

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

surrounding lands to the grade and condition existing prior to entry, if economically feasible.

See title page for effective date.

CHAPTER 191

H.P. 350 - L.D. 440

An Act to Exempt from the Definition of "Watercraft" Permanently Affixed Boats

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

Sec. 1. 12 MRSA §7791, sub-§14, as enacted by PL 1979, c. 420, §1, is amended to read:

14. Watercraft. "Watercraft" means any type of vessel, boat, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, and which are customarily used in the operations of the watercraft. "Watercraft" does not include a vessel, boat, canoe or craft located and intended to be permanently docked in one location and not used as a means of transportation on water.

See title page for effective date.

CHAPTER 192

S.P. 383 - L.D. 1280

An Act Concerning the Enforcement of Laws Relating to Scallop in Cobscook Bay

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

Sec. 1. 12 MRSA §6728 is enacted to read:

§6728. Limits in Cobscook Bay

1. Daily limit; rules. In the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, it is unlawful to fish for, take or possess more than 15 gallons of scallop meat per day. Under this subsection it is unlawful to unload any portion of a day's catch and return to fishing. The department shall establish by rule a bushel limit of shellstock that is equivalent to 15 gallons of meat. The department shall also establish by rule a method to allow harvesters to land and possess scallops in Cobscook Bay that are taken outside the area defined in this subsection.

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

2. Culling required. In the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, it is unlawful to possess, ship, transport, buy or sell scallops that are less than 3 1/2 inches in the longest diameter. Those scallops that are less than 3 1/2 inches must be immediately liberated. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops less than 3 1/2 inches while a scallop boat license holder or crew member is shucking scallops.

3. Violation. A person who violates this section commits a civil violation. The following penalties apply:

A. For the first offense, a forfeiture of \$250 is imposed and all scallops on board may be seized; and

B. For each subsequent offense, a forfeiture of \$250 is imposed, all scallops on board may be seized and the scallop boat license may be suspended for one year.

See title page for effective date.

CHAPTER 193

S.P. 247 - L.D. 815

An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales

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

Sec. 1. 12 MRSA §7821, sub-§2-A is enacted to read:

2-A. New snowmobile. "New snowmobile" means a snowmobile that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state.

Sec. 2. 12 MRSA §7827, sub-§28 is enacted to read:

28. Unlawful sale of new snowmobile. A person is guilty of an unlawful sale of a new snowmobile if that person sells more than 2 new snowmobiles per year and does not possess a franchise agreement or contract with a snowmobile manufacturer and a dealer's license.

Sec. 3. 12 MRSA §7851, sub-§2-C is enacted to read:

2-C. New all-terrain vehicle. "New all-terrain vehicle" means an all-terrain vehicle that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state.

Sec. 4. 12 MRSA §7857, sub-§26 is enacted to read:

26. Unlawful sale of new all-terrain vehicle. A person is guilty of an unlawful sale of a new all-terrain vehicle if that person sells more than 2 new all-terrain vehicles per year and does not possess a franchise agreement or contract with an ATV manufacturer and a dealer's license.

Sec. 5. 12 MRSA §7901, sub-§24 is enacted to read:

24. Unlawful sale of a new snowmobile or new all-terrain vehicle. A violation of section 7827, subsection 28 or section 7857, subsection 26 is a civil violation for which a forfeiture of not less than \$500 and a penalty of not more than \$5,000 may be adjudged.

See title page for effective date.

CHAPTER 194

S.P. 404 - L.D. 1320

An Act Relating to the Office of Substance Abuse

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

Sec. 1. 34-B MRSA §1204, sub-§2, ¶C, as amended by PL 1995, c. 691, §3, is further amended to read:

C. The commissioner shall appoint the following officials to serve at the commissioner's pleasure:

- (1) Associate Commissioners;
- (2) Superintendent, Augusta Mental Health Institute;
- (3) Superintendent, Bangor Mental Health Institute;
- (4) Superintendent, Pineland Center;
- (5) Director, Mental Retardation Facility;
- (6) Director, Elizabeth Levinson Center;

(7) Assistant to the Commissioner for Public Information;

(8) Assistant to the Commissioner;

(10) Regional Directors, who shall report directly to the commissioner; and

(11) Director, Office of Substance Abuse, who shall report directly to the commissioner.

~~The Director of the Office of Substance Abuse must be reviewed by the joint standing committee of the Legislature having jurisdiction over human resource matters prior to taking office.~~

See title page for effective date.

CHAPTER 195

H.P. 301 - L.D. 379

An Act to Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation

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

Whereas, the 90-day period may not terminate until after the fishing season has begun; and

Whereas, the changes made in this Act will affect this year's fishing season; 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 §6431-E, sub-§3, ¶¶C and D, as enacted by PL 1997, c. 693, §1 and affected by §3, are amended to read:

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