

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

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

Sec. 5. 12 MRSA §6446, sub-§4, as enacted by PL 1995, c. 468, §8, is amended to read:

4. Public hearing not required. In adopting rules under subsection 2, the commissioner is not required to hold a public hearing on the rules pursuant to Title 5, section 8052. ~~The~~ Except as provided in subsection 6, the commissioner shall comply with all other provisions of Title 5, chapter 375 when adopting rules under subsection 2.

Sec. 6. 12 MRSA §6446, sub-6 is enacted to read:

6. Petition for rule prohibited. A person may not petition the commissioner pursuant to Title 5, section 8055 for the adoption or modification of a rule for a lobster management zone established under this section that regulates the number of lobster traps fished and the time periods allowed for complying with that number, the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur.

Sec. 7. 12 MRSA §6447, sub-§§5 and 6, as enacted by PL 1995, c. 468, §8, are amended to read:

5. Council authority. Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner ~~regulations rules~~ for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, provided the proposed limitations are equal to or stricter than the limitations under section 6431-A, ~~6431-D~~, 6439, 6439-A or 6440:

- A. The number of lobster traps fished and the time periods allowed for complying with that number;
- B. The number of lobster traps allowed on a trawl; and
- C. The time of day when lobster fishing may occur.

6. Referendum on policy proposals. A lobster management policy council must submit proposed ~~regulations rules~~ to referendum in the zone in which the ~~regulations rules~~ would apply before submitting those proposed ~~regulations rules~~ to the commissioner. A lobster management policy council may submit proposed ~~regulations rules~~ to the commissioner if the

proposed ~~regulations rules~~ are approved by 2/3 of those voting in the referendum.

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

Effective March 26, 1996.

CHAPTER 569

H.P. 1281 - L.D. 1760

An Act to Amend the Definition of "State Agency Client"

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

Sec. 1. 20-A MRSA §1, sub-§34-A, as amended by PL 1993, c. 410, Pt. CCC, §7, is further amended to read:

34-A. State agency client. "State agency client" means a child of eligible school age who is:

- A. In the care or custody, or both, of the Department of Human Services, the Department of Mental Health and Mental Retardation or the Department of Corrections;
- B. Placed, with the recommendation of a Division of Mental Retardation case manager or an employee of the Bureau of Children with Special Needs, Department of Mental Health and Mental Retardation, with a person who is not the child's parent, legal guardian or relative;
- C. On entrustment or absent-with-leave status from the Maine Youth Center; or
- D. Attending a public or private school while still a resident of a state-operated institution.

Notwithstanding paragraphs A to D, a "state agency client" may in addition be either a child who is under 3 years of age and has a diagnosed, established condition or a biological factor that has a high probability of resulting in developmental delay or a child who is under 6 years of age and in need of early intervention of special education services due to a delay in one or more of the following areas: cognitive development; physical development, including vision and hearing; communication development; social or emotional development; and adaptive development.

See title page for effective date.
