

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 19

H.P. 395 - L.D. 540

**An Act to Correct Certain Errors
and Inconsistencies in Marine
Resources Laws**

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

Sec. 1. 12 MRSA §6431-A, sub-§§1 and 2, as enacted by PL 1995, c. 468, §5, are amended to read:

1. Limit. Except as provided in subsection 2, it is unlawful for the holder of a Class I, Class II or Class III license issued under section 6421 to ~~have submerged~~ more than 1,200 traps ~~submerged in the coastal waters of the State.~~

2. Trap limit exception. The holder of a Class I, Class II or Class III license issued under section 6421 who documents to the commissioner that the license holder ~~had submerged~~ an average of more than 1,200 traps ~~submerged in the coastal waters of the State~~ in calendar year 1994 and calendar year 1995 has until March 1, 2003 to reduce that average number of traps to 1,200 or less. At a minimum, the license holder must divide the average number of submerged traps in excess of 1,200 by the number 7 and, starting in calendar year 1996, annually reduce the number of traps by the resulting number.

Sec. 2. 12 MRSA §6431-D, sub-§1, as enacted by PL 1995, c. 468, §5, is amended to read:

1. Boat limit. Except as provided in subsection 2, it is unlawful to tend more than 1,200 traps from a boat ~~in the coastal waters of the State.~~

Sec. 3. 12 MRSA §6431-D, sub-§2, as amended by PL 1995, c. 568, §3, is further amended to read:

2. Exception. Two or more holders of Class I, Class II or Class III licenses issued under section 6421 who harvest lobsters from the same boat may collectively tend more than 1,200 traps from that boat if the license holders:

A. Document to the commissioner the average number of traps the license holders fished from the boat ~~in the coastal waters of the State~~ in calendar year 1994 and calendar year 1995 and that average number exceeds 1,200.

(1) When license holders qualify under this paragraph, the trap limit for the boat in calendar year 1996 is the average number of traps the license holders fished from the

boat ~~in the coastal waters of the State~~ in calendar year 1994 and calendar year 1995. The number of traps fished from the boat must be reduced to 1,200 or less by March 1, 2003. The commissioner may determine by rule a method for proportionally reducing the number of traps fished from a boat; or

B. Document to the commissioner that the license holders fished an average of more than 1,200 traps from a boat ~~in the coastal waters of the State~~ in calendar year 1994 and calendar year 1995 and are family members. For the purposes of this paragraph, being "family members" means that one license holder on the boat must be related to each of the license holders on the boat as either a spouse, sibling, parent by blood, parent by adoption, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.

(1) When license holders qualify under this paragraph, the trap limit for the boat is the product of 1,200 multiplied by the number of license holders who are family members documented under this paragraph who continue to harvest lobsters from the boat in calendar year 1996 and consecutive calendar years thereafter. A license holder who is a family member documented under this paragraph and who does not harvest lobsters from the boat in calendar year 1996 or any subsequent calendar year may harvest lobsters from the boat as long as the total number of traps fished from the boat does not exceed 1,200.

Sec. 4. 12 MRSA §6451, sub-§1, as amended by PL 1989, c. 455, §3, is further amended to read:

1. Allocation of license fees. Ten dollars of each ~~\$53~~ \$93 fee, ~~\$20 of each \$186 fee,~~ \$30 of each ~~\$159~~ \$279 fee and \$5 of each ~~\$26~~ \$46 fee for each lobster and crab fishing license ~~shall~~ must be allocated to the Lobster Fund, which ~~shall~~ must be used for the purposes of lobster biology research, of propagation of lobsters by liberating seed lobsters and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

Sec. 5. 12 MRSA §6501, sub-§6, as amended by PL 1995, c. 536, Pt. A, §6, is further amended to read:

6. Definition. For the purposes of this chapter, "fish" means all marine finfish, squid and shrimp or other marine animals, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers or eels.

Sec. 6. 12 MRSA §6535, sub-§§1 and 2, as amended by PL 1995, c. 530, §1, are further amended to read:

1. License required. It is unlawful for a person to operate a boat as a platform for the harvesting of sea urchins and scallops by hand, to act as a diving tender on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand or to possess, ~~strip~~ ship, transport or sell scallops or sea urchins unless that person is licensed under this section, section 6701 or section 6748.

2. Licensed activity. A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters the tender has tended. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops.

Sec. 7. 12 MRSA §6536, sub-§2, as enacted by PL 1995, c. 530, §2, is amended to read:

2. Licensed activity. A person licensed under this section may tend divers who harvest scallops by hand and operate a boat as a platform for the harvesting of scallops by hand and may possess, ship, transport and sell scallops harvested by licensed harvesters the tender has tended. A scallop diving tender license does not authorize the holder to harvest scallops.

Sec. 8. 12 MRSA §6851, as amended by PL 1993, c. 740, §§4 and 5, is further amended by repealing and replacing the headnote to read:

§6851. Wholesale seafood license; wholesale seafood license with lobster permit; wholesale seafood license with urchin permit

Sec. 9. 12 MRSA §6851, sub-§2, ¶A, as amended by PL 1991, c. 523, §3, is further amended to read:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters and sea urchins;

See title page for effective date.

CHAPTER 20

H.P. 421 - L.D. 571

An Act to Clarify the Effect of Failure to Provide Notice of Filing of a Judgment Lien

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

Sec. 1. 14 MRSA §4651-A, sub-§5, as enacted by PL 1987, c. 184, §23, is amended to read:

5. Notice to judgment debtor. A lien created by this section ~~shall become~~ becomes void and loses its status as a perfected security interest with respect to the right, title and interest of any particular judgment debtor; and with respect to any other creditors of the judgment debtor unless the judgment creditor notifies the judgment debtor by certified or registered mail sent to ~~his~~ the judgment debtor's last known address on or before ~~20 days~~ the 20th day after filing or recording of the existence of the lien. The notice ~~shall~~ must contain the following:

- A. The fact that a lien has been filed;
- B. The date and place the lien was filed;
- C. The amount of the judgment and costs as stated in the execution;
- D. The name of the judgment creditor and attorney, if any, including their addresses; and
- E. The following statement: "To dissolve this lien, please contact (the creditor or ~~his~~ the creditor's attorney)."

See title page for effective date.

CHAPTER 21

H.P. 526 - L.D. 717

An Act to Expand the Methods of Service of Disclosure Subpoenas

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

Sec. 1. 14 MRSA §3123, sub-§§1 and 2, as enacted by PL 1987, c. 184, §6, are repealed.

Sec. 2. 14 MRSA §3123, sub-§3 is enacted to read:

3. Service of disclosure subpoena. Service of the disclosure subpoena on a judgment debtor must be made by delivering a copy of the subpoena to the