

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 200

H.P. 347 - L.D. 472

An Act To Amend the Statewide Building Code

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

Sec. 1. 10 MRSA §9701, sub-§2 is enacted to read:

2. International Existing Building Code. "International Existing Building Code" means the 2003 version of the International Existing Building Code.

Sec. 2. 10 MRSA §9702, as enacted by PL 2003, c. 580, §1, is amended to read:

§9702. Limitation on code adoption

A town, city or municipality may not adopt a residential building code or nonresidential building code other than the Maine Model Building Code after the effective date of this chapter. A town, city or municipality that adopts the Maine Model Building Code or the International Existing Building Code may adopt amendments to the ~~code codes~~ at any time, as long as such an amendment does not result in the adoption of all or a significant portion of any code other than the ~~code codes~~ adopted pursuant to this section. This section may not be construed to prevent a town, city or municipality from selectively adopting parts or portions of the Maine Model Building Code ~~or from adopting a building rehabilitation code.~~ A town, city or municipality that adopts a building rehabilitation code shall adopt the International Existing Building Code.

Sec. 3. State Planning Office project. The State Planning Office is authorized to obtain public and private funds to conduct a project that would harmonize the codes and standards listed in the Maine Revised Statutes, Title 10, section 9703 with the Maine Model Building Code and the International Existing Building Code within 3 years. The office may use paid consultants, convene a working group and conduct public meetings to complete the project. The project may not be conducted in the absence of adequate funding.

Sec. 4. Reporting date. The State Planning Office shall report back on the status of the project described in section 3 to the Joint Standing Committee on Business, Research and Economic Development by February 1, 2006.

See title page for effective date.

CHAPTER 201

S.P. 184 - L.D. 575

An Act To Amend the Laws Governing the Community Preservation Advisory Committee

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

Sec. 1. 30-A MRSA §4350, sub-§10 is enacted to read:

10. Legislation. By January 15th of each odd-numbered year, the committee may submit legislation related to its annual reports under subsection 9, paragraph A.

See title page for effective date.

CHAPTER 202

S.P. 303 - L.D. 895

An Act To Expand the Authority of Maine's Lobster Management Policy Councils

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

Sec. 1. 12 MRSA §6446, sub-§2, as repealed and replaced by PL 1995, c. 568, §4, is amended to read:

2. Rules for zones. The commissioner may adopt rules for a zone established under subsection 1 ~~that place limits on lobster and crab fishing license holders who fish in that zone regarding the number of lobster traps fished and the time periods allowed for complying with that number, the number of lobster traps allowed on a trawl and the time of day when lobster fishing may occur~~ are proposed pursuant to section 6447, subsection 5 or section 6447, subsection 5-C only when the rules were proposed by the lobster management policy council established for that zone pursuant to section 6447, subsection 1 and the proposed rules were approved in a referendum pursuant to section 6447, subsection 6. The commissioner may accept the rules proposed by a lobster management policy council as reasonable and adopt those rules or reject the council's proposed rules as unreasonable. The rules adopted under this subsection by the commissioner must accurately reflect the intent of the rules proposed by a lobster management policy council but are not required to be a verbatim rendition of the proposed rules.

Sec. 2. 12 MRSA §6446, sub-§2-B, as enacted by PL 2003, c. 466, §3, is repealed.

Sec. 3. 12 MRSA §6447, sub-§5-B, as enacted by PL 2003, c. 466, §4, is repealed.

Sec. 4. 12 MRSA §6447, sub-§5-C is enacted to read:

5-C. Apprentice program rules. Notwithstanding any other provision of this subchapter, upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone that do any of the following:

A. Increase the minimum length of time an apprentice must be enrolled in the apprentice program beyond the period established in section 6422, subsection 2. The minimum enrollment period may not exceed 5 years.

B. Require a sponsor of an apprentice to have held a Class I, Class II or Class III lobster and crab fishing license for at least 5 years; and

C. Require a person to complete all requirements of the apprentice program in a specific zone in order to enter that zone as a Class I, Class II or Class III lobster and crab fishing license holder. A rule proposed under this paragraph and adopted under section 6446, subsection 2 may not be applied to those portions of the apprentice program requirements a person has completed prior to the effective date of the rule.

A rule proposed under paragraph A or B and adopted by the commissioner under section 6446, subsection 2 does not apply to persons who are enrolled in the apprentice program on the date the rule takes effect.

Sec. 5. Retroactivity. That portion of this Act that enacts the Maine Revised Statutes, Title 12, section 6447, subsection 5-C applies retroactively to January 1, 2005.

See title page for effective date.

CHAPTER 203

S.P. 153 - L.D. 527

An Act To Regulate the Use of Alternative Bait in Marine Fisheries

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

Whereas, the unregulated use of animal hides and other remains as lobster bait poses significant and

immediate risks to public health, lobster health and the Maine lobster industry; 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 §6175 is enacted to read:

§6175. Alternative bait

The commissioner may adopt rules to regulate the use of alternative bait in marine fisheries. For the purposes of this section, "alternative bait" means any bait that does not naturally originate from the ocean. Rules adopted pursuant to this section must be adopted in accordance with the procedures in subchapter 2 and are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §6432-A is enacted to read:

§6432-A. Bait

1. Offal prohibited. A person may not use offal as bait to fish for or take lobster or crabs. For the purposes of this section, "offal" means the carcass, waste parts, renderings or remains of a wild or domesticated animal that is not a marine organism, but does not include animal hide from which the hair has been removed.

2. Prima facie evidence. The possession of offal while fishing for or taking lobster or crabs is prima facie evidence of a violation of this section.

Sec. 3. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 12, section 6432-A takes effect January 1, 2006.

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

Effective May 20, 2005, unless otherwise indicated.

CHAPTER 204

H.P. 826 - L.D. 1198

An Act To Promote Responsible Advertising by Public Utilities