

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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

the interim Cumberland County Budget Committee or its successor, the Cumberland County Budget Advisory Committee, until the term for which they were selected expires, after which time vacancies must be filled as provided by this Act.

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

Effective June 30, 1995.

CHAPTER 381

H.P. 372 - L.D. 507

An Act to Exclude Certain Parks from the Definition of Mobile Home Parks

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

Sec. 1. 10 MRSA §9085, as enacted by PL 1983, c. 553, §17, is amended to read:

§9085. Rules

The board may make and enforce all necessary rules for the administration of this subchapter, and may repeal or amend such rules from time to time as may be in the public interest, insofar as that action is not in conflict with any of the provisions of this subchapter. All rules of the Department of Human Services governing mobile home parks in effect on the effective date of this subchapter shall remain in effect for a period not to exceed one year, unless sooner amended or repealed by the board. The board shall accept as compliance with its rules documentation submitted by a seasonal mobile home park that substantially similar provisions required by other federal or state agencies have been met that duplicate provisions required by the board regarding matters of safety and health. In cases where there are federal and state laws, rules or regulations containing similar provisions, the stricter standard must apply.

See title page for effective date.

CHAPTER 382

S.P. 441 - L.D. 1209

An Act to Amend the Laws Pertaining to the Marine Resources Advisory Council

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

Whereas, vacancies exist on the Marine Resources Advisory Council and the Department of Marine Resources is involved in pressing matters that are vital to the future of the State's fisheries; 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 §12004-G, sub-§27, as enacted by PL 1987, c. 786, §5, is amended to read:

27. Marine Resources Advisory Council (to the Department of Marine Resources)	<u>Marine Resources Advisory Council</u> (to the Department of Marine Resources)	\$25/Day <u>Expenses Only</u>	12 MRSA §6024
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Sec. 2. 12 MRSA §6024, sub-§1-A, as amended by PL 1989, c. 788, §1, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, ~~shall consist~~ consists of 9 15 members. The Chair of the Lobster Advisory Council ~~shall be~~ is an ex officio member of the council. Each other member ~~shall be~~ is appointed by the Governor and ~~shall be~~ is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. ~~Seven of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources. These 7 members shall be selected so as to adequately represent, together with the Chair of the Lobster Advisory Council, the various aspects of commercial fisheries' activities over which the department has jurisdiction. One of the appointed members shall be selected from persons who represent recreational fishing interests. Seven members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 7 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that~~

none of those 7 members may represent lobster harvesters. The remaining 7 members must include one person who represents recreational marine fishing interests, one public member, 4 persons who hold a nonharvesting-related license under this Part and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council ~~shall~~ must reflect a geographical distribution along the coast. All appointed members ~~shall be~~ are appointed for a term of 3 years, except a vacancy ~~shall~~ must be filled in the same manner as an original member for the unexpired portion of the term. ~~No~~ An appointed member may not serve for more than 2 consecutive terms ~~at any one time~~. Appointed members ~~shall~~ serve until their successors are appointed. The Chair of the Lobster Advisory Council shall serve until a new Chair of the Lobster Advisory Council is chosen. Members ~~shall be~~ are compensated as provided in Title 5, chapter 379.

Sec. 3. 12 MRSA §6024, sub-§2, as enacted by PL 1977, c. 661, §5, is amended to read:

2. Powers and duties; meetings; officers. The council shall give the commissioner information and advice concerning the administration of the department and carry out other duties specifically delegated by marine resources' laws. The council shall hold regular quarterly meetings with the commissioner, or ~~his the commissioner's~~ designee, and may hold special meetings at any time. The council shall elect one of its members as ~~chairman~~ chair, one as ~~vice-chairman~~ vice-chair and one as secretary, all for a term of one year, at the first regular meeting in each year. The officers ~~shall~~ have the following duties.

- A. The ~~chairman~~ chair shall call and preside at all meetings of the council.
- B. The ~~vice-chairman~~ vice-chair shall call and preside at all meetings of the council in the ~~chairman's~~ chair's absence.
- C. The secretary shall cause records to be taken and to be preserved of all meetings of the council.

Sec. 4. Transition. The Governor shall make all appointments necessary under this Act not later than 90 days following the effective date of this Act.

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

Effective June 30, 1995.

CHAPTER 383

S.P. 552 - L.D. 1511

An Act to Increase the Maximum Lease Size for Bottom Culture Aquaculture

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

Whereas, the Legislature has established the authority for the Commissioner of Marine Resources to lease areas in, on and under the coastal waters for the purposes of aquaculture development; and

Whereas, the laws providing this authority limit the size of leases that may be granted by the commissioner; and

Whereas, this limitation is viewed as an impediment to the development of certain portions of the State's aquaculture industry; 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 §6072, sub-§2, ¶E, as enacted by PL 1987, c. 453, §1, is amended to read:

E. The lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than 150 acres, except that the aggregate amount may be up to 200 acres when the leases are used exclusively for the aquaculture of marine organisms by methods other than suspended culture; and

Sec. 2. 12 MRSA §6072, sub-§12, as amended by PL 1987, c. 453, §1, is further amended to read:

12. Renewal. The commissioner shall grant a lease renewal unless the prior lessee has not complied with the lease agreement during its term, substantially no research or aquaculture has been conducted, the commissioner finds that it is not in the best interest of the State to renew the lease or the renewal will cause the lessee to continue being a tenant of any kind in leases covering an aggregate of more than 150 acres, except that the aggregate amount may be up to 200 acres when the leases are used exclusively for the aquaculture of marine organisms by methods other