

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

agency, including a volunteer fire department, an emergency communications center, the enhanced 9-1-1 services established in Title 25, chapter 352 or any other person knowing that ~~such~~ the other person is likely to communicate the information to a law enforcement officer ~~or, a member of a fire fighting firefighting~~ agency, an emergency communications center or any other emergency services personnel concerning a fire, explosive or other similar substance ~~which that~~ is capable of endangering the safety of persons, knowing that such the information is false, or knowing that he the person has no information relating to the fire, explosive or other similar substance; or

C. ~~He~~ The person knowingly gives or causes to be given false information concerning an emergency to ~~any an~~ an ambulance service, an emergency communications center, the enhanced 9-1-1 services established in Title 25, chapter 352, any other emergency services personnel or ~~to any a~~ government agency or public utility that deals with emergencies involving danger to life or property, with the intent of inducing such the service, personnel, agency, center or utility to respond to the reported emergency, knowing such the information to be false.

A violation of this subsection is a Class D crime.

For the purposes of this subsection, "emergency communications center" means a state, county or municipal government entity that receives calls by 9-1-1, business lines, radio or other methods requesting public service or emergency response from public safety agencies and, as appropriate, dispatches requests to public safety agencies and assists in coordinating the response between agencies and other specialized professionals.

~~2. False public alarm is a Class D crime.~~

3. A person is guilty of aggravated false public alarm or report if the person violates subsection 1 and the violation causes the evacuation, shutdown or lock-down of a building, school, public square or park, place of assembly or public transportation facility.

A violation of this subsection is a Class C crime.

Sec. 2. 17-A MRSA §1501, sub-§8, ¶C, as enacted by PL 2021, c. 170, §1, is amended to read:

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

See title page for effective date.

**CHAPTER 431
H.P. 261 - L.D. 428**

**An Act to Reclassify Certain
Offenses Under the Inland
Fisheries and Wildlife Laws**

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

Sec. 1. 12 MRSA §11109, sub-§1, as amended by PL 2015, c. 281, Pt. A, §4, is further amended to read:

1. License required. Except as otherwise authorized pursuant to this Part, a person may not engage in an activity for which a license may be issued under this section unless that person has a valid license issued under this section. An electronic license or permit fulfills the requirement under this subsection that a person must have a physical paper license or permit if the electronic license or permit can be displayed upon request to a game warden or other law enforcement officer, an employee of the department, a registered Maine guide or the owner of the land on which the licensed activity is taking place. ~~Each~~ Except as otherwise provided in this section, each day a person violates this subsection that person commits a Class E crime for which ~~a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed~~ the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5.

Sec. 2. 12 MRSA §11109, sub-§3, ¶A, as amended by PL 2017, c. 164, §8, is further amended to read:

A. A resident junior hunting license, for a person under 16 years of age, is \$8 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a resident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. A resident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. A resident under 16 years of age who hunts without a resident junior hunting license commits a civil violation.

Sec. 3. 12 MRSA §11109, sub-§3, ¶F, as amended by PL 2019, c. 501, §8, is further amended to read:

F. A nonresident junior hunting license, for a person under 16 years of age, is \$35 and permits hunting of all legal species, subject to the permit requirements in subchapter 3. Notwithstanding the permit fees established in subchapter 3, a nonresident junior hunting license includes all permits, stamps and other permissions needed to hunt at no additional cost. A license holder under this paragraph who qualifies to hunt during the special season on deer under section 11153 and who meets the eligibility requirements of section 11106 must have included in that person's license one antlerless deer permit and one either-sex permit. A nonresident junior hunting license does not exempt the holder of the license from lottery-related application requirements under this Part. A nonresident under 16 years of age who hunts without a nonresident junior hunting license commits a civil violation.

Sec. 4. 12 MRSA §11159, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Permit required. Except as otherwise authorized in this Part, a person may not engage in the practice of falconry unless that person has a valid permit issued under this section. Each day a person violates this subsection that person commits a ~~Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed~~ civil violation.

Sec. 5. 12 MRSA §11214, sub-§1, ¶F, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

F. Hunt migratory game birds with a shotgun of any description originally capable of holding more than 3 shells, unless the shotgun's magazine has been cut off, altered or plugged with a one-piece filler incapable of removal without disassembling the gun so as to reduce the capacity of the gun to not more than 3 shells in the magazine and chamber combined. A person who violates this paragraph commits a civil violation. This paragraph does not apply to:

- (1) Military organizations authorized by law to bear arms or to the National Guard in the performance of its duty;

Sec. 6. 12 MRSA §11214, sub-§1, ¶I, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

I. Allow duck decoys to remain in waters of Merymeeting Bay at any time during the period from one hour after legal shooting time until one hour before legal shooting time the next day. A person who violates this paragraph commits a civil violation;

Sec. 7. 12 MRSA §11214, sub-§1, ¶J, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

J. Leave or allow to remain in waters of Merymeeting Bay an artificial cover, that is, a "stationary blind," or parts of an artificial cover used for hunting purposes between one hour after legal shooting time and one hour before legal shooting time the next day. A person who violates this paragraph commits a civil violation;

Sec. 8. 12 MRSA §11214, sub-§2, as enacted by PL 2003, c. 655, Pt. B, §146 and affected by §422, is amended to read:

2. Penalty. A Except as provided in subsection 1, paragraphs F, I and J, a person who violates subsection 1 commits a Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5.

Sec. 9. 12 MRSA §11301, as amended by PL 2021, c. 100, §6 and affected by §13, is further amended to read:

§11301. Placing of bear bait

1. Bear baiting; penalty. A person may not place bait to entice, hunt or trap black bear, unless:

- A. The bait is placed at least 50 yards from a travel way that is accessible by a conventional 2-wheel-drive or 4-wheel-drive vehicle;
- B. The stand, blind or bait area is plainly labeled with a 2-inch-by-4-inch tag with the name and address of the baiter;
- C. The bait is placed more than 500 yards from a site permitted or licensed for the disposal of solid waste or a campground;
- D. The bait is placed more than 500 yards from an occupied dwelling, unless written permission is granted by the owner or lessee;
- E. The bait is placed not more than 30 days before the opening day of the season, and not more than 30 days before the first Monday preceding September 1st and not after October 31st;
- F. The bait areas will be cleaned up by November 10th, as defined by the state litter laws; and
- G. The person hunting from a stand or blind of another person has permission of the owner of that stand or blind.

A person may not use bait to hunt or trap black bear without the oral or written permission of the landowner.

A person who violates this subsection commits a civil violation.

1-A. Prohibition Prohibitions; penalty. During the open season on hunting bear, a person may not within 50 yards of a bait site established by another person in accordance with section 11227 without the written permission of the person who established the bait site:

A. Hunt, trap, molest or harass bear or release a dog or dogs for the purpose of hunting bear or training dogs to hunt bear; or

A person who violates this paragraph commits a Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5; or

B. Disturb the bait site through the use of chemicals or take other action intended to interfere with the hunting of bear at the bait site by the person who established the bait site.

A person who violates this paragraph commits a Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5.

~~2. Penalty. A person who violates this section commits a Class E crime.~~

Sec. 10. 12 MRSA §11302, sub-§3, as enacted by PL 2003, c. 655, Pt. B, §158 and affected by §422, is amended to read:

3. Penalty. A person who violates this section commits a Class E crime civil violation.

Sec. 11. 12 MRSA §12051, sub-§1, as repealed and replaced by PL 2013, c. 588, Pt. A, §16, is amended by amending the 2nd blocked paragraph to read:

A person who violates this subsection commits a Class E crime civil violation.

Sec. 12. 12 MRSA §12054, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Rabbit hound field trials. A person may not hold field trials for beagles and other rabbit hounds except from September 1st through the following April 10th. A person who violates this subsection commits a Class E crime civil violation.

Sec. 13. 12 MRSA §12055, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. License required. A club or organization may not hold field trials as provided under this section unless the club or organization has a valid license issued under this section. Each day a person violates this subsection

~~that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed civil violation.~~

Sec. 14. 12 MRSA §12101, sub-§1-A, as enacted by PL 2003, c. 655, Pt. B, §199 and affected by §422, is amended to read:

1-A. License required. A person may not charge others for the opportunity to hunt mallard ducks, pheasants, quail, Chukar partridge and Hungarian partridge in an area or establish a commercial shooting area for such purposes unless that person has a valid license issued under this section. Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed civil violation.

A. Nothing in this subsection prohibits the operator of a commercial shooting area from authorizing a person to hunt other wild birds or wild animals in the commercial shooting area during the regular open season on those species, in accordance with this Part, as long as the person possesses a valid state hunting license that allows the hunting of those wild birds and wild animals.

Sec. 15. 12 MRSA §12508, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended by amending the first blocked paragraph to read:

Each day a person violates this subsection, that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed civil violation.

Sec. 16. 12 MRSA §12551-A, sub-§5, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended by amending subparagraph (2) to read:

(2) Shall present a receipted invoice, bill of lading, bill of sale or other satisfactory evidence of the lawful possession of live baitfish or smelts for retail sale to any agent of the commissioner upon request. A person who violates this subparagraph commits a civil violation; or

Sec. 17. 12 MRSA §12551-A, sub-§5, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended by amending the first blocked paragraph to read:

~~Each~~ Except for a violation of subparagraph (2), each day a person violates this paragraph that person commits a class Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5.

Sec. 18. 12 MRSA §12551-A, sub-§6, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended by amending subparagraph (1) to read:

(1) When engaged in taking, or assisting in taking, live baitfish for resale from inland waters, fail to exhibit a baitfish wholesaler's license to any agent of the commissioner upon request. A person who violates this subparagraph commits a Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5;

Sec. 19. 12 MRSA §12551-A, sub-§6, ¶B, as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, is amended by amending the first blocked paragraph to read:

Each Except for a violation of subparagraph (1), each day a person violates this paragraph that person commits a class Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5.

Sec. 20. 12 MRSA §12551-A, sub-§7, ¶B, as amended by PL 2005, c. 237, §3, is further amended by amending subparagraph (1) to read:

(1) When engaged in taking, or assisting in taking, live smelts for resale from inland waters, fail to exhibit the license to any agent of the commissioner upon request. A person who violates this subparagraph commits a Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5;

Sec. 21. 12 MRSA §12551-A, sub-§7, ¶B, as amended by PL 2005, c. 237, §3, is further amended by amending the first blocked paragraph to read:

Each Except for a violation of subparagraph (1), each day a person violates this paragraph that person commits a Class E crime for which the sentencing alternative may include only the penalties provided in Title 17-A, section 1704, subsection 5 and Title 17-A, section 1705, subsection 5.

Sec. 22. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides one-time funding for computer programming costs to update classifications of offenses.

GENERAL FUND	2023-24	2024-25
All Other	\$3,400	\$0

GENERAL FUND TOTAL	\$3,400	\$0
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Sec. 23. Effective date. This Act takes effect January 1, 2024.

Effective January 1, 2024.

CHAPTER 432

H.P. 265 - L.D. 432

An Act to Clarify MaineCare Program Requirements Regarding Certain High-risk Health Care Providers

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

Sec. 1. 22 MRSA §5307, sub-§1, as enacted by PL 2021, c. 400, §1, is repealed and the following enacted in its place:

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Final adverse action" has the same meaning as in 42 Code of Federal Regulations, Section 424.502 (2008) in effect on November 19, 2008.

B. "High-risk provider" means a provider the department has determined is high risk in accordance with subsection 2-A.

C. "Person with ownership interest" means a person who has at least a 5% direct or indirect ownership interest in a high-risk provider or a provider in a high-risk provider category.

D. "Provider" has the same meaning as "provider" or "supplier" in 42 Code of Federal Regulations, Section 400.202 (1983) in effect on January 1, 2022.

E. "Provider in a high-risk provider category" has the same meaning as "high categorical risk: Provider and supplier categories" in 42 Code of Federal Regulations, Section 424.518(c)(1) (2020) in effect on December 28, 2020.

F. "State Police" means the Department of Public Safety, Bureau of State Police.

Sec. 2. 22 MRSA §5307, sub-§2, as enacted by PL 2021, c. 400, §1, is amended to read:

2. Background check. The department shall request a background check for a MaineCare provider applicants applicant who are is a high-risk providers or provider, a provider in a high-risk provider categories as those terms are defined by department rule category or a person with ownership interest. The applicant subject to the background check is responsible for the fees