

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

Sec. 1. 5 MRSA §12004-G, sub-§26-A, as enacted by PL 1993, c. 392, §1, is repealed.

Sec. 2. 20-A MRSA §12731, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

§12731. Administration and purpose

The Maine Community College System in cooperation with the Department of Education ~~and the Department of Labor~~ is authorized to provide comprehensive administrative and financial services to the Maine Career Advantage program, a nonprofit corporation organized under the laws of the State of Maine to provide an additional education option, through a partnership between business and education, for high school students and young adults to obtain classroom instruction and on the job training that prepares them directly for career related employment or continued education to assist high school students in making a successful transition from secondary school to college and careers through a combination of scholarships, college transition assistance, career exploration and planning services and internships. The ~~sole~~ purpose of the Maine Career Advantage program, referred to in this chapter as "the program," is to assist the Maine Community College System, public secondary schools and other publicly supported educational institutions in the State ~~in by providing a combination of academic learning and structured work based learning at businesses in the State to students enrolled at Maine Community College System facilities, public secondary schools or other publicly supported educational institutions additional resources and support for students who have not traditionally gone on to higher education and who may need assistance in developing educational and career goals and in pursuing those goals.~~

The Maine Community College System is authorized to receive and administer on behalf of the program any grants, fees, charges, appropriations and other funds from whatever source. The program shall retain its name unless and until the Board of Trustees of the Maine Community College System authorizes a change in the program name.

Sec. 3. 20-A MRSA §12732, sub-§1, as enacted by PL 1993, c. 392, §2, is amended to read:

1. Education and training. To provide a ~~sequential higher education and training program that enhances~~ opportunities for youth in this State to become highly skilled and productive members of the work force;

Sec. 4. 20-A MRSA §12733, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed and the following enacted in its place:

§12733. Activities

To assist the State in increasing higher education attainment and developing a skilled workforce, the program shall provide career and college transition services to young adults who are not currently enrolling in higher education and who could benefit from enrolling in a community college. These services may include scholarships, internships and other work-based learning experiences; career exploration and planning; assistance in completing the community college application and financial aid processes; academic planning; and information related to continuing higher education beyond the certificate, diploma and associate degree levels, consistent with the student's educational and career objectives. These services must be provided either directly by the program or through referrals to other programs and services available within the Maine Community College System or by other education and service providers. To participate in any of these services, young adults must be enrolled in a public secondary school or a state community college or have recently completed a public secondary education program. The program shall provide those activities and services that best serve the goals of the program as defined in this chapter and the needs of students and the State and that are consistent with the Maine Community College System's goals and resources.

Sec. 5. 20-A MRSA §12734, as amended by PL 1995, c. 515, §3, is repealed.

See title page for effective date.

CHAPTER 179

S.P. 173 - L.D. 547

An Act To Extend the Number of Days Nonprofit Organizations Are Allowed To Operate Games of Chance

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

Whereas, many nonprofit organizations hold carnivals and fairs at which games of chance are operated as a means to raise money for the nonprofit organization; and

Whereas, current law restricts to 2 days the length of time that a nonprofit organization may operate a game of chance, which places an undue burden on those organizations that operate their fund-raising activities for more than 2 days; and

Whereas, most nonprofit organizations hold their fund-raising activities in the summer months, before the usual effective date for nonemergency legislation; 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. 17 MRSA §332, sub-§4, ¶B, as amended by PL 1999, c. 295, §1, is further amended to read:

B. No other licensee may operate a game of chance on premises to which the general public has access. In any room where a licensed game of chance is being conducted, there must be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member must have been a member of the licensee for at least one year. A member of the licensee, either directly or through another member or guest, may not stake or risk something of value in the licensee's game of chance unless the member has been a member, as defined in section 330, subsection 3-B, of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed game of chance to which the general public has access, once every 3 months for a period not to exceed 2 3 consecutive days. The licensed game of chance may be operated at any location described in the license and may be conducted only by members of the licensee.

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

Effective May 20, 2005.

CHAPTER 180

S.P. 395 - L.D. 1131

An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish

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

Sec. 1. 1 MRSA §212-A is enacted to read:

§212-A. State heritage fish

The eastern brook trout, *Salvelinus fontinalis*, is a state heritage fish.

Sec. 2. 12 MRSA §12461 is enacted to read:

§12461. Native brook trout waters

1. Adoption of initial list of native brook trout waters. The commissioner shall adopt by rule a list of native brook trout waters composed of lakes and ponds that contain eastern brook trout and have never been stocked according to any reliable records. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Addition of waters to list. The commissioner may adopt rules to amend the list established in subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as native brook trout waters. Rules adopted to add a lake or pond to the list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Removal of waters from list. The commissioner may by rule remove a lake or pond from the list established in subsection 1. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Stocking native brook trout waters. The commissioner may not stock or issue a permit to stock fish in a lake or pond listed as native brook trout water under this section.

5. Fishing restrictions. A person may not use live fish bait or possess live fish bait on a lake or pond listed as native brook trout water under this section. A person who violates this subsection commits a Class E crime.

See title page for effective date.

CHAPTER 181

H.P. 753 - L.D. 1100

An Act To Set Emission Limits for Certain Architectural Coatings

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

Sec. 1. 38 MRSA §585-J is enacted to read: