

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

§6957. Fishing near floating equipment

1. Prohibition. A person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls to fish for or take finfish, shellfish, sea urchins or any other marine organisms within 500 feet of any suspended culture floating cages, tray racks or other floating equipment authorized in a lease issued by the commissioner under section 6072.

2. Penalty. A violation of this section is a Class D crime, except that, notwithstanding Title 17-A, section 1301, the minimum fine is \$500 and may not be suspended.

See title page for effective date.

CHAPTER 724

H.P. 1377 - L.D. 1864

An Act to Enable Parents to Retain Custody in Voluntary Placements

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

Sec. 1. 22 MRSA §4004-A is enacted to read:

§4004-A. Voluntary agreements

1. Agreement authorized. If the following conditions are met, the department and a custodian may enter into a mutual agreement in which the custodian retains custody of the child and the department agrees to provide services to the child.

A. The department finds that staying in the custodian's home would be detrimental to the welfare of the child.

B. The department finds that, absent a mutual agreement, the child is at risk of entering the child protection system or the juvenile justice system.

2. Agreement requirements. An agreement entered into pursuant to subsection 1 must meet the following requirements.

A. The agreement may not exceed 180 days unless, within the 180 days, the District Court has found that returning to the custodian's home would be detrimental to the welfare of the child. If the court has made that determination, the agreement may continue but must be reviewed by the court no more than 18 months after com-

mencement of the agreement and at least every 2 years following the 18-month review.

B. The agreement must specify the legal status of the child and the rights and obligations of the custodian, the child, the department and any other parties to the agreement.

C. If the custodian is able to contribute resources to the care of the child, that contribution must be specified in the agreement. Resources include, but are not limited to, insurance coverage and disposable income.

D. The agreement must be approved by the commissioner or the commissioner's designee.

3. Additional parties. The Department of Corrections, the Department of Mental Health and Mental Retardation, the Department of Education, the Office of Substance Abuse and any other appropriate state agency may be additional parties to the agreement.

4. Section 4022 not affected. This section does not apply to agreements entered into under section 4022.

5. Rules. The department may adopt rules to implement this section.

See title page for effective date.

CHAPTER 725

S.P. 552 - L.D. 1576

An Act to Make Modifications to Economic Development Activities

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

Whereas, the Maine Economic Growth Council is unable to meet the January 1, 1994 deadline for its initial report; and

Whereas, certain technical changes are necessary to provide clarification of sunset provisions; 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. 5 MRSA §13062-A, sub-§5, as enacted by PL 1993, c. 410, Pt. NNN, §1, is amended to read:

5. Sunset; repeal. ~~Authorization for the~~ The Economic Conversion Division expires is eliminated and this section is repealed on July 1, 1995. The Office of Business Development shall provide its recommendations to the Governor and the joint standing committee of the Legislature having jurisdiction over economic development matters concerning the need for extending authorization of the division.

Sec. 2. 5 MRSA §13070-I, as amended by PL 1993, c. 182, §2, is further amended to read:

§13070-I. Sunset; repeal

~~Authorization for the~~ The commission expires is eliminated on December 1, 1993. In its final report, the commission shall provide its recommendations to the Governor and the Legislature concerning the need for extending authorization for the commission.

This article is repealed December 1, 1993.

Sec. 3. 10 MRSA §929-B, sub-§6, as enacted by PL 1993, c. 410, Pt. MMM, §1, is amended to read:

6. Report. The council shall report to the joint standing committee of the Legislature having jurisdiction over housing and economic development matters. The council shall recommend its plan to the committee biennially at the beginning of each new Legislature, except that the first plan must be presented by January 1, ~~1994~~ 1995. The recommended plan must be used by the Economic Development and Business Assistance Coordinating Council as a guide to deliver economic development services.

Sec. 4. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 5, section 13070-I applies retroactively to December 1, 1993.

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

Effective April 20, 1994.

CHAPTER 726

H.P. 1262 - L.D. 1689

An Act Requiring the Use of Logbooks by Lobster Harvesters

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

Sec. 1. 12 MRSA §6445 is enacted to read:

§6445. Logbooks for lobster harvesters

The commissioner shall adopt rules requiring any person holding a lobster and crab fishing license to maintain a logbook. The rules must indicate the type of data that must be recorded in the logbook, the manner for producing the logbooks and the method for analyzing data from the logbooks. The commissioner shall charge a fee for the logbook that is sufficient to recover all costs associated with the production of the logbook and the analysis of the data. Fees received by the department from the sale of logbooks are dedicated revenue and must be used by the department for the purposes of this section. The logbook and data analysis may be produced and conducted by the department or may be produced and conducted by a public or private entity under contract with the department. Disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173.

Sec. 2. Initial funding for logbook. In fiscal year 1994-95, the Commissioner of Marine Resources may borrow from the Seed Lobster Fund such funds as are necessary for personnel and other related costs associated with the logbook requirements of the Maine Revised Statutes, Title 12, section 6445. Such funds may be borrowed only for the purposes of funding those costs during the start-up phase of the logbook program. Any funds borrowed from the Seed Lobster Fund for these purposes must be reimbursed prior to June 30, 1995 from revenues derived from the sale of logbooks.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

**MARINE RESOURCES,
DEPARTMENT OF**

Bureau of Marine Sciences

Positions	(0.5)
Personal Services	\$17,315
All Other	6,500

Provides for the allocation of funds to authorize one 1/2-time Marine Specialist I position and general operating requests necessary to develop,