

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

evidence that the registrant's name has been submitted to the manufacturer of the snowmobile for warranty coverage and to receive any product recalls and safety updates. For the purpose of this paragraph, the warranty registration form provided to the registrant by the selling dealer at the time of sale is sufficient evidence.

Sec. 2. 12 MRSA §7854, sub-§10, ¶C is enacted to read:

C. Prior to issuing a registration certificate for a new ATV, an ATV registration agent shall require that the registrant produce evidence that the registrant's name has been submitted to the manufacturer of the ATV for warranty coverage and to receive any product recalls and safety updates. For the purpose of this paragraph, the warranty registration form provided to the registrant by the selling dealer at the time of sale is sufficient evidence.

See title page for effective date.

CHAPTER 693

H.P. 1846 - L.D. 2583

An Act Regarding Waiting Lists for Limited-entry Lobster Management Zones

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

Whereas, 4 lobster management zones have begun the process of closing the zones to new zone entrants; and

Whereas, many lobster and crab fishing license holders wish to get on the waiting lists for the closed zones; and

Whereas, lobster management policy councils may wish to authorize apprentices who have finished the apprentice program to fish in a closed zone; and

Whereas, it is important to clarify the waiting list process for limited-entry zones as soon as possible; 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 §6448, sub-§2, ¶¶A and C, as enacted by PL 1999, c. 508, §3, are amended to read:

A. After conducting a written survey in the zone, a lobster management policy council may propose to the commissioner an exit ratio to limit new zone entrants to the zone. The lobster management policy council may also propose to the commissioner a provision to exempt from the requirements of this section an individual who became eligible for but had not been issued a Class I, Class II or Class III license pursuant to section 6421, subsection 5, paragraph C or H prior to January 1, 2000 and to allow that individual to declare the zone as that individual's declared lobster zone. The lobster management policy council is not required to submit the proposal to referendum and the proposed exit ratio does not need to receive approval through the survey in order to be forwarded to the commissioner.

C. Rules adopted under this subsection must establish an exit ratio between the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of new zone entrants authorized under subsection 7. An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council. Rules adopted under this subsection may exempt from the requirements of this section an individual who became eligible for but who had not been issued a Class I, Class II or Class III license pursuant to section 6421, subsection 5, paragraph C or H prior to January 1, 2000 and allow such an individual to declare the zone as that individual's declared lobster zone.

Sec. 2. 12 MRSA §6448, sub-§§5 to 7, as enacted by PL 1999, c. 508, §3, are amended to read:

5. Application for limited-entry zone. A person who wishes to ~~declare a limited entry zone as that person's declared lobster zone~~ be a new zone entrant shall indicate ~~on that person's application for a Class I, Class II or Class III lobster and crab fishing license between October 15th and December 15th of the previous licensing year~~ to the commissioner in writing a request to declare ~~that a limited-entry zone~~ as the person's declared lobster zone, in accordance with this subsection. A person may indicate up to 2 limited-entry zones that the person requests to declare as the

person's declared lobster zone. The commissioner shall stamp each ~~lobster and crab fishing license application that contains such a request~~ with the time and date of submission. A person may not be authorized as a new zone entrant unless that person made a request under this subsection no later than December 15th of the previous calendar year.

A. A person who held a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and wishes to be a new zone entrant shall indicate to the commissioner in writing a request to declare a limited-entry zone as the person's declared lobster zone. The person must be put on a waiting list maintained under subsection 6 according to the time and date the commissioner receives the request.

B. A person who did not hold a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and wishes to be a new zone entrant shall indicate to the commissioner in writing which zone the person requests to declare as the person's declared lobster zone. The person must be put on a waiting list maintained under subsection 6 according to the date the commissioner determines that the person is eligible for a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, except that if the person does not indicate to the commissioner in writing which zone the person requests to declare as the person's declared lobster zone within 30 days of the date the commissioner determines that the person is eligible, the person must be put on the waiting list according to the time and date the commissioner receives such a written request.

6. Chronological waiting list. The commissioner shall maintain and make available a waiting list ~~in chronological order~~ of people who have requested to declare a limited-entry zone as their declared lobster zone. The list must be arranged in chronological order in accordance with subsection 5. The commissioner shall create a waiting list for a zone at the time the commissioner closes the zone pursuant to subsection 2, paragraph D.

7. Authorization of new zone entrants. The commissioner shall determine by February 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after

receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so. If a person who holds a current Class I, Class II or Class III license is authorized as a new zone entrant and declares the zone as that person's declared lobster zone, the commissioner shall change the zone identified on that person's license to the limited-entry zone for which the person is authorized.

Sec. 3. Transition; closed zones. The Commissioner of Marine Resources shall send a notification to all persons who became eligible for a Class I, Class II or Class III lobster and crab fishing license pursuant to the Maine Revised Statutes, Title 12, section 6421, subsection 5, paragraph C or H prior to the effective date of this Act but who have not yet been issued a license. The notification must state that if the person wishes to declare a zone that is closed pursuant to section 6448 as that person's declared lobster zone, the person must indicate to the commissioner in writing which zone the person wishes to declare. A person who submits such a request in writing within 30 days of receiving the notification must be placed on the waiting list for the requested zone according to the date the commissioner determined that the person was eligible for a Class I, Class II or Class III lobster and crab fishing license. A person who does not submit such a request in writing within 30 days of receiving the notification must be placed on the waiting list for the requested zone according to the date upon which the written request is received by the commissioner.

A person who held a Class I, Class II or Class III lobster and crab fishing license in the previous licensing year and indicated to the commissioner in writing a request to declare a limited-entry zone as the person's declared lobster zone prior to the effective date of this Act must be placed on the waiting list for the requested zone according to the date upon which the written request is received by the commissioner.

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

Effective April 13, 2000.

CHAPTER 694

H.P. 1855 - L.D. 2591

An Act Relating to Telemarketing