

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 672

S.P. 921 - L.D. 2372

An Act to Regulate the Sea Cucumber Fishery

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the sea cucumber fishery is a new fishery; and

Whereas, the fishery is being intensively harvested; and

Whereas, there is inadequate scientific data to assess the impact of harvesting on the resource or the ecosystem; 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 c. 623, sub-c. IV, art. 2 is enacted to read:

Article 2

LIMITS ON FISHING

§6811. Sea cucumber harvesting season

Unless modified by rules adopted under section 6171-A, it is unlawful for a person to fish for or take sea cucumbers from July 1st to September 30th, both days inclusive.

§6812. Sea cucumber drag

1. Drag width. It is unlawful to utilize a drag to fish for or take sea cucumbers that exceeds 5 feet, 6 inches in width, measured from extreme outside edge to extreme outside edge.

2. Configuration of drag. The commissioner shall adopt rules that describe the type of drag that may be used to fish for or take sea cucumbers,

including, but not limited to, limitations on the type or size of drag components. Such rules are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

§6813. Sea Cucumber Management Fund

1. Fund established. The Sea Cucumber Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department. The commissioner may receive on behalf of the fund money from any source for the purposes described in subsection 2. 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 may 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.

2. Purposes of fund. The commissioner shall use the fund to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.

Sec. 2. Legislation. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out a bill regarding regulation of the sea cucumber fishery to the Second Regular Session of the 120th Legislature.

Sec. 3. Rules. The Commissioner of Marine Resources shall adopt rules in accordance with the Maine Revised Statutes, Title 12, section 6812, subsection 2 no later than September 30, 2000.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

MARINE RESOURCES, DEPARTMENT OF

Division of Administrative Services

All Other	\$500
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Provides for the allocation of funds for the Sea Cucumber Management Fund to research and manage the State's sea cucumber fishery and to enforce the laws related to sea cucumbers.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on April 1, 2000.

Effective April 1, 2000.

CHAPTER 673

S.P. 886 - L.D. 2301

An Act to Establish a Targeted Need Teacher Certificate

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

Sec. 1. 20-A MRSA §13011, sub-§9 is enacted to read:

9. Targeted need certificate. The state board shall adopt rules that establish criteria under which a targeted need area certificate may be issued. This certificate may be issued only to a person holding a bachelor's degree and teaching in a teacher shortage area. The teacher shortage area is determined by the commissioner. Rules adopted pursuant to this subsection are major substantive rules in accordance with Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 674

H.P. 1744 - L.D. 2450

An Act to Restrict Passengers in the Vehicle of a Newly Licensed Driver

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

Sec. 1. 29-A MRSA §101, sub-§28-A is enacted to read:

28-A. Immediate family member. "Immediate family member" means a grandparent; parent, including stepparent; spouse; child; brother; or sister.

Sec. 2. 29-A MRSA §1310 is enacted to read:

§1310. Interim license

A person under 18 years of age who has been issued a driver's license may not carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. This restriction is in effect for a period of 90 days from license issuance.

Sec. 3. Effective date. This Act takes effect August 1, 2000.

See title page for effective date.

CHAPTER 675

H.P. 1870 - L.D. 2606

An Act to Amend the Laws Regarding Foster Parents

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the section of law allowing foster parents, preadoptive parents or relatives providing care for a child to attend a review or hearing will be repealed on July 1, 2000; and

Whereas, this legislation needs to be an emergency so that it will take effect before July 1, 2000; 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. 22 MRSA §4005-C, 2nd ¶, as enacted by PL 1999, c. 189, §1, is amended to read:

The foster parent of a child, if any, and any preadoptive parent or relative providing care for the child may attend a review or hearing in its entirety under this section unless specifically excluded by decision of the presiding judge. ~~This paragraph is repealed July 1, 2000.~~

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

Effective April 12, 2000.

CHAPTER 676

S.P. 992 - L.D. 2550

An Act to Ensure Cost Effective and Safe Highways in the State

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