

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.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 466

H.P. 520 - L.D. 703

**An Act To Change the Options for a
Lobster Management Zone and To
Change Entry Criteria for
Noncommercial Licensees**

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

Sec. 1. 12 MRSA §6421, sub-§3-A, ¶F, as enacted by PL 1995, c. 568, §1, is amended to read:

F. A noncommercial lobster and crab fishing license authorizes the license holder to engage in the licensed activities under subsection 2-A. A person issued a noncommercial lobster and crab fishing license may not submerge at any one time more than 5 lobster traps in the coastal waters of the State. At the time a noncommercial lobster and crab fishing license is issued or renewed, the applicant or license holder shall declare the vessel that will be used to conduct lobster and crab fishing activities under that license. The license holder's trap tags are allocated to that vessel, pursuant to the license. The department is not authorized to issue more than 10 noncommercial trap tags to the declared vessel, regardless of the number of noncommercial license holders fishing from that vessel.

Sec. 2. 12 MRSA §6446, sub-§1-A, as enacted by PL 1999, c. 508, §1, is amended to read:

1-A. Declared lobster zone. A person shall declare on an application for a Class I, Class II or Class III or noncommercial lobster and crab fishing license the lobster management zone in which that person proposes to fish a majority of that person's lobster traps. A license must identify the zone in which the person is authorized to fish a majority of that person's lobster traps.

Sec. 3. 12 MRSA §6446, sub-§2-B is enacted to read:

2-B. Rules pursuant to section 6447, subsection 5-B. The commissioner may adopt rules for a zone established under subsection 1 that are proposed pursuant to section 6447, subsection 5-B only when the rules were proposed by the lobster management policy council established for that zone pursuant to section 6447, subsection 1 and the proposed rules were approved in a referendum pursuant to section 6447, subsection 6. The commissioner may accept the rules proposed by a lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must

accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

This subsection is repealed June 1, 2006.

Sec. 4. 12 MRSA §6447, sub-§5-B is enacted to read:

5-B. Zone E council authority. Notwithstanding any other provision in this subchapter, upon approval in a referendum under subsection 6, a lobster management policy council for Zone E as defined in rules adopted by the department may propose to the commissioner rules for Zone E that do any or all of the following:

A. Increase the length of time an apprentice must be enrolled in the apprentice program up to a maximum of 5 years. A proposal to increase the length of enrollment does not apply to apprentices enrolled in the program at the time that proposal takes effect;

B. Require a sponsor of an apprentice to have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years; or

C. Require that an apprentice may enter Zone E only if the apprentice apprenticed in Zone E.

This subsection is repealed June 1, 2006.

Sec. 5. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6421, subsection 3-A, paragraph F and section 6446, subsection 1-A take effect January 1, 2004.

See title page for effective date, unless otherwise indicated.

CHAPTER 467

S.P. 424 - L.D. 1293

**An Act To Improve the Fairness of
the Health Care Provider Tax and To
Ensure Fair Implementation of
Health Care Reimbursement
Reforms**

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

Sec. 1. 36 MRSA §2871, sub-§2, as enacted by PL 2001, c. 714, Pt. CC, §3 and affected by §8, is amended to read:

2. Annual net operating revenue. "Annual net operating revenue" means gross charges less any