

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

N. Any lesser included offense of any crime identified in paragraphs A to M if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A.

Sec. 4. 25 MRSA §1575, sub-§2, as enacted by PL 1995, c. 457, §1, is amended to read:

2. Person to draw sample. Only a duly licensed physician, physician assistant, registered nurse ~~or a licensed practical nurse~~, person certified by the Department of Human Services ~~or person whose occupational license or training allows that person to draw blood samples~~ may draw a ~~blood~~ DNA sample ~~for the purpose of DNA analysis~~.

Sec. 5. 25 MRSA §2154, sub-§1, ¶C, as enacted by PL 1993, c. 425, §2, is amended to read:

C. ~~Transmit~~ Enter or cause the report to be entered for inclusion in the State Police and National Crime Information Center computer files on missing children; and

Sec. 6. 25 MRSA §2154, sub-§4 is enacted to read:

4. Medical and dental records. Within 60 days after a law enforcement agency enters the report of a missing child into the State Police and National Crime Information Center computers, that law enforcement agency shall verify and update the record with any additional information, including, when available, medical and dental records.

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

Effective March 18, 1998.

CHAPTER 609

H.P. 1434 - L.D. 1998

An Act to Increase the Cap on the Total Acreage of Aquaculture Leases That May Be Held by One Person

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

Sec. 1. 12 MRSA §6072, sub-§2, ¶E, as amended by PL 1995, c. 383, §1, is further 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~~ 250 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 1995, c. 383, §2, 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~~ 250 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 is an adjudicatory proceeding under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. Public notice must be given as required under subsection 6 of this section and a hearing 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 1995, c. 383, §3, is further amended to read:

B. The commissioner may grant lease transfers if 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~~ 250 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~~ 250 acres.

See title page for effective date.
