

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.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 92

H.P. 595 - L.D. 836

An Act To Amend the Laws
Governing Aquaculture

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

Sec. 1. 12 MRSA §6053 is enacted to read:

§6053. General penalty

A violation of any provision of this chapter is a civil violation, unless another penalty has been expressly provided.

Sec. 2. 12 MRSA §6072, sub-§12-B is enacted to read:

12-B. Extension of lease. If a person who holds a lease pursuant to this section submits a completed renewal application pursuant to subsection 12 for that lease area before the expiration of that lease, the lease remains in effect until the commissioner makes a decision pursuant to subsection 12.

Sec. 3. 12 MRSA §6072, sub-§17 is enacted to read:

17. Restitution. A person who cuts any lines or marker buoys or intentionally damages approved aquaculture gear commits a civil violation for which a fine of not less than \$100 for each violation may be adjudged. In addition, the court shall:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and

B. Direct that person to provide the commissioner, upon making full payments as ordered by the court, proof of that payment.

Sec. 4. 12 MRSA §6072-A, sub-§23 is enacted to read:

23. Restitution. A person who cuts any lines or marker buoys or intentionally damages approved aquaculture gear commits a civil violation for which a fine of not less than \$100 for each violation may be adjudged. In addition, the court shall:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and

B. Direct that person to provide the commissioner, upon making full payments as ordered by the court, proof of that payment.

Sec. 5. 12 MRSA §6072-C, sub-§9, as enacted by PL 2001, c. 421, Pt. B, §12 and affected by Pt. C, §1, is amended to read:

9. Violation; restitution. A person who violates this section commits a civil violation for which a forfeiture fine of not less than \$100 ~~nor more than \$500~~ for each violation may be adjudged. If a person violates subsection 7 by cutting any lines or marker buoys or intentionally damaging approved aquaculture gear, the court shall also:

A. Order that person to pay to the owner of the approved aquaculture gear that was cut or damaged an amount equal to twice the replacement value of the gear that was damaged or lost as a result of the cutting or damaging action; and

B. Direct that person to provide the commissioner, upon making full payment as ordered by the court, proof of that payment.

Sec. 6. 12 MRSA §6073-A, as amended by PL 1999, c. 575, §1, is further amended to read:

§6073-A. Season and minimum size exemption; aquaculture

The holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C is exempt from any requirement regarding the time of taking or possessing, minimum or maximum length or other minimum or maximum size requirement for any marine organism cultivated on the leased area. The exemption applies only to those organisms actually cultivated on the leased area. The commissioner shall require a system of identification of organisms exempted under this section.

Sec. 7. 12 MRSA §6078-A, sub-§2, as amended by PL 2003, c. 660, Pt. A, §§19 and 20, is repealed.

Sec. 8. 12 MRSA §6078-A, sub-§4, as enacted by PL 2003, c. 247, §19, is repealed.

Sec. 9. 12 MRSA §6080, sub-§3, as amended by PL 2003, c. 247, §20, is further amended to read:

3. Purpose. The council shall make recommendations to the commissioner concerning expenditures from the Aquaculture ~~Monitoring, Research and Development~~ Management Fund for the purposes

described under section ~~6078 A, subsections 3 and 4~~ 6072-D and concerning other matters of interest to the aquaculture industry.

See title page for effective date.

CHAPTER 93

H.P. 170 - L.D. 231

An Act To Provide for Registration of Certain Snowmobile Trail-grooming Equipment

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

Sec. 1. 12 MRSA §10203, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Snowmobiles and trail-grooming equipment. Money relating to snowmobile and trail-grooming equipment laws and rules must be collected and expended in accordance with section 1893, subsection 3 and section 10206, subsection 2.

Sec. 2. 12 MRSA §10206, sub-§2, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §48 and affected by §422, is further amended to read:

2. Snowmobile and trail-grooming equipment revenues. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. The department's administrative costs must be verified by the Department of Conservation and the Department of Administrative and Financial Services.

A. The snowmobile and trail-grooming equipment registration fee for residents collected under chapter 937 is credited as follows:

- (1) Twenty-two percent is credited to the General Fund as undedicated revenue;
- (2) Fifty-two percent is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands; and
- (3) Twenty-six percent is annually distributed to the municipality of the owner's residence as shown on the owner's registration certificate, except that in unorganized territory, 26% is annually distributed to the county of the owner's residence as shown on the owner's registration certificate and

credited to the unorganized territory fund of that county established in Title 30-A, section 7502.

B. The snowmobile registration fee for nonresidents collected under chapter 937 is credited as follows.

- (1) Eighteen percent is credited to the General Fund as undedicated revenue.
- (2) Seven percent is credited to the Snowmobile Enforcement Fund established under section 10258.
- (3) The remainder is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

D. The annual fee for each snowmobile dealer number plate issued pursuant to section 13109 is credited as follows:

- (1) Thirty percent is credited to the General Fund as undedicated revenue; and
- (2) Seventy percent is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

E. All money received under the provisions of this Part relating to snowmobiles, including chapter 937, other than that credited pursuant to paragraphs A to D, including snowmobile dealer license fees, is credited to the General Fund as undedicated revenue.

Sec. 3. 12 MRSA §13113 is enacted to read:

§13113. Registration of trail-grooming equipment

1. Definitions. For purposes of this section, "trail-grooming equipment" means a self-propelled vehicle that:

- A. Has a minimum weight of 1,200 pounds;
- B. Exceeds 60 inches in width;
- C. Is driven by a track or tracks in contact with the snow; and
- D. Is performing winter trail maintenance by plowing, leveling or compacting snow by use of a front plow or rear attachments that include but are not limited to rollers, compactor bars or trail drags.

2. Operating unregistered trail-grooming equipment. Except as provided in this section, a