

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

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: