

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

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:

A. For a first violation, revocation of the person's hunting licenses for one year from the date the commissioner or the commissioner's designee issues a decision under this subsection;

B. For a 2nd violation, revocation of the person's hunting licenses for 2 years from the date the commissioner or the commissioner's designee issues a decision under this subsection; or

C. For subsequent violations, revocation of the person's hunting licenses for 3 years from the date the commissioner or the commissioner's designee issues a decision under this subsection.

4. Additional penalties; mutually exclusive penalties. In addition to the penalties specified in subsection 3, a person who violates section 10657 while hunting, as determined by the presiding officer, the commissioner or the commissioner's designee under this section, must successfully complete the outdoor ethics course for hunters under section 10903-A before the person is eligible to obtain a hunting license. If a person who violates section 10657 while hunting does not possess a hunting license at the time of violation, the commissioner or commissioner's designee may refuse to issue a hunting license to that person for up to 5 years following the violation in accordance with the procedures established in this section. If the person alleged to have violated section 10657 is convicted or adjudicated of a crime or civil violation under that section, the commissioner or the commissioner's designee may not impose an administrative penalty under this section.

5. Appeal. A person may appeal an administrative action under subsection 3 or 4 to the Superior Court within 30 days of receipt of the commissioner's or the commissioner's designee's decision under subsection 3 or 4.

See title page for effective date.

CHAPTER 125

S.P. 337 - L.D. 1069

An Act To Provide Program Solvency, Clarity, Consistency and Flexibility in Routine Public Health Licensing Activities

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

Sec. 1. 22 MRSA §2175, as amended by PL 2013, c. 533, §21 to 23, is repealed.

Sec. 2. 22 MRSA c. 562, headnote is amended to read:

CHAPTER 562

EATING ESTABLISHMENTS, LODGING PLACES, CAMPGROUNDS, RECREATIONAL AND SPORTING CAMPS, YOUTH CAMPS AND EATING ESTABLISHMENTS, PUBLIC POOLS AND PUBLIC SPAS

Sec. 3. 22 MRSA §2491, sub-§1, as amended by PL 2011, c. 193, Pt. A, §1, is further amended to read:

1. Campground. "Campground" means, in addition to the generally accepted definitions, camping areas, recreational vehicle parks, seashore resorts, lakeshore places, picnic and lunch grounds or other premises where tents, recreational vehicles, rental cabins and cottages are permitted on 5 or more sites for compensation ~~either directly or indirectly or indirect compensation.~~ "Campground" includes, but is not limited to, sites intended for recreational purposes rather than permanent residency. "Campground" does not include parking lots or areas where camping is not authorized.

Sec. 4. 22 MRSA §2491, sub-§7-F, as amended by PL 2013, c. 264, §4, is further amended to read:

7-F. Lodging place. "Lodging place" means a ~~building or fixed structure, or any part of a building or structure, used, maintained, or advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes that offers stays that are temporary in nature and consist of fewer than 183 days in the aggregate per year.~~ "Lodging place" includes, accommodations in the entertainment, hospitality, recreation and tourism industries, including, but is not limited to, hotels, motels, bed and breakfasts and, inns where the owner or managing entity maintains the lodging facilities and the structures are located in the same general physical location. "Lodging place" ~~includes a property and properties under common management at the same location where 4 or more rooms, cottages or condominium units are rented to the public available.~~ "Lodging place" does not include vacation rentals, youth camps, dormitories of charitable, educational or philanthropic institutions, fraternity or sorority houses affiliated with educational institutions, permanent residences, ~~rooming houses, tenancies at will~~ or rental properties with tenant and landlord relationships as described under Title 14, chapters 709 to 710-D, nursing facilities as defined in section 1812-A, assisted living programs as defined in section 7852, subsection 4 or residential care facilities as defined in section 7852, subsection 14.

Sec. 5. 22 MRSA §2491, sub-§7-G is enacted to read:

7-G. Indirect compensation. "Indirect compensation" means nonmonetary consideration provided to a consumer or patron.