

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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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2021

CHAPTER 184
H.P. 1010 - L.D. 1376

**An Act To Clarify and
Enhance Maine's Fish and
Wildlife Laws**

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

Sec. 1. 12 MRSA §10151, sub-§5, as amended by PL 2019, c. 639, §1, is further amended to read:

5. Meetings. All regular and special meetings of the advisory council must be public meetings and must be held in a public meeting place convenient for the public, except as permitted under paragraph A. Public comment must be accepted at regular and special meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act. Public notice of all regular and special advisory council meetings must be published in a daily newspaper of general circulation in the geographic area where the meeting is scheduled at least 7 days and not more than 21 days prior to the meeting except in circumstances when emergency rulemaking is necessary. That notice must include an agenda or statement of purpose of the meeting. That notice may be combined with any other notice of the meeting required by law.

A. Notwithstanding any provision of law to the contrary, the advisory council may conduct a public meeting using telephonic, video, electronic or other means of remote participation if:

(1) Notice of the public meeting has been given in accordance with this subsection and the notice includes the method by which the public may attend in accordance with subparagraph 3;

(2) Each member who is participating in the public meeting is able to hear and speak to all other members during the public meeting and members of the public attending the public meeting in the location identified in the notice are able to hear all members participating at other locations;

(3) The advisory council determines that the public may participate through telephonic, video, electronic or other similar means of remote participation; and

(4) All votes taken during the public meeting are taken by roll call vote.

Sec. 2. 12 MRSA §11109-A, sub-§3, ¶B, as amended by PL 2007, c. 492, §2, is further amended to read:

B. One deer in accordance with subsection ~~2~~ 2-A, paragraph ~~B~~ A; and

Sec. 3. 12 MRSA §11154, sub-§2, as amended by PL 2017, c. 427, §11 and affected by §19 and amended by c. 458, §1, is repealed and the following enacted in its place:

2. Issuance of moose hunting permits. In accordance with section 11552, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting. No more than 8% of the moose hunting permits may be issued to nonresidents. No more than 2% of the moose hunting permits may be issued to hunting outfitters in accordance with subsection 14.

Sec. 4. 12 MRSA §11154, sub-§9-A, as enacted by PL 2013, c. 226, §2, is repealed.

Sec. 5. 12 MRSA §11154, sub-§10, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 6. 12 MRSA §11217, sub-§2, ¶I is enacted to read:

I. A person who has lawfully killed and registered a wild turkey may sell the plumage, wing bones, beard and lower legs of that animal.

Sec. 7. 12 MRSA §11217, sub-§3-A is enacted to read:

3-A. Prohibition on selling live wildlife. A person may not sell any live wildlife unless authorized pursuant to section 12152 and the commissioner's rules related to the unrestricted species list or as otherwise provided in this Part.

Sec. 8. 12 MRSA §12501, sub-§5, as repealed and replaced by PL 2013, c. 538, §40, is repealed.

Sec. 9. 12 MRSA §12551-A, sub-§2, ¶E, as enacted by PL 2017, c. 164, §20, is amended to read:

E. When licensed under this section, receive, possess for resale, sell or offer to sell gift baitfish or gift smelts ~~without an appropriate and valid license issued under subsection 3.~~

Sec. 10. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2017, c. 325, §1 and c. 403, Pt. A, §1 and affected by §4, is further amended by amending subparagraph (57) to read:

(57) Plymouth Bog WMA - Plymouth, ~~De-~~ troit, Burnham - Penobscot County, Somerset County and Waldo County; ~~and~~

Sec. 11. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2017, c. 325, §1 and c. 403, Pt. A, §1 and affected by §4, is further amended by amending subparagraph (58) to read:

(58) Such other areas as the commissioner designates, by rules adopted in accordance with section 12701, as state-owned wildlife management areas; ~~and~~

Sec. 12. 12 MRSA §12708, sub-§1, ¶B, as amended by PL 2017, c. 325, §1 and c. 403, Pt. A, §1 and affected by §4, is further amended by enacting subparagraph (59) to read:

(59) Pleasant Bay WMA - Addison - Washington County.

Sec. 13. 12 MRSA §13106-A, sub-§15, ¶A, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended by amending subparagraph (2) to read:

(2) On the rear at least one ~~lamp~~ taillight capable of displaying a red light visible at a distance of at least 100 feet behind the snowmobile.

Sec. 14. 12 MRSA §13106-A, sub-§19, ¶A, as enacted by PL 2003, c. 655, Pt. B, §394 and affected by §422, is amended by amending subparagraph (1) to read:

(1) On public ways in accordance with subsections 5, ~~6, 7~~ and 8 or on controlled access highways in accordance with subsection 3, paragraph A;

Sec. 15. 12 MRSA §13154-A, sub-§1, as enacted by PL 2003, c. 655, Pt. B, §404 and affected by §422 and enacted by c. 695, Pt. B, §12 and affected by Pt. C, §1, is amended to read:

1. Minimum age. Except as provided in subsection ~~5~~ 6, a person under 10 years of age may not operate an ATV.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. 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.

Sec. 16. 12 MRSA §13155, sub-§11, as enacted by PL 2007, c. 70, §1, is amended to read:

11. Member Members of United States Armed Forces armed forces permanently stationed in State. ~~A person is~~ The following persons are eligible to register an ATV owned by ~~that person~~ them at the resident fee ~~if that person is:~~

A. Serving ~~A person serving~~ in the Armed Forces of the United States ~~and who~~ is permanently stationed at a military or naval post, station or base in the State; ~~or~~ and

B. The spouse ~~or child~~ and children of a the person ~~under described in~~ paragraph A if the spouse ~~or child and children~~ permanently ~~resides~~ reside with that person.

A member of the ~~Armed Forces of the United States stationed in the State~~ armed forces described in paragraph A or the spouse or child of that member who desires to register an ATV ~~in this State~~ shall present certification from the commander of the ~~member's military or naval~~ post, station or base, or from the commander's designated agent, that the member is permanently stationed at that post, station or base. Registration fees for registrations pursuant to this subsection must be allocated as if the person registering the ATV was a resident of the municipality in which the post, station or base is situated.

Sec. 17. 12 MRSA §13157-A, sub-§13, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended to read:

13. Operating ATV without protective headgear. ~~Notwithstanding Title 29-A, section 2083, a~~ A person under 18 years of age may not operate an ATV without protective headgear.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. 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.

Sec. 18. 12 MRSA §13157-A, sub-§14, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended to read:

14. Carrying passenger on ATV without headgear. ~~Notwithstanding Title 29-A, section 2083, a~~ A person may not carry a passenger under 18 years of age on an ATV unless the passenger is wearing protective headgear.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. 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.

Sec. 19. 12 MRSA §13157-A, sub-§16, ¶A, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended by amending subparagraph (2) to read:

(2) The ATV must have mounted on the rear at least one taillight capable of displaying a red light that must be visible at a distance of at least 100 feet behind the ATV.

Sec. 20. 12 MRSA §13157-A, sub-§19, ¶A, as enacted by PL 2003, c. 655, Pt. B, §414 and affected by §422, is amended by amending subparagraph (1) to read:

(1) Public ways in accordance with subsections ~~3~~, ~~6~~, ~~7~~, ~~8~~ and ~~9~~ or on controlled access highways in accordance with subsection 3, paragraph A;

See title page for effective date.

CHAPTER 185

H.P. 1141 - L.D. 1536

An Act Regarding Municipal Public Hearings on Citizen-initiated Municipal Referenda

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

Sec. 1. 30-A MRSA §2528, sub-§5, as amended by PL 2003, c. 569, §2, is further amended by amending the first blocked paragraph to read:

The municipal officers shall hold a public hearing on the subject of the article at least 10 days before the day for voting on the article. The public hearing must be held in a manner that solicits and allows for a discussion on the merits of the article. At least 7 days before the date set for the hearing, the municipal officers shall give notice of the public hearing by having a copy of the proposed article, together with the time and place of hearing, posted in the same manner required for posting a warrant for a town meeting under section 2523. The municipal officers shall make a return on the original notice stating the manner of notice and the time it was given.

See title page for effective date.

CHAPTER 186

H.P. 1219 - L.D. 1635

An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection

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

Sec. 1. 29-A MRSA §2054, sub-§1, ¶G, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

G. "Hazardous material response vehicle" means a vehicle equipped for and used in response to re-

ports of emergencies resulting from actual or potential releases, spills or leaks of, or other exposure to, hazardous substances that is authorized by a mutual aid agreement pursuant to Title 37-B, section 795, subsection 3 and approved by the local emergency planning committee or committees whose jurisdiction includes the area in which the vehicle operates. "Hazardous material response vehicle" includes vehicles used by employees of the division of response services within the Department of Environmental Protection to respond to oil and hazardous materials incidents within the State.

Sec. 2. 32 MRSA §10008, as amended by PL 2001, c. 231, §9, is further amended to read:

§10008. Reciprocity

A person who ~~is a resident of the State and~~ has been certified in another state as an underground oil storage tank installer or underground oil storage tank inspector may, upon payment of a fee as established under section 10012, obtain a certification as an underground oil storage tank installer or underground oil storage tank inspector, if that person submits satisfactory evidence of certification as an underground oil storage tank installer or underground oil storage tank inspector in another state under qualifications equivalent to those specified in this chapter.

Sec. 3. 38 MRSA §352, sub-§5-A, as amended by PL 2019, c. 374, §1 and c. 526, §2, is further amended by amending Table II to read:

TABLE II

WASTE MANAGEMENT FEES - ANNUAL LICENSE

MAXIMUM FEES IN DOLLARS

TITLE 38 SECTION	PROCESSING FEE	ANNUAL LICENSE FEE
1278, Asbestos abatement		
A. Asbestos abatement contractor	\$0	\$650
B. Asbestos abatement worker	0	50
C. Asbestos consultant	0	650
D. Asbestos analytical laboratory	0	400
E. Training provider	0	500
F. Other categories of asbestos professionals except asbestos abatement workers	0	100
G. Notification		