

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

the applicant's qualifications for licensure are substantially similar to the requirements in this chapter for the relevant license.

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

Effective June 11, 2021.

**CHAPTER 164
S.P. 19 - L.D. 12**

**An Act To Require Annual
Information Reporting by the
Maine Information and
Analysis Center**

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

Sec. 1. 25 MRSA c. 201 is enacted to read:

CHAPTER 201
MAINE INFORMATION AND ANALYSIS
CENTER

§1801. Maine Information and Analysis Center annual reporting requirement

The Department of Public Safety, Maine Information and Analysis Center, a cooperative effort between the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency and the State Police, established by executive order of the Governor and referred to in this chapter as "the center," shall report annually in writing by April 1st beginning in 2022 to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters regarding the performance of the center. The report must include a general narrative about the types of cases, crimes, incidents and reports the center has reviewed and evaluated in a manner that protects personal privacy and the integrity of the work of the center. The report must include both privacy audits performed in the prior year and de-identified information from those audits regarding the cases, crimes, incidents and reports on which the center worked during the prior year that were reviewed during the audits.

See title page for effective date.

**CHAPTER 165
S.P. 46 - L.D. 38**

**An Act To Clarify the Timing
of an Appeal of a Finding
Regarding Involuntary Mental
Health Treatment at a
Designated Nonstate Mental
Health Institution**

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

Sec. 1. 34-B MRSA §3861, sub-§3, ¶F, as amended by PL 2011, c. 657, Pt. DD, §4, is further amended to read:

F. The provisions of this paragraph apply to the review and appeal of an order of the clinical review panel entered under paragraph B.

(1) The order of the clinical review panel at a state mental health institute is final agency action that may be appealed to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

(2) The order of the clinical review panel at a designated nonstate mental health institution may be reviewed by the commissioner or the commissioner's designee upon receipt of a written request from the patient submitted no later than one business day after the patient receives the order of the clinical review panel. Within 3 business days of receipt of the request for review, the designated nonstate mental health institution shall submit the full clinical review panel record to the commissioner or the commissioner's designee. Within 3 business days of receipt of the request for review, the patient and the designated nonstate mental health institution may submit written arguments to the commissioner or the commissioner's designee. The commissioner or the commissioner's designee shall review the full clinical review panel record and issue a written decision and any written arguments submitted pursuant to this subparagraph for abuse of discretion, error of law or findings not supported by substantial evidence in the record. Within 3 business days of the receipt of the full clinical review panel record and any written arguments, the commissioner or the commissioner's designee shall issue a decision. The decision of the commissioner or the commissioner's designee may affirm the order, modify the order or vacate the order. The decision of the commissioner or the commissioner's designee takes effect one business day after the commissioner or the commissioner's designee issues a

written decision. The decision of the commissioner or the commissioner's designee is final agency action that may be appealed to the Superior Court in accordance with Rule 80C of the Maine Rules of Civil Procedure.

See title page for effective date.

**CHAPTER 166
H.P. 80 - L.D. 114**

**An Act To Address Airboat
Operation in the State**

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

Sec. 1. 12 MRSA §13068-A, sub-§10, as amended by PL 2019, c. 662, §§1 and 2, is further amended to read:

10. Operating motorboat that exceeds noise limits. The following provisions govern noise limits.

A. A person may not operate a motorboat in such a manner as to exceed:

- (1) A noise level of 90 decibels when subjected to a stationary sound level test with and without cutouts engaged and as prescribed by the commissioner; or
- (2) A noise level of 75 decibels when subjected to an operational test measured with and without cutouts engaged and as prescribed by the commissioner.

As used in this paragraph, "motorboat" does not include an "airboat," which has the same meaning as in paragraph ~~A-1~~ A-2.

~~A-1. A person may not operate an airboat in such a manner as to exceed noise level limits established by the commissioner by rule. Rules adopted under this paragraph are routine technical rules as described in Title 5, chapter 375, subchapter 2-A. For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft type propeller and powered by either an aircraft engine or an automotive engine.~~

A-2. A person may not operate an airboat:

- (1) If the noise level of the airboat exceeds 90 decibels as measured in a stationary sound level test as prescribed by SAE standards J-2005;
- (2) Between the hours of 7 p.m. and 7 a.m. in such a manner as to exceed a noise level of 75 decibels on the "A" scale as measured by the SAE standards J-1970, referred to in this paragraph as "the shoreline test," except to the extent necessary to achieve headway speed when

leaving a boat launch or to move the airboat from a stationary position on a tidal flat; or

(3) After 7 a.m. and before 7 p.m. in such a manner as to exceed a noise level of 90 decibels as measured by the shoreline test, except to the extent necessary to achieve headway speed when leaving a boat launch or to move the airboat from a stationary position on a tidal flat.

For purposes of this paragraph, "airboat" means a flat-bottomed watercraft propelled by an aircraft-type propeller and powered by either an aircraft engine or an automotive engine and "SAE standards" means technical standards adopted by the Society of Automotive Engineers.

This paragraph does not apply to the operation of an airboat by a marine patrol officer appointed under section 6025, subsection 1, a game warden or a municipal law enforcement officer.

This paragraph is repealed on September 30, 2022.

B. The following penalties apply to violations of this subsection.

- (1) A person who violates this subsection commits a civil violation for which a fine of not less than \$300 nor more than \$500 may be adjudged.
- (2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

C. This subsection does not apply to motorboats that are operating in a regatta or race approved by the commissioner under section 13061.

Sec. 2. Stakeholder group on airboat noise issues. The Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife, referred to in this section as "the commissioners," shall convene a stakeholder group on issues related to airboat noise, referred to in this section as "the stakeholder group."

1. Formation. The stakeholder group must include a marine patrol officer and a game warden appointed by the commissioners. The commissioners shall also invite the following to serve as members of the stakeholder group: 3 commercial marine shellfish harvesters who operate airboats; 3 resident coastal property owners; 2 municipal marine shellfish officers; and 2 coastal municipal administrators. The commissioners or the commissioners' designees serve as cochairs of the stakeholder group. The cochairs shall call and convene the first meeting of the stakeholder group no later than 30 days following the effective date of this section.

2. Duties. The stakeholder group: