

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 4, 2024 to March 21, 2025

FIRST SPECIAL SESSION
March 25, 2025 to June 25, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 20, 2025

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
SEPTEMBER 24, 2025

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

Augusta, Maine
2025

C. The value to marine resources of releasing water from the dam.

The Department of Marine Resources shall notify the department of its determination. If the Department of Marine Resources determines, after considering these factors, that the best interest of the public requires it to assume ownership of the dam, the department shall issue an order directing the dam owner to transfer the dam to the Department of Marine Resources within a reasonable period of time. If the Department of Marine Resources determines that it will not assume ownership, the department shall notify the Department of Agriculture, Conservation and Forestry.

3. Evaluation of public recreational value.

Within ~~60~~ 90 days of receiving notice under subsection ~~2~~ 2-A, the Department of Agriculture, Conservation and Forestry shall review the following factors and determine whether the best interest of the public requires that department to assume ownership of the dam:

- A. The cost of maintaining the dam, based on the information provided in the petition under section 901, subsection 1 or other available information;
- B. The value to public recreation, conservation and public use of maintaining the dam; and
- C. The value to public recreation, conservation and public use of releasing water from the dam.

The Department of Agriculture, Conservation and Forestry shall notify the department of its determination. If the Department of Agriculture, Conservation and Forestry determines, after considering these factors, that the best interest of the public requires it to assume ownership of the dam, the department shall issue an order directing the dam owner to transfer the property to the Department of Agriculture, Conservation and Forestry within a reasonable period of time. If the Department of Agriculture, Conservation and Forestry determines that it will not assume ownership of the dam, the department shall notify the Maine Emergency Management Agency.

4. Evaluation of public safety value. Within ~~60~~ 90 days of receipt of notice under subsection 3, the Maine Emergency Management Agency shall review the following factors and determine whether the best interest of the public requires that agency to assume ownership of the dam:

- A. The cost of maintaining the dam and the safety of the dam, based on the information provided in the petition under section 901, subsection 1 or other available information;
- B. The value to public safety, particularly flood protection, of maintaining the dam; and
- C. The value to public safety, particularly flood protection, of releasing water from the dam.

The Maine Emergency Management Agency shall notify the department of its determination. If that agency determines, after considering these factors, that the best interest of the public requires it to assume ownership of the dam, the department shall issue an order directing the dam owner to transfer ownership of the dam to the Maine Emergency Management Agency within a reasonable period of time.

5. Additional consultations required. If the Maine Emergency Management Agency pursuant to subsection 4 determines that the best interest of the public does not require it to assume ownership of the dam, within 60 days of receiving notice of that determination, the department shall notify the dam owner that, pursuant to subsections 2 to 4, no agency has determined that the best interest of the public requires it to assume ownership of the dam. Upon receipt of such notification from the department, the dam owner, as directed by the department, shall consult again with the parties listed in section 902, subsection 3, paragraphs A, C and D to determine whether any of those parties wish to assume ownership of the dam, ensuring that those parties are provided with information regarding the agency determinations under this section.

Sec. 8. 38 MRSA §908, first ¶, as enacted by PL 1995, c. 630, §3, is amended to read:

The municipal legislative body, as defined in Title 30-A, section 2001, of any municipality notified pursuant to section 901, subsection 2 must consider and act on the issue of dam ownership at a public meeting. The meeting must be held no later than ~~60~~ 180 days after the municipal officers receive notice under section 901 and the department determines the petition is complete for processing. County commissioners notified under section 901 must also hold a public meeting to act on the issue of dam ownership not later than ~~60~~ 180 days after receiving notification.

See title page for effective date.

CHAPTER 227

H.P. 28 - L.D. 64

An Act to Eliminate the Cultchless American Oyster Growers License

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

Sec. 1. 12 MRSA §6073, sub-§2-A, as enacted by PL 1991, c. 876, §1, is repealed and the following enacted in its place:

2-A. Cultchless American oysters; possession and tolerance. A person may not take, possess or sell American oysters when 20% or more of a bulk pile is composed of cultchless American oysters, except that:

A. A person may take, possess or sell American oysters when 20% or more of a bulk pile is composed of cultchless American oysters if those oysters were legally taken under a municipal shellfish conservation ordinance authorized under section 6671 that includes regulation of American oysters and for which a transplant permit has been issued by the department;

B. A person who is licensed under section 6810-B may take, possess or sell cultchless American oysters when 20% or more of a bulk pile is composed of cultchless American oysters if those oysters are legally taken from an aquaculture lease or license site authorized under section 6072, 6072-A, 6072-B or 6072-C; and

C. A person who is licensed under section 6851 or 6852 may possess, buy and sell cultchless American oysters when 20% or more of a bulk pile is composed of cultchless American oysters.

This subsection does not apply to a person who holds a current aquaculture lease or license site authorized under section 6072, 6072-A, 6072-B or 6072-C, as long as the person is engaged in activity authorized under those sections.

The tolerance described under this subsection is determined by numerical count of not less than one peck nor more than 4 pecks taken at random from various parts of the bulk pile or by a count of the entire pile if it contains less than one peck.

Sec. 2. 12 MRSA §6863, as amended by PL 2013, c. 509, §10, is repealed.

See title page for effective date.

CHAPTER 228

S.P. 130 - L.D. 280

An Act to Establish Lifetime Ferry Passes for Retired Maine State Ferry Service Employees

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

Sec. 1. 23 MRSA §4408 is enacted to read:

§4408. Lifetime ferry passes for retired ferry service employees

A former state employee who is receiving retirement benefits after at least 15 years of employment with the Maine State Ferry Service and who is a year-round resident of one of the served islands of the Maine State Ferry Service is eligible to receive a lifetime ferry pass and a waiver from any reservation fees if the lifetime ferry pass is presented when making the reservation. For the purposes of this section, "lifetime ferry pass"

means a nontransferable pass that provides on a ferry operated by the Maine State Ferry Service:

1. Walk-on passage. Unlimited walk-on passage for a passenger to and from the island on which the retiree resides; and

2. Passenger and vehicle passage. One round-trip passage per month for a passenger and that passenger's vehicle during peak season as determined by rules adopted by the Department of Transportation and 2 round-trip passages per month during off-peak season as determined by rules adopted by the department. A reservation for passage described in this subsection must follow rules adopted by the department. For the purposes of this subsection, "vehicle" means a noncommercial motor vehicle with 4 tires or fewer and an overall length of 20 feet or less.

See title page for effective date.

CHAPTER 229

H.P. 301 - L.D. 447

An Act to Amend the Law Governing Ferry Service to Matinicus Isle

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

Sec. 1. 23 MRSA §4401, as amended by PL 1999, c. 20, §1, is further amended to read:

§4401. Ferry service for North Haven, Vinalhaven, Islesboro, Matinicus Isle, Swan's Island and Frenchboro

It is the duty of the Department of Transportation to operate a ferry route or routes between the mainland and the towns of North Haven, Vinalhaven, Islesboro, Matinicus Isle and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from these towns, and the department may operate the ferry route or routes to and from Frenchboro. Ferry service to Matinicus Isle must be at least 12 times per year and may be up to 36 times per year, with additional service authorized as agreed upon by the residents of Matinicus Isle and the department, and may be provided by state-owned or privately contracted vessels. These ferry routes are designated as the "Maine State Ferry Service." During periods of facility repair or maintenance or during periods of extraordinary demand, the department may carry out its responsibilities by utilizing privately contracted vessels to provide additional or substitute service to islands served by the Maine State Ferry Service as long as the use of privately contracted vessels is in accordance with an agreement between the