

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

**Emergency clause.** Except as otherwise provided, in view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 11, 2005, unless otherwise indicated.

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## CHAPTER 4

### H.P. 27 - L.D. 24

#### An Act To Provide for the Efficient Administration of Family Development Accounts

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

**Sec. 1. 10 MRSA §1079, sub-§1,** as amended by PL 2001, c. 417, §17 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

**1. Committee membership.** The committee consists of 12 members as follows:

A. Four members appointed by the Governor, including one representative of the Maine State Housing Authority, one representative of the Department of Health and Human Services and 2 representatives of financial institutions participating in the program;

B. Four members appointed by the Speaker of the House of Representatives, including one person who is an account holder or is eligible to be an account holder, 2 representatives of contributors of matching funds to the program and one representative of a community development organization; and

C. Four members appointed by the President of the Senate, including one representative of a contributor of matching funds to the program, one representative of a statewide community development foundation, one person who is an account holder or is eligible to be an account holder and one representative of a community development organization.

Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and may continue to serve beyond their terms until their successors are appointed ~~but may not be appointed to subsequent consecutive terms~~. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment. If a member is absent for 2 consecutive meetings and has not been excused by the chair from

either meeting, the committee may remove the member by majority vote.

**Sec. 2. 10 MRSA §1079, sub-§6,** as enacted by PL 1997, c. 518, §2, is amended to read:

**6. Voluntary service.** Members of the committee, except members representing account holders, serve without compensation or reimbursement for expenses.

See title page for effective date.

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## CHAPTER 5

### H.P. 77 - L.D. 101

#### An Act To Amend the Membership of the InforME Board

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

**Whereas,** this legislation concerns the membership of the InforME Board, which will deal with significant issues prior to July 1, 2005; 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. 1 MRSA §534, sub-§1, ¶D,** as enacted by PL 1997, c. 713, §1, is amended to read:

D. ~~Three~~ Two members from user associations of a statewide character appointed by the Governor. After the initial appointments, the Governor shall appoint user association members from a list of not less than 6 user association representatives compiled by the board. No 2 members appointed pursuant to this paragraph may represent the same user association. The terms for the members appointed pursuant to this paragraph are for a period of 3 years, except initially, when terms are for one, 2 and 3 years respectively;

**Sec. 2. 1 MRSA §534, sub-§1, ¶¶H and I,** as enacted by PL 1997, c. 713, §1, are amended to read:

H. A representative of the membership or staff of the Judicial Department, appointed by the Chief Justice of the Supreme Judicial Court, who serves as a nonvoting member; ~~and~~

I. The chief executive officer or designee of the private entity under contract as the network manager who serves as a nonvoting member; and

**Sec. 3. 1 MRSA §534, sub-§1, ¶J** is enacted to read:

J. The Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee.

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

Effective March 18, 2005.

## CHAPTER 6

S.P. 120 - L.D. 373

### An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan

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

**Whereas,** the Atlantic States Marine Fisheries Commission has voted to find Maine in noncompliance with the Interstate Lobster Fishery Management Plan if the State does not change its lobster laws by March 2005; and

**Whereas,** this legislation needs to be an emergency so that Maine can be in compliance before the March deadline; 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, sub-§1,** as repealed and replaced by PL 1991, c. 31, §1 and affected by §2, is amended to read:

**1. Minimum and maximum length.** A person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection or more than 5 inches in length, as determined by the state double gauge lobster measure. Except as provided in this subsection 1-A, the minimum lobster size is 3 8/32 inches.

~~A. Upon written certification by the Attorney General under paragraph B, the minimum lobster size increases as follows:~~

~~(1) On March 1st of the year after the year in which the Attorney General issues the certification, the minimum size is 3 9/32 inches; and~~

~~(2) On March 1st of the following year, the minimum size is 3 10/32 inches.~~

~~B. The Attorney General shall notify the Governor and the Legislature in writing immediately upon certifying that the following conditions have been met:~~

~~(1) The United States Secretary of Commerce has amended the Lobster Fisheries Management Measures, as set forth in 50 Code of Federal Regulations, Part 649, Subpart B, so that the minimum federal legal lobster size and schedule of increases in the federal minimum lobster size conform to those established in this subsection; and~~

~~(2) The minimum lobster size and schedule of increases in the minimum lobster size in Connecticut, Massachusetts, New Hampshire and Rhode Island conform to those established in this subsection.~~

~~A schedule of increases adopted by the Secretary of Commerce or a state conforms to this subsection if the increases are scheduled to occur within 90 days of the increases implemented under paragraph A.~~

~~After the Attorney General certifies that the conditions of this paragraph have been met, but prior to the effective date of any increase in the minimum size under this subsection, the Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the biological and economic effects of the scheduled increase in the minimum lobster size on the lobster fishery and the Maine lobster industry. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall hold a public hearing on the commissioner's report during the legislative session and prior to the effective date of any increase in the minimum lobster size.~~

**Sec. 2. 12 MRSA §6431, sub-§1-A** is enacted to read:

**1-A. Most restrictive minimum size.** A person possessing a valid lobster and crab fishing license and who also owns or is incorporated or partnered in a