 - L.D. 1028

An Act To Ease Business Expansion by Increasing the Number and Applicability of Permit Exemptions under the Site Location of Development Laws

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

Sec. 1. 38 MRSA §488, sub-§7, as amended by PL 1993, c. 383, §26 and affected by §42, is further amended to read:

7. **Exemption for expansion at existing manufacturing facility.** New construction at a licensed manufacturing facility is exempt from review under this article ~~provided that~~ as long as the additional disturbed area not to be revegetated does not exceed ~~30,000~~ 40,000 square feet ground area in any calendar year and does not exceed ~~60,000~~ 80,000 square feet ground area in total. When review under this article is required at a licensed manufacturing facility, the applicant shall provide plans for the new development, as well as for those activities that have been undertaken pursuant to this subsection. The permittee shall annually notify the department of new construction conducted during the previous 12 months pursuant to this exemption. The notice must identify the type, location and ground area of the new construction.

Sec. 2. 38 MRSA §488, sub-§27, ¶A, as enacted by PL 2011, c. 551, §3, is amended to read:

A. New construction at or a modification of a campus of an educational institution permitted pursuant to this article is exempt from review under this article if the additional disturbed area not to be revegetated does not exceed ~~30,000~~ 40,000 square feet ground area in any calendar year and does not exceed ~~60,000~~ 80,000 square feet ground area in total.

See title page for effective date.

CHAPTER 124

H.P. 766 - L.D. 1031

**An Act To Create an
Administrative Review Process
for Hunting Violations**

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

Sec. 1. 12 MRSA §10657, sub-§4 is enacted to read:

4. Administrative penalties; mutually exclusive penalties. A person who violates this section may be subject to administrative penalties under section 10902-A, but a person who violates this section and receives an administrative penalty for that violation under section 10902-A is not subject to conviction or adjudication under this section for that violation.

Sec. 2. 12 MRSA §10902-A is enacted to read:
§10902-A. Suspension of license through administrative process for civil trespass while hunting

The department in an adjudicatory proceeding may impose an administrative penalty for a violation of section 10657 in accordance with this section.

1. Initiation and notice. If the Game Warden Colonel delivers to the commissioner a written statement under oath that the Game Warden Colonel has probable cause to suspect that a person has violated section 10657 while hunting and the Game Warden Colonel has determined, after consultation with the district attorney having jurisdiction over that violation, that the person will not be charged with a crime or civil violation under that section, the commissioner immediately shall examine the statement and determine whether to conduct an adjudicatory proceeding for the purpose of imposing an administrative penalty under this section. If the commissioner determines that the imposition of a penalty is necessary, the commissioner shall, in accordance with Title 5, section 9052, immediately notify the person who is alleged to have violated section 10657. The provided notice under this subsection must state that the person may request a hearing in accordance with subsection 2 within 10 days of receipt of notice. Notice is deemed received 3 days after the mailing. If a person who has been notified pursuant to this subsection does not request a hearing within 10 days after receipt of notice, the commissioner may implement administrative penalties under subsection 3 without a hearing.

2. Hearing. If a person alleged to have violated section 10657 requests a hearing pursuant to subsection 1, the commissioner or commissioner's designee shall appoint a presiding officer who shall hold the hearing within 30 business days after the request. If the hearing is continued, it must be held no later than 60 days after the original notice, unless the presiding officer finds that a continuance beyond 60 days is warranted. The hearing must be held in accordance with Title 5, chapter 375, subchapter 4, except that:

A. Issues of the hearing are limited to whether the person while hunting violated section 10657;

B. If the presiding officer determines that the person while hunting committed a violation of section 10657, the presiding officer shall immediately notify the commissioner of the finding; and

C. The presiding officer shall provide a written decision that contains the findings and recommended penalties under subsection 3 no more than 10 business days after completion of the hearing, after which the commissioner or the commissioner's designee may take administrative action under subsection 3.

3. Administrative action. In accordance with this section, if the commissioner or the commissioner's designee determines, after receiving the findings and recommendations of the presiding officer under subsection 2 or in accordance with Title 5, section 9053 if a hearing has not been requested, that a person who holds a license to hunt violated section 10657 while hunting, the commissioner or the commissioner's designee may impose the following penalties: