

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

Agriculture, Food and
Rural Resources.

DEPARTMENT OF
PROFESSIONAL AND
FINANCIAL REGULATION

TOTAL (\$3,989) (\$4,918)

See title page for effective date.

CHAPTER 85

H.P. 516 - L.D. 723

**An Act to Establish a Marine
Recreation Fishing Conservation and
Management Fund and a Marine
Recreational Fishing Advisory
Council**

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

Sec. 1. 5 MRSA §12004-I, sub-§57-D is
enacted to read:

<u>57-D.</u>	<u>Marine</u>	<u>None</u>	<u>12 MRSA</u>
<u>Marine</u>	<u>Recreational</u>		<u>§6033</u>
<u>Resources</u>	<u>Fishing</u>		
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 12 MRSA §6024, sub-§1-A, as
amended by PL 1995, c. 382, §2, 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, consists of 15 members. The Chair of the Lobster Advisory Council ~~is an~~ and the chair of the Marine Recreational Fishing Advisory Council are ex officio ~~member members~~ members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. 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 6 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 must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The Chair of the Lobster Advisory Council and the chair of the Marine Recreational Fishing Advisory Council shall serve until a new Chair of the Lobster Advisory Council or a new chair of the Marine Recreational Fishing Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 3. 12 MRSA §6032 is enacted to read:

§6032. Marine Recreation Fishing Conservation and Management Fund

The Marine Recreation Fishing Conservation and Management Fund, referred to in this section as the "fund," is established within the department. The commissioner may receive on behalf of the fund funds from any source. The purpose of the fund is to support activities related to the management and development of marine recreation fisheries. All money received into the fund must be used for the purposes of the fund. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the purposes of the fund. Any interest earned on the money in the fund must be credited to the fund. By February 1st of each year, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the amount of money collected in the fund and all expenditures made from the fund in the previous fiscal year.

Sec. 4. 12 MRSA §6033 is enacted to read:

§6033. Marine Recreational Fishing Advisory Council

1. Appointment; composition. The Marine Recreational Fishing Advisory Council, referred to in this section as the "council" and established by Title 5, section 12004-I, subsection 57-D, consists of 9 members. The commissioner shall appoint the members as follows:

A. Four members representing the State's recreational marine fisheries. These members must reflect a geographical distribution along the coast;

B. Three members representing the party charter boat industry;

C. One member representing tackle shop owners; and

D. One member representing the commercial fishing industry.

2. Term. A council member serves for a 3-year term and continues serving until a successor is duly appointed and qualified. An appointed member may not serve for more than 2 consecutive terms. In the case of a vacancy, the commissioner shall fill promptly the vacancy.

3. Quorum. A quorum is a majority of the current members of the council.

4. Chair and officers. The council shall annually elect one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

5. Meetings. The council shall meet at least 4 times a year. It may also meet at other times at the call of the chair or the chair's designee or the commissioner or the commissioner's designee.

6. Purpose. The council shall advise the commissioner on activities of the department that relate to marine recreational fishing and shall make recommendations to the commissioner concerning expenditures from the Marine Recreation Fishing Conservation and Management Fund for the purposes described in section 6032. The council may investigate problems affecting marine recreational fishing and make recommendations to the commissioner and the Marine Resources Advisory Council concerning its investigations. The council may review current recreational fishing research programs and plans for research and submit to the commissioner and the Marine Resources Advisory Council, annually, its recommendations on those programs and plans.

Sec. 5. Transition. The Commissioner of Marine Resources shall make all appointments necessary under this Act not later than 90 days following the effective date of this Act. Notwithstanding the Maine Revised Statutes, Title 12, section 6033, subsection 2, the commissioner shall make initial appointments to the Marine Recreational Fishing Advisory Council so that 3 members serve for one year, 3 members serve for 2 years and 3 members serve for 3 years.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1999-00	2000-01
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MARINE RESOURCES,
DEPARTMENT OF

Bureau of Resource Management

All Other	\$500	\$500
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Provides for the allocation of funds from the Marine Recreation Fishing Conservation and Management Fund to support activities related to the management and development of marine recreational fisheries.

See title page for effective date.

CHAPTER 86

H.P. 853 - L.D. 1210

An Act to Amend the Site Evaluator Licensing Laws

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

Sec. 1. 22 MRSA §42, sub-§3-A, as amended by PL 1985, c. 612, §2, is further amended to read:

3-A. Licensing of persons to evaluate soils for subsurface wastewater disposal systems. The department shall adopt rules providing for professional qualification and competence, ethical standards, licensing and relicensing and revocation of licenses of persons to evaluate soils for the purpose of designing subsurface ~~waste-water~~ wastewater disposal systems. The hearings provided for in subsection 3 ~~shall~~ must include consideration of the adoption or change of those rules.

The department shall investigate or cause to be investigated all cases or complaints of noncompliance with or violations of this section and the rules adopted pursuant to this section. The department has the authority to grant or amend, modify or refuse to issue or renew a license in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter V. The Administrative Court ~~shall have~~ has the exclusive jurisdiction to suspend or revoke the license of any person who is found guilty of non-compliance with or violation of the rules adopted pursuant to this subsection or subsection 3.

The department may charge applicants no more than ~~\$60~~ \$100 for examination to become a licensed site evaluator. The department shall by rule charge a biennial site evaluator license fee of ~~\$40~~ not more than \$150. A licensed site evaluator who is employed by the department to administer this section and does not