

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 160**S.P. 185 - L.D. 576****An Act To Reestablish the Ban on Dragging in the Taunton River Area**

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

Whereas, the prohibition on dragging in the Taunton River area expired on March 1, 2005; and

Whereas, restrictions on dragging are necessary to protect and conserve marine organisms in Taunton Bay; 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 §6959-A is enacted to read:

§6959-A. Dragging in Taunton River area

A person may not fish with any drag or combination of drags in the territorial waters westerly and northerly of Sullivan Falls in the towns of Hancock and Sullivan in Hancock County, including Egypt Bay, Taunton Bay and Hog Bay. This section does not apply to research activities in Taunton Bay that are authorized by the commissioner. Research activities may include, but are not limited to, scientific studies and experimental commercial mussel harvesting. This section is repealed July 1, 2008.

Sec. 2. Report. No later than January 12, 2007, the Department of Marine Resources shall submit to the joint standing committee of the Legislature having jurisdiction over marine resources matters a science-based comprehensive resource management plan for Taunton Bay. The plan must address the principal user groups, including recreational, scientific and commercial mussel harvesting interests, in the context of sustaining the ecological processes, functions and values of Taunton Bay. The plan may include proposed legislation to implement the department's recommendations for resource management in Taunton Bay.

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

Effective May 20, 2005.

CHAPTER 161**S.P. 65 - L.D. 159****An Act To Restrict Undocumented Mortgage Agreements**

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

Sec. 1. 33 MRSA §506 is enacted to read:

§506. Undocumented mortgage agreements

In a residential mortgage loan closing, a buyer, seller or settlement agent may not knowingly be a party to a financial or other arrangement not reflected in the loan settlement statement if the effect of that arrangement is to substantially overstate the contract sales price. Any violation of this section constitutes a violation of the Maine Unfair Trade Practices Act.

See title page for effective date.

CHAPTER 162**H.P. 301 - L.D. 398****An Act To Make Technical Changes to the Medical Licensure Laws**

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

Sec. 1. 32 MRSA §3270-C, sub-§1, as amended by PL 2003, c. 601, §3, is further amended to read:

1. Grounds. The sanctions of section 3282-A apply to a physician assistant ~~who has:~~

~~A. Claimed to be legally licensed or allowed another to represent that physician assistant as holding a valid license;~~

~~B. Performed otherwise than at the direction and under the supervision of a physician licensed by this board;~~

~~C. Been delegated and performed a task or tasks beyond the physician assistant's competence; and~~