

# 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**

The distance between the extreme axles of a vehicle under this subsection, excluding the steering axle, must be at least 32 feet and the vehicle must be registered for at least 90,000 pounds. The maximum gross vehicle weight permitted is reduced by 2,000 pounds for each foot the distance is less than 32 feet between the extreme axles, excluding the steering axle, measured to the nearest foot.

**Sec. 13. 29-A MRSA §2382, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**6. Scope of permit.** A permit is limited to the particular vehicle or object to be moved, the trailer or semitrailer hauling the overlimit object and particular ways and bridges.

**Sec. 14. 29-A MRSA §2390, sub-§1, ¶F**, as enacted by PL 1993, c. 683, pt. A, §2 and affected by Pt. B, §5, is amended to read:

F. A combination of truck tractor, semitrailer and full trailer, or a combination of truck tractor and 2 semitrailers, may be operated on the Interstate Highway System and those qualifying federal aid primary system highways designated by the Secretary of the United States Department of Transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, with an overall length in excess of 65 feet, if no semitrailer or trailer length exceeds 28.5 feet. This vehicle combination may also operate on other highways designated by the Commissioner of Transportation.

**Sec. 15. 29-A MRSA §2390, sub-§1, ¶J**, as amended by PL 2001, c. 267, §13 and affected by §16, is further amended by repealing subparagraph (6).

**Sec. 16. 29-A MRSA §2390, sub-§1, ¶J**, as amended by PL 2001, c. 267, §13 and affected by §16, is further amended by adding after subparagraph (12) a new subparagraph (13) to read:

(13) This paragraph does not apply to a trailer or semitrailer when transporting or returning empty from transporting a nondivisible load or object under the provisions of an overlimit permit granted by section 2382.

See title page for effective date.

## CHAPTER 167

### H.P. 1066 - L.D. 1461

#### An Act To Improve Participation in the Farms for the Future Program

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

**Sec. 1. 7 MRSA §318, sub-§2, ¶B**, as enacted by PL 1999, c. 763, §1, is amended to read:

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant ~~and development pressures in the area where the farm is located.~~

**Sec. 2. 7 MRSA §318, sub-§4**, as enacted by PL 1999, c. 763, §1, is repealed.

**Sec. 3. 7 MRSA §319, sub-§2, ¶B**, as enacted by PL 1999, c. 763, §1, is amended to read:

B. The degree of threat to the continuation of agricultural use of the land due to factors such as the financial capacity and current farm management practices of the applicant ~~and development pressures in the area where the farm is located;~~ and

**Sec. 4. 7 MRSA §319, sub-§4**, as enacted by PL 1999, c. 763, §1, is amended to read:

**4. Farmland protection agreement.** A selected farm must enter into a ~~2nd~~ 5-year farmland protection agreement with the department before the department provides investment support pursuant to this section. The agreement must provide that the farm will protect the land in agricultural use from nonagricultural development for the period of the agreement. ~~The 5-year term of the 2nd farmland protection agreement must run consecutively with a first farmland protection agreement entered into by the selected farm pursuant to section 318.~~ A selected farm may terminate ~~a 2nd~~ the farmland protection agreement at any time if the farm repays the department for any funds provided to the farm by the department pursuant to this section.

See title page for effective date.

## CHAPTER 168

### H.P. 1049 - L.D. 1430

#### An Act To Improve Farmer Participation in the Agricultural Marketing Loan Fund

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

**Sec. 1. 7 MRSA §435, sub-§2, ¶¶A and B,** as enacted by PL 1995, c. 658, §1, are amended to read:

A. An agricultural marketing loan for any project under this subchapter, the total cost of which exceeds ~~\$50,000~~ \$100,000, may not exceed ~~45%~~ 75% of the project cost. A loan from the fund may not be provided for such a project unless the applicant demonstrates a commitment of private funds of at least ~~40%~~ 5% of the total cost of the project; except that, in order to encourage the undertaking of cooperative projects by 2 or more agricultural enterprises, an agricultural marketing loan may not be provided unless the cooperating agricultural enterprises as a group demonstrate a commitment of private funds of at least 5% of the total cost of the project.

B. An agricultural marketing loan for any project under this subchapter, the total cost of which is ~~\$50,000~~ \$100,000 or less, may not exceed ~~55%~~ 90% of the total cost of the project.

**Sec. 2. 7 MRSA §435, sub-§2, ¶I** is enacted to read:

I. The commissioner shall make available a minimum of \$1,000,000 from the Agricultural Marketing Loan Fund for the purpose of providing loans to agricultural enterprises that are engaged primarily in direct marketing as defined in section 434, subsection 2. Eligibility criteria for an agricultural marketing loan under this paragraph must allow agricultural enterprises that are engaged primarily in direct marketing to apply for loans for traditional equipment and other capital expenses as provided in Title 10, section 1023-J. Notwithstanding paragraphs A and B, an agricultural loan for a project under this paragraph may not exceed \$100,000. This paragraph is repealed December 31, 2004.

**Sec. 3. 7 MRSA §435, sub-§4,** as enacted by PL 1995, c. 658, §1, is amended to read:

**4. Administrative costs.** The commissioner may establish, by rule, a fee for administrative costs on loans in excess of ~~\$50,000~~ \$100,000. This fee may not exceed 1% of the loan. The commissioner may contract with the Finance Authority of Maine to assist in the administration of this subchapter.

See title page for effective date.

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**CHAPTER 169**

**S.P. 459 - L.D. 1389**

**An Act To Create a Marine Harvesting Demonstration License**

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

**Sec. 1. 12 MRSA §6810-A** is enacted to read:

**§6810-A. Marine harvesting demonstration license**

**1. License required.** Notwithstanding section 6074, an individual may not engage in an activity authorized under this section without a valid marine harvesting demonstration license.

**2. Licensed activities.** An individual who holds a marine harvesting demonstration license may engage in limited fishing activities for the purpose of providing an educational demonstration of marine harvesting techniques or of the marine ecology of the Gulf of Maine as part of a commercial operation. An individual may not handle a lobster trap, warp or buoy used for the purposes of this section unless that individual meets the requirements of subsection 7.

Subject to the requirements of subsection 3, an individual who holds a Class I, Class II or Class III lobster and crab fishing license may assist a person who holds a marine harvesting demonstration license on that person's boat in the demonstration of lobster and crab fishing without obtaining a marine harvesting demonstration license.

**3. License limitations.** An individual who holds a marine harvesting demonstration license may not sell, retain, ship or transport any portion of the catch and shall release all organisms alive into the area from which the organisms were harvested. A vessel identified under subsection 6 may not be used for the commercial harvest of marine organisms unless otherwise provided by the department.

**4. Gear limitations and requirements.** The commissioner shall specify the type and amount of gear that may be used under a marine harvesting demonstration license.

A. The number of lobster traps fished from a vessel may not exceed 20 traps, regardless of the number of marine harvesting demonstration license holders fishing from that vessel.

B. The commissioner shall establish a lobster trap tag system under which a marine harvesting demonstration license holder must purchase a tag for the purpose of identifying and tracking traps. The commissioner may impose a per-tag fee to