

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Sec. 2. 12 MRSA §6446, sub-§2-B, as enacted by PL 2003, c. 466, §3, is repealed.

Sec. 3. 12 MRSA §6447, sub-§5-B, as enacted by PL 2003, c. 466, §4, is repealed.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

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

Sec. 1. 35-A MRSA §302-A is enacted to read:

§302-A. Rules governing political activities, promotional advertising and institutional advertising

Rules adopted by the commission concerning promotional advertising; promotional allowances, including, but not limited to, the granting of promotional rebates or credits; advertising to promote corporate image or goodwill; or political activities by public utilities are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Rules on these matters in effect on the effective date of this section remain in effect and do not require legislative approval but any changes to such rules are subject to review and approval in accordance with Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 205

S.P. 49 - L.D. 143

An Act To Improve Access to Public Lands

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

Sec. 1. I.B. 1975, §3, 2nd ¶ is enacted to read:

The Department of Conservation, Bureau of Parks and Lands may construct and maintain a trail, not more than one mile in length, in the southeast corner of the Bigelow Preserve at a location and of a width to be determined and approved by the bureau. The trail within the Preserve is to be a segment of a longer trail. The trail within the Preserve is for use by the public at no charge for hiking, cross-country skiing and other compatible nonmotorized trail uses only. Motorized equipment and vehicles may be used for the construction of the trail and for grooming of the cross-country ski trail. The Director of the Bureau of Parks and Lands may enter into a lease or other agreement to facilitate the construction, operation or maintenance of the trail by another entity consistent with the Maine Revised Statutes, Title 12, section 1852. All necessary permits and agreements for the trail to be located on land abutting the Preserve must be completed with the owners of the abutting land prior to construction of the

trail within the Preserve. If the segment of trail within the Preserve is not constructed by December 31, 2008, this authorization terminates.

See title page for effective date.

CHAPTER 206

H.P. 980 - L.D. 1416

An Act To Amend the Maine Consumer Credit Code

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

Sec. 1. 9-A MRSA §1-201, sub-§10 is enacted to read:

10. Notwithstanding any other provision of law, this Act applies to any person offering, arranging or purporting to offer or arrange a consumer credit transaction if that person, in advertising or soliciting or otherwise communicating with a consumer, asserts to be located in this State or to possess a license or registration issued pursuant to this Act.

Sec. 2. 9-A MRSA §6-201, as amended by PL 2001, c. 371, §5, is further amended to read:

§6-201. Applicability

This Part applies to a person engaged in this State in entering into consumer credit transactions and to a person having an office or place of business in this State who takes assignments of ~~and~~ or undertakes direct collection of payments from or enforcement of rights against debtors arising from these transactions. In addition, this Part applies to a person, wherever located, who takes assignments of ~~and~~ or undertakes direct collection of payments from or enforcement of rights against debtors arising from a consumer credit ~~sale of a motor vehicle transaction~~ subject to this Title. This Part also applies to a person, other than a supervised financial organization, wherever located, who takes assignments of ~~and~~ or undertakes direct collection of payments from or enforcement of rights against debtors arising from a consumer credit transaction subject to Article ~~IX~~ 9.

Sec. 3. 9-A MRSA §§9-305-A and 9-305-B are enacted to read:

§9-305-A. Timely payments from escrow

A creditor, assignee or servicer that holds or controls funds of a consumer in an escrow account for the payment of taxes or insurance premiums shall make timely payments from that escrow account for a consumer credit transaction secured by a mortgage on