

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

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

J.S. McCarthy Company
Augusta, Maine
1995

CHAPTER 534

H.P. 1263 - L.D. 1738

**An Act to Require Prisoners to Pay
Their Fair Share of Victim
Restitution**

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

Sec. 1. 17-A MRSA §1330, sub-§2, as repealed and replaced by PL 1983, c. 793, §2, is amended to read:

2. Payment of restitution from other sources. Any prisoner, other than one addressed by subsection 1, who is able to generate ~~income~~ money, from whatever source, shall pay 25% of that ~~income~~ money to any victim if the court has ordered that restitution be paid. The correctional facility in which the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's ~~income~~ money ordered as restitution. If the victim or victims ordered by the court to receive restitution have died or ~~cannot~~ can not be located, the correctional facility shall inform the court that ordered restitution. The court shall determine the distribution of these funds.

See title page for effective date.

CHAPTER 535

H.P. 1338 - L.D. 1832

**An Act to Amend the Atlantic
Salmon Authority**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it is necessary for the Governor to appoint the members of the Atlantic Salmon Board before the expiration of the 90-day period; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §9901, sub-§2, as enacted by PL 1995, c. 406, §12, is repealed and the following enacted in its place:

2. Members; appointment composition; term.

The authority is governed by the Atlantic Salmon Board, referred to in this chapter as the "board." The board consists of 9 members including the current Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife. The Governor shall appoint the remaining 7 members, subject to review by the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Senate. The Governor shall select the appointees to adequately represent the various aspects of Atlantic salmon issues over which the board has jurisdiction. The Governor may appoint the 4 river drainage representatives from a list of names submitted by salmon clubs and may appoint the Native American representatives from a list of names submitted by the Penobscot Nation and the Passamaquoddy Tribe. In addition to the Commissioner of Marine Resources and the Commissioner of Inland Fisheries and Wildlife, the board consists of the following appointed members:

A. One member who resides within the land area comprising the Penobscot River or Ducktrap River drainages;

B. One member who resides within the land area comprising the Saco River or Sheepscot River drainages;

C. One member who resides in the Aroostook River drainage area;

D. One member who resides within those land areas that comprise the drainage for the St. Croix, East Machias, Machias, Narraguagus, Pleasant or Dennys rivers;

E. One member of the Passamaquoddy Tribe;

F. One member of the Penobscot Nation; and

G. One member at-large representing the public from a geographical area not specified in this subsection.

Of the initial appointees, 2 members are appointed for one-year terms, 2 members are appointed for 2-year terms and 3 members are appointed for 3-year terms. Thereafter, members are appointed for 3-year terms. A vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive 3-year terms. Appointed members serve until their successors are appointed.

Sec. 2. 12 MRSA §9902, first ¶, as enacted by PL 1995, c. 406, §12, is amended to read:

~~Notwithstanding any other provision of Title 12, the~~ The authority has the sole authority and responsi-

bility to manage the Atlantic salmon fishery in the State, including the sole authority to introduce Atlantic salmon into Maine inland waters, other than commercial aquaculture facilities and associated activities. This sole authority does not take effect for the inland waters of the Sheepscot, Narraguagus, Pleasant, Machias, East Machias and Dennys rivers until July 1, 1997. The authority has the sole authority to limit or prohibit the taking of Atlantic salmon, issue licenses for the taking of Atlantic salmon and adopt rules establishing the time, place and manner of Atlantic salmon fishing in all waters of the State. In addition to these powers and duties, the authority may:

Sec. 3. 12 MRSA §9902, sub-§4, as enacted by PL 1995, c. 406, §12, is amended to read:

4. Rules. Adopt rules necessary to manage the Atlantic salmon fishery and to promote the conservation and propagation of the Atlantic salmon. Rules adopted by the authority must be enforced by the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and other public officials authorized by law to enforce marine resource laws or inland fisheries and wildlife laws. The Department of Marine Resources and the Department of Inland Fisheries and Wildlife retain exclusive jurisdiction over rules pertaining to species other than Atlantic salmon that are designed to promote the conservation and propagation of Atlantic salmon. The departments shall consult with the Atlantic Salmon Authority in adopting such rules;

Sec. 4. 12 MRSA §9904, sub-§§4 and 5, as enacted by PL 1995, c. 406, §12, are repealed.

Sec. 5. PL 1995, c. 406, §19, sub-§7 is amended to read:

7. Not later than ~~January~~ December 1, 1996, the Chair of the Atlantic Salmon Board shall submit a report to the Joint Standing Committee on Inland Fisheries and Wildlife. The report must include the board's plan for managing the Atlantic salmon fishery in the State and any statutory recommendations pertaining to staffing or budget matters that the board determines necessary to implement that plan. The Joint Standing Committee on Inland Fisheries and Wildlife may report out legislation to the ~~Second Regular Session of the 117th~~ Legislature to implement the statutory recommendations of the board.

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

Effective March 13, 1996.

CHAPTER 536

H.P. 137 - L.D. 185

An Act Regarding the Harvesting of Eels and Elvers

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, baby eels, or elvers, migrate from coastal waters to inland waters and a significant fishery for elvers has developed in the coastal rivers, brooks and streams of the State; and

Whereas, adult eels that mature in the State's inland waters play an important role in the propagation of the species; and

Whereas, conservation of the eel and elver resources is important for ecological and economic reasons; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 12 MRSA §6001, sub-§§13-C to 13-G are enacted to read:

13-C. Dip net. "Dip net" means a device consisting of a rigid frame filled with netting, firmly attached to a rigid handle and manually operated by a single person.

13-D. Eel. "Eel" means a member of the species Anguilla rostrata in that stage of its life cycle when it is 6 inches or more in length.

13-E. Eel pot. "Eel pot" means a cylindrical or rectangular trap with funnels that is baited and used to harvest eels. An eel pot is 50 cubic feet or less in total volume and utilizes wire or slatting no smaller than 1/2 inch square measure.

13-F. Elver. "Elver" means a member of the species Anguilla rostrata in that stage of its life cycle when it is less than 6 inches in length.

13-G. Elver fyke net. "Elver fyke net" means a fyke net that is 30 feet or less in length from cod end to shore-side wing tip and that is fitted with netting that measures 1/8 inch mesh square measure or less.