

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

joint limited license for a manufactured housing dealer and employee or owner may not exceed \$50 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Licensing and Enforcement 0352**

Initiative: Allocates funds for the Oil and Solid Fuel Board for the costs associated with rulemaking.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$2,000	\$0
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Other Special Revenue Funds		
Total	\$2,000	\$0

See title page for effective date.

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**CHAPTER 90**

**S.P. 478 - L.D. 1440**

**An Act To Establish the Commercial Fishing Safety Council**

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

**Whereas,** commercial fishing off the coast of Maine is inherently dangerous and vital to the economic well-being of Maine; and

**Whereas,** over the last 8 years, 34 Maine fishermen were lost at sea while engaged in commercial fishing activities; and

**Whereas,** most accidents that result in the sinking of a vessel are preventable; 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.** 5 MRSA §12004-I, sub-§57-E is enacted to read:

<u>57-E.</u> <u>Marine</u> <u>Resources</u>	<u>Commercial</u> <u>Fishing</u> <u>Safety</u> <u>Council</u>	<u>None</u>	<u>12 MRSA</u> <u>§6034</u>
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**Sec. 2.** 12 MRSA §§6034 and 6035 are enacted to read:

**§6034. Commercial Fishing Safety Council**

**1. Appointment; composition.** The Commercial Fishing Safety Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-E, consists of 17 members, 15 of whom are appointed by the Governor and subject to confirmation by the Legislature as follows:

A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council;

B. One member who is a license holder under this Part and a member of the Marine Resources Advisory Council, recommended by the chair of the Marine Resources Advisory Council;

C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council, recommended by the chair of the Sea Urchin Zone Council;

D. Five members who are license holders under this Part and who each represent a different commercial marine harvesting activity than the other members of the council, recommended by commercial marine harvesting and aquaculture interests;

E. An educator experienced in community-based adult education and volunteer safety training;

F. An expert in fishing industry risk analysis and occupational health;

G. An expert in marine safety equipment;

H. A representative of the marine insurance industry;

I. A marine surveyor;

J. A spouse or domestic partner of a license holder under this Part; and

K. A member of the public.

The chair of the Marine Resources Advisory Council and the chair of the Marine Recreational Fishing Advisory Council are ex officio members of the council. The composition of the council must reflect a

geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.

**2. Term.** The term of an appointed member is 3 years, except a vacancy of a member before the expiration of the member's term must be filled in the same manner as the original member for the unexpired portion of the member's term. An appointed member may not serve more than 2 consecutive terms.

**3. Officers.** The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The Governor shall appoint the first chair of the council. Except for the appointment of the original chair, the council shall elect a member of the council for each officer position at the first regular meeting of each year. The officers have the following duties:

A. The chair shall call and preside at council meetings;

B. The vice-chair shall call and preside at council meetings when the chair is absent; and

C. The secretary shall record all meetings of the council and preserve these records.

**4. Meetings.** The council shall hold regular quarterly meetings and may hold special meetings with the commissioner or the commissioner's designee. A member of the council may participate and is deemed present at a meeting of the council or of a subcommittee of the council by telephone, electronically or by any other means by which all members participating in the meeting are able to communicate with each other. The council shall ensure adequate facilities for full attendance at council meetings by the public.

**5. Quorum.** A quorum exists when a majority of the members of the council are present, either actually or pursuant to subsection 4.

**6. Council actions.** The council may act in the following ways:

A. If a quorum is present, in person or pursuant to subsection 4, by a majority vote of the members present or polled; or

B. If there is no meeting, by written poll of a quorum of members responding.

**7. Duties.** The council shall carry out duties specifically delegated to the council by law or by the

commissioner and give the commissioner information and advice concerning fishing safety issues, including:

A. Minimum safety equipment, training and operational standards;

B. Community-based education programs that provide practical safety training and fisheries-specific safety training;

C. An outreach program to promote the culture of safety;

D. Opportunities to minimize the costs and seek alternative funding sources, fees, incentives, grants or partnerships to minimize the financial impact of safety requirements; and

E. The commercial safety fishing plan that the commissioner submits to the council pursuant to section 6035 and report to the Legislature concerning that plan pursuant to subsection 8.

**8. Report.** No later than January 15th of each year, the council shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters with regard to measures required to implement the commercial safety fishing plan that the commissioner submits to the council pursuant to section 6035. The committee is authorized to report out any necessary legislation regarding the council's report.

#### **§6035. Commercial safety fishing plan**

No later than November 15th of each year, the commissioner shall submit a commercial safety fishing plan to the Commercial Fishing Safety Council that includes the department's fishing safety initiatives, the progress in implementing those fishing safety initiatives, any revisions to those initiatives or their implementation and any new initiatives for the Commercial Fishing Safety Council to consider.

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

Effective April 25, 2003.

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## **CHAPTER 91**

**H.P. 62 - L.D. 54**

### **An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses**

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