

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

rate for electronics based on sales in this State; substantiated estimates of the percentage of collected materials that are reused and recycled from its products; the identification of end markets for the collected waste; and any systems implemented by the manufacturer to ensure environmentally sound management of its products. The department may keep information submitted pursuant to this paragraph confidential as provided under section 1310-B.

**7. Enforcement.** The department must enforce this section in accordance with the provisions of sections 347-A and 349.

**8. Reports to Legislature.** The department shall submit a report on the recycling of electronic waste in the State to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2008 and every 2 years thereafter until January 15, 2014. The report must include an evaluation of the recycling rates in the State for covered electronic devices, a discussion of compliance and enforcement related to the requirements of this section and recommendations for any changes to the system of collection and recycling of electronic devices in the State.

**9. State procurement.** All vendors of electronic devices to the State shall provide take-back and management services for their products at the end of life of those products and must be in compliance with all the requirements of this section. Vendors shall provide assurances that all take-back and management services will operate in compliance with all applicable environmental laws. Purchasing preference must be given to electronic devices that incorporate design for the preservation of the environment.

**Sec. 3. Management guidelines.** By December 31, 2004, the Department of Environmental Protection shall publish management guidelines for the environmentally sound handling, processing, refurbishment and recycling of covered electronic devices as required by the Maine Revised Statutes, Title 38, section 1609, subsection 5, paragraph C.

**Sec. 4. Report on abandoned waste.** By March 30, 2005, the Department of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on whether the handling and recycling costs attributable to abandoned waste should be included in the reasonable operational costs of consolidation facilities. For purposes of this section, "abandoned waste" means a covered electronic device that is not orphan waste and for which a manufacturer does not pay the consolidation facilities handling and

recycling costs within 90 days of the 3rd monthly billing.

See title page for effective date.

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## CHAPTER 662

S.P. 768 - L.D. 1932

### An Act To Establish Family Fishing Days

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period; 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 §7035, sub-§11-B,** as amended by PL 1997, c. 562, Pt. D, §2 and affected by §11, is repealed and the following enacted in its place:

**11-B. Free fishing days; limitations.** The following 2 free fishing periods are established. No more than 2 free fishing periods may be established under this subsection.

A. Except when Memorial Day falls on a Friday, the Saturday and the Sunday immediately following Memorial Day are designated "Family Fishing Days." If Memorial Day falls on a Friday, the Saturday and the Sunday subsequent to Memorial Day weekend are designated "Family Fishing Days." The days designated "Family Fishing Days" are free fishing days.

B. The Saturday and the Sunday immediately preceding Presidents' Day are free fishing days.

Notwithstanding sections 7151 and 7371, it is lawful during a free fishing day established under this subsection for a person to fish without a license in inland waters, except that this subsection does not apply to a person whose license to fish is under suspension or revocation. All other provisions of chapters 701 to 721 relating to fishing apply during a free fishing day.

**Sec. 2. 12 MRSA §12503, sub-§3,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt.

D, §7, is repealed and the following enacted in its place:

**3. Free fishing days; limitations.** The following 2 free fishing periods are established. No more than 2 free fishing periods may be established under this subsection.

A. Except when Memorial Day falls on a Friday, the Saturday and the Sunday immediately following Memorial Day are designated "Family Fishing Days." If Memorial Day falls on a Friday, the Saturday and the Sunday subsequent to Memorial Day weekend are designated "Family Fishing Days." The days designated "Family Fishing Days" are free fishing days.

B. The Saturday and the Sunday immediately preceding Presidents' Day are free fishing days.

Notwithstanding sections 10606 and 12501, it is lawful during a free fishing day established under this subsection for a person to fish without a license in inland waters, except that this subsection does not apply to a person whose license to fish is under suspension or revocation. All other provisions of this Part relating to fishing apply during a free fishing day.

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

Effective April 22, 2004.

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**CHAPTER 663**

**H.P. 1401 - L.D. 1891**

**An Act To Reclassify Certain Downeast Waters**

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

**Sec. 1. 38 MRSA §467, sub-§2, ¶B,** as amended by PL 2003, c. 551, §7, is further amended to read:

B. Dennys River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the Bunker Hill Road bridge - Class B.

(2) Venture Brook in Edmunds Township - Class AA.

(3) Cathance Stream below the Great Works Impoundment in Edmunds Township - Class AA.

**Sec. 2. 38 MRSA §467, sub-§3, ¶B,** as amended by PL 2003, c. 317, §5, is further amended to read:

B. East Machias River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the Route 191 bridge in Jacksonville - Class B.

(2) Beaverdam Brook - Class AA.

(3) Seavey Brook in Crawford - Class AA.

(4) Harmon Brook in Crawford - Class AA.

(5) Northern Stream in Township 19 Eastern Division - Class AA.

(6) Creamer Brook in Township 19 Eastern Division - Class AA.

(7) Clifford Brook - Class AA.

**Sec. 3. 38 MRSA §467, sub-§5, ¶B,** as amended by PL 2003, c. 317, §10, is further amended to read:

B. Machias River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below Route 1A in Whitneyville - Class B.

(2) Mopang Stream, from the outlet of Mopang Second Lake to its confluence with the Machias River - Class AA.

(3) Old Stream, from the outlet of First Lake to its confluence with the Machias River - Class AA.

(4) West Branch of the Machias River, from the outlet of Lower Sabao Lake to its confluence with the Machias River - Class AA.

(5) New Stream, in Northfield and Wesley - Class AA.

(6) Crooked Stream - Class AA.

(7) Fletcher Brook in Township 36 Middle Division - Class AA.

(8) Magazine Brook in Township 43 Middle Division - Class AA.

(9) Bowles Brook in Township 31 Middle Division - Class AA.