

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

F. Allow consideration in appropriate rate-making proceedings of contributions to any state universal service fund established pursuant to this section.

Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**4. Standards and reporting.** The commission, annually, shall assess the penetration rate of basic telecommunications services. If this penetration rate ever falls more than 2% below the national average penetration rate, the commission shall commence an investigation and take steps to enhance telecommunications market penetration. The commission, annually, shall assess the success of any actions taken by the commission to achieve the purposes of this section. In the annual report submitted by the commission pursuant to section 120, the commission shall include a description of any actions taken pursuant to this section and assessments made pursuant to this subsection.

See title page for effective date.

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**CHAPTER 693**

**H.P. 1028 - L.D. 1445**

**An Act to Establish a Requirement That Holders of Lobster Fishing Licenses Must Own or Control the Vessel from Which They Conduct Authorized Activities**

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

**Sec. 1.** 12 MRSA §6431-E is enacted to read:

**§6431-E. Vessel limitation**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Family member" means a brother, sister, son-in-law, daughter-in-law, parent by blood, parent by adoption, mother-in-law, father-in-law, child by blood, child by adoption, stepchild, stepparent, grandchild or grandparent.

B. "Owner" means:

(1) An individual who is the owner of a vessel registered under chapter 715, subchapter I or the owner of a vessel documented under 46 Code of Federal Regulations, Part 67;

(2) The person who owns the highest percentage of a partnership, corporation or other entity that is the owner of a vessel registered under chapter 715, subchapter I or a vessel documented under 46 Code of Federal Regulations, Part 67; or

(3) When 2 or more people own in equal proportion the highest percentages of a partnership, corporation or other entity that owns a vessel registered under chapter 715, subchapter I or a vessel documented under 46 Code of Federal Regulations, Part 67, one of the highest percentage owners as designated by the owners of that partnership, corporation or other entity.

C. "Qualifying period" means any 46 days during 3 consecutive months in one calendar year.

D. "Replacement vessel" means a vessel that is substituted for the use of a vessel that is no longer utilized by an individual, partnership, corporation or other entity.

**2. Owner or family member on board.** Except as provided in subsection 3, beginning January 1, 2000 a person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish for or take lobsters from a vessel unless:

A. The owner of that vessel is present on that vessel and holds a Class I, Class II or Class III lobster and crab fishing license; or

B. A family member of the vessel owner under paragraph A is present on that vessel and holds a Class I, Class II or Class III lobster and crab fishing license.

**3. Exemptions; individuals.** The commissioner may authorize a person to fish for or take lobsters from a vessel when an owner or family member is not on board pursuant to subsection 2 if that person holds a Class I, Class II or Class III lobster and crab fishing license and:

A. The owner of that vessel holds a Class I, Class II or Class III lobster and crab fishing license, documents to the commissioner that an illness or disability temporarily prevents that owner from fishing for or taking lobsters from that vessel, and requests in writing to the commissioner that the commissioner authorize that person to use that vessel to fish for or take lobsters and tend the owner's traps pursuant to section 6434;

B. Is the owner of a vessel that has become temporarily inoperable because of an accident or a mechanical failure and requests in writing per-

mission from the commissioner to use that vessel to fish for or take lobsters;

C. Documents to the commissioner by December 31, 2000 that that person fished for or took lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997 from the same vessel and that vessel did not have on board an individual who meets the criteria of subsection 2, paragraph A or B. A person may not qualify for the exemption under this paragraph unless that person continues to fish for or take lobsters from the vessel from which the person harvested lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997, or from a replacement vessel; or

D. An individual, partnership, corporation or other entity documents to the commissioner by December 31, 2000 that that individual or partnership, corporation or other entity rented, leased or otherwise made available that vessel to the holder of a Class I, Class II or Class III lobster and crab fishing license during the qualifying period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or taking lobsters. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel.

4. Rules. The commissioner may adopt rules to implement and administer this section. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 2. Report.** By January 1, 1999, the Commissioner of Marine Resources shall submit to the joint standing committee of the Legislature having jurisdiction over marine resources matters a report and recommendations on funding through dedicated revenues the registration of marine resources license holders and other persons pursuant to laws that restrict participation in a fishery conducted in the coastal waters of the State. The commissioner shall examine existing sources of dedicated revenues derived under the Maine Revised Statutes, Title 12, Part 9 and the appropriateness of utilizing those revenues to fund registering license holders and other persons. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 119th Legislature regarding the use of dedicated revenues by the Department of Marine Resources to fund the registration of marine resources license holders and other persons pursuant to laws that limit participation in a fishery conducted in the coastal waters of the State.

**Sec. 3. Contingent effective date.** Section 1 of this Act is effective only if the State Budget Officer certifies by August 1, 1999 that dedicated revenues have been allocated to the Department of Marine Resources to fund the department's costs of registering license holders under the Maine Revised Statutes, Title 12, Part 9 and other persons pursuant to laws that limit participation in fisheries conducted in the coastal waters of the State.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 694

H.P. 200 - L.D. 253

### An Act Concerning Entry to Investigate Private Property for the Purpose of Forestry Examinations

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

**Sec. 1. 12 MRSA §8869, sub-§11,** as enacted by PL 1989, c. 555, §10, is amended to read:

**11. Right of entry.** Agents of the bureau ~~shall~~ have rights of access to all lands within the State to carry out the duties they are authorized by law to administer and enforce. ~~Entry into private property under this subsection is not a trespass.~~ This subsection does not authorize entry into any building or structure.

See title page for effective date.

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## CHAPTER 695

S.P. 407 - L.D. 1302

### An Act to Amend the Temporary Assistance for Needy Families Program

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

**Sec. 1. 22 MRSA §3762, sub-§15** is enacted to read:

**15. Conditions of continued assistance.** The following provisions apply to families that have received assistance for more than 60 months.

A. A family in which an adult has received benefits for 60 months may continue to receive TANF assistance as long as the adult members of the family comply in all respects with TANF program rules, except that the department may