

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

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

than suspended culture. Renewals may be granted if applied for no later than 30 days after the lapse of the prior lease. A lease renewal ~~shall be~~ is an adjudicatory proceeding under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. Public notice ~~shall~~ must be given as required under subsection 6 of this section and a hearing ~~shall~~ must be held if it is requested in writing by 5 persons.

**Sec. 3. 12 MRSA §6072, sub-§12-A, ¶B,** as amended by PL 1987, c. 453, §1, is further amended to read:

B. The commissioner may grant lease transfers if ~~he~~ the commissioner determines that:

- (1) The change in lessee does not violate any of the standards in subsection 7;
- (2) The transfer is not intended to circumvent the intent of subsection 8;
- (3) The transfer is not for speculative purposes; and
- (4) The transfer will not cause the transferee to be 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.

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

Effective June 30, 1995.

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## CHAPTER 384

H.P. 322 - L.D. 443

### An Act to Reform Campaign Finance

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

**Sec. 1. 21-A MRSA §1013-A, sub-§1, ¶C** is enacted to read:

C. No later than 10 days after becoming a candidate, as defined in section 1, subsection 5, a candidate for the office of State House of Representatives or Senate shall file in writing a statement declaring either that the candidate agrees to accept voluntary limits on political expenditures or that the candidate does not agree to accept voluntary limits on political expenditures, as specified in section 1015, subsections 7 to 9.

The statement filed by a candidate who voluntarily agrees to limit spending must state that the candidate knows the voluntary expenditure limitations as set out in section 1015, subsection 8 and that the candidate is voluntarily agreeing to limit the candidate's political expenditures and those made on behalf of the candidate by the candidate's political committee or committees, the candidate's party and the candidate's immediate family to the amount set by law. The statement must further state that the candidate does not condone and will not solicit any independent expenditures made on behalf of the candidate.

The statement filed by a candidate who does not agree to voluntarily limit political expenditures must state that the candidate does not accept the voluntary expenditure limits as set out in section 1015, subsection 8.

**Sec. 2. 21-A MRSA §1015, sub-§§7 to 9** are enacted to read:

**7. Voluntary limitations on political expenditures.** A candidate may voluntarily agree to limit the total expenditures made on behalf of that candidate's campaign as specified in section 1013-A, subsection 1, paragraph C and subsections 8 and 9.

**8. Political expenditure limitation amounts.** Total expenditures in any election for legislative office by a candidate who voluntarily agrees to limit campaign expenditures as provided in subsection 7 are as follows:

A. For State Senator, \$25,000; and

B. For State Representative, \$5,000.

Expenditure limits are per election and may not be carried forward from one election to another. For calculation and reporting purposes, the reporting periods established in section 1017 apply.

**9. Publication of list.** The commission shall publish a list of the candidates for State Representative and State Senator who have agreed to voluntarily limit total expenditures for their campaigns as provided in section 1013-A, subsection 1, paragraph C.

For the purposes of subsections 7 and 8 and this subsection, "total expenditures" means the sum of all expenditures made to influence a single election that are made by a candidate or made on the candidate's behalf by the candidate's political committee or committees, the candidate's party or the candidate's immediate family.

See title page for effective date.

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