

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

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

Augusta, Maine
2021

**CHAPTER 168
H.P. 184 - L.D. 263**

**An Act To Make Technical
Changes to Maine's Marine
Resources Laws**

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

Sec. 1. 12 MRSA §6072-A, sub-§8, as amended by PL 2021, c. 52, §12, is further amended to read:

8. Rules; general and lease application. The commissioner may adopt rules to implement the provisions of this section. Within 180 days of the effective date of this section, the commissioner shall adopt rules regarding a limited-purpose lease application. The rules must require an applicant to, at a minimum, meet the requirements of section 6072, subsection 2, paragraph E and section 6072, subsection 4, paragraphs A, B, C, E, F, G and J. The rules must also require an applicant to provide to the department proof of access to the lease area. If access will be across riparian land, the applicant shall provide to the department the written permission of every riparian owner whose land will be used to access the lease area. The commissioner may adopt rules to add or delete authorization for the holder of an aquaculture lease that is held only for scientific research purposes to grow specific species and to use specific gear on the lease site. A change in authorization is not an adjudicatory proceeding. The rules must provide for notice of proposed changes in gear authorization to the public, riparian landowners and the municipality in which the lease is located and an opportunity to submit written comments on the proposal. Authorization to add species or gear must be consistent with the findings made under subsection 13 when the lease was approved.

Sec. 2. 12 MRSA §6073-C, as amended by PL 2017, c. 296, §2 and affected by §10, is further amended to read:

§6073-C. Harvester license exemption; scallop aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement under sections 6701, 6702 and 6703 to hold a separate license for the removal, possession or transport of scallops from the leased area or the licensed gear ~~when the final product form is the adductor muscle only~~, except that, beginning May 1, 2018, a person may not sell organisms cultured on the lease site or under the limited-purpose aquaculture license without a license issued under section 6810-B. ~~This exemption does not apply to scallops in any other form.~~

Sec. 3. 12 MRSA §6174, sub-§3, as amended by PL 2003, c. 248, §3, is further amended to read:

3. Penalty. Whoever violates a rule commits a civil violation for which a fine of not less than \$100 for each violation may be adjudged, unless another penalty is provided.

Sec. 4. 12 MRSA §6301, sub-§2, ¶D, as amended by PL 2005, c. 434, §3, is further amended to read:

D. A shellfish sanitation certificate issued under section 6856 expires on ~~May~~ March 31st of each year;

Sec. 5. 12 MRSA §6431-B, sub-§2, as enacted by PL 2017, c. 197, §9, is amended to read:

2. Penalties. A person may not fish or have on board a vessel a lobster trap unless the lobster trap is tagged in accordance with rules adopted pursuant to subsection 1. A person who violates ~~a rule adopted pursuant to subsection 1~~ this subsection commits:

A. A civil violation for which a fine of \$250 must be adjudged if the person fishes 25 or fewer traps that are not tagged in accordance with rules adopted pursuant to subsection 1; and

B. A Class D crime if the person fishes more than 25 traps that are not tagged in accordance with rules adopted pursuant to subsection 1.

Sec. 6. 12 MRSA §6810-B, sub-§5, as enacted by PL 2017, c. 296, §9, is amended to read:

5. Exemption; limited-purpose aquaculture license for personal use or research. Notwithstanding subsections 2, 3 and 4, ~~the holder of a limited-purpose aquaculture license issued under section 6072-C may remove, possess or transport within the state limits or organisms cultured under that license, subject to all other applicable requirements of this Part~~ an aquaculture license is not required for an aquaculture lease holder or a holder of a limited-purpose aquaculture license issued under section 6072-C who is using that lease or license only for personal use or for research purposes.

See title page for effective date.

**CHAPTER 169
H.P. 303 - L.D. 419**

**An Act Regarding Voluntary
Participation in Work Projects
by Inmates Who Are Pretrial,
Presentence and Sentenced**

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

Sec. 1. 30-A MRSA §1606, as amended by PL 2019, c. 113, Pt. C, §80, is further amended to read:

§1606. Prisoner voluntary participation in public works projects and in work projects within the jails

1. Participation Voluntary participation in public works projects authorized. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail, who have been sentenced, to voluntarily participate in public works-related projects or in the improvement of property owned by charitable organizations in that county or another county. A project or improvement must be supervised by the sheriff of the county in which the project or improvement is being conducted. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards corrections officers who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3).

1-B. Voluntary participation in work projects within the jails. The sheriff in charge of a county jail, or the sheriff of a county that shares a regional jail with other counties, may permit certain inmates of that jail who are detained at the jail pretrial or presentence to voluntarily participate in work projects within the jail and on jail property when under supervision and as approved by the sheriff.

2. Sentence prorated. Inmates participating in a public works-related project or an improvement of property owned by a charitable organization under ~~this section~~ subsection 1 may have their sentences to the jail prorated at the rate of up to one day removed from the sentences for every 16 hours of participation in the project, except that inmates committed to the custody of the sheriff for nonpayment of fines under Title 17-A, section 1711 must have their sentences prorated at the rate that is applicable to the individual inmate pursuant to Title 17-A, section 1711, subsection 4, paragraph A, subparagraph (1).

3. Participation not deemed employment. ~~Participation in this type of~~ Voluntary participation in a work project under subsection 1 or 1-B may not be deemed employment under section 1605, subsections 3 to 8.

See title page for effective date.

**CHAPTER 170
S.P. 198 - L.D. 491**

An Act To Give Special Weight to Discriminatory Motive in Sentencing for False Public Alarm or Report

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

Sec. 1. 17-A MRSA §1501, sub-§8, as enacted by PL 2019, c. 113, Pt. A, §2, is amended to read:

8. Permit sentences based on factors of crime committed. Permit sentences that do not diminish the gravity of offenses, with reference to the factors, among others, of:

A. The age of the victim, particularly of a victim of an advanced age or of a young age who has a reduced ability to self-protect or who suffers more significant harm due to age; ~~and~~

B. The selection by the person of the victim or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability, sexual orientation or homelessness of the victim or of the owner or occupant of that property; and

C. The discriminatory motive of the person in making a false public alarm or report in violation of section 509, subsection 1; and

See title page for effective date.

**CHAPTER 171
S.P. 204 - L.D. 521**

An Act To Modify the Rule-making Process for Establishing County and Municipal Jail Standards

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

Sec. 1. 34-A MRSA §1208, sub-§1, as enacted by PL 1983, c. 581, §§10 and 59, is amended to read:

1. Establishment. The commissioner shall establish both mandatory and desirable standards for all county and municipal detention facilities, setting forth requirements for maintaining safe, healthful and secure facilities. Standards adopted pursuant to this subsection must be evidence-based, must take into consideration cost impact and must reflect best practices for the operation and administration of jails.