

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

The State Board of Social Worker Licensure, as established by Title 5, section 12004-A, subsection 38, within the Department of Professional and Financial Regulation, shall administer this chapter. The board ~~shall consist~~ consists of 7 members appointed by the Governor. Three members of the board ~~shall must~~ be licensed clinical social workers, licensed master social workers or certified social workers - independent practice, ~~at least one of whom must be practicing social work in a nonclinical setting; 2 shall must~~ be licensed social workers; and there ~~shall must~~ be 2 public members. ~~Each level of licensure shall be represented on the board.~~ In addition, board members ~~shall must~~ meet the qualifications required under section 7027.

**Sec. 5. 32 MRSA §14211-A, sub-§1**, as amended by PL 2001, c. 599, §1 and affected by §3, is further amended to read:

**1. Membership.** The Board of Barbering and Cosmetology, as established by Title 5, section 12004-A, subsection 6, consists of ~~9~~ 8 members appointed by the Governor. Two members must be representatives of the public; 2 must be licensed and practicing cosmetologists; one must be a licensed and practicing barber; one must be a licensed instructor that has at least 3 years of instructing experience and no current affiliation with any school currently licensed in the State; ~~one must be the owner of a school licensed by the board;~~ one must be a licensed and practicing manicurist; and one must be a licensed and practicing aesthetician.

**Sec. 6. 32 MRSA §14211-A, sub-§5**, as enacted by PL 1997, c. 771, §8, is repealed.

See title page for effective date.

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## CHAPTER 236

H.P. 416 - L.D. 561

### An Act To Rename the Bangor Mental Health Institute the Dorothea Dix Psychiatric Center and To Establish the Dorothea Dix Award

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

**Sec. 1. 34-B MRSA c. 1, sub-c. 2-B** is enacted to read:

#### SUBCHAPTER 2-B

#### DOROTHEA DIX AWARD

#### §1301. Dorothea Dix Award

The commissioner shall establish the Dorothea Dix Award, which recognizes and honors outstanding achievement in improving the lives of people living with mental illness or mental disabilities. The award must be made on April 4th of each odd-numbered year at the Dorothea Dix Psychiatric Center. The Governor or the Governor's designee shall present the award.

**1. Eligibility.** A person who is a Maine resident or has direct long-standing ties with Maine is eligible to win the award.

**2. Dorothea Dix Award Selection Committee; established.** The Dorothea Dix Award Selection Committee, known in this subchapter as "the committee," is established and consists of the following 4 members:

A. One member representing people with mental illness, chosen by the Governor;

B. One member representing advocates for the legal rights of people living with disabilities, chosen by the President of the Senate;

C. One member representing people with mental disabilities, chosen by the Speaker of the House of Representatives; and

D. One member representing children living with mental illness or mental disabilities, chosen by the Attorney General.

**3. Selection procedure.** Any person may nominate a candidate for the award. The committee shall develop a review and selection procedure.

**Sec. 2. 34-B MRSA §3201**, as enacted by PL 1983, c. 459, §7, is amended to read:

#### **§3201. Maintenance**

The commissioner shall maintain 2 state mental health institutes for the mentally ill, one at Bangor called the ~~Bangor Mental Health Institute~~ Dorothea Dix Psychiatric Center and the other at Augusta called the ~~Augusta Mental Health Institute~~ Riverview Psychiatric Center.

**Sec. 3. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Bangor Mental Health Institute" appear or reference is made to that entity or those words, those words are amended to read or mean, as appropriate, "Dorothea Dix Psychiatric Center," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 4. Maine Revised Statutes amended; revision clause.** Wherever in the Maine Revised Statutes the words "Augusta Mental Health Institute" appear or reference is made to that entity or those

words, those words are amended to read or mean, as appropriate, "Riverview Psychiatric Center," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

**Sec. 5. Transition provisions.** All existing supplies, forms, letterheads and similar items bearing the name of or referring to the Bangor Mental Health Institute or the Superintendent of the Bangor Mental Health Institute may be used by the Dorothea Dix Psychiatric Center or the Superintendent of the Dorothea Dix Psychiatric Center until existing supplies of these items are exhausted.

All existing contracts, agreements and compacts of the Bangor Mental Health Institute currently in effect continue in effect.

Any positions authorized and allocated subject to the personnel laws to the Bangor Mental Health Institute are transferred to the Dorothea Dix Psychiatric Center and may continue to be authorized.

See title page for effective date.

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**CHAPTER 237**

**H.P. 518 - L.D. 723**

**An Act To Amend Laws Pertaining to Commercial Fishing and Baitfish**

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

**Sec. 1. 12 MRSA §10001, sub-§12-A,** as enacted by PL 2003, c. 552, §1 and affected by §15 and c. 655, Pt. C, §§2 and 6, is repealed and the following enacted in its place:

**12-A. Dip net.** "Dip net" means:

A. Except when taking smelts in a tributary or within 100 feet of the mouth of a tributary, a device consisting of a rigid frame filled with netting, firmly attached to a rigid handle and manually operated by a single person; and

B. When used to take smelts in a tributary or within 100 feet of the mouth of a tributary, a device consisting of a rigid circular frame that is not more than 24 inches in diameter as measured at any point on the hoop, filled with netting, firmly attached to a rigid handle and manually operated by a single person.

**Sec. 2. 12 MRSA §12456, sub-§2, ¶A,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established by rule. Bag limits established by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to this paragraph.

(2) A person may not take smelts with a dip net unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates subparagraph (1) or (2) that person commits a Class E crime;

**Sec. 3. 12 MRSA §12551-A, sub-§7, ¶¶A and B,** as enacted by PL 2003, c. 655, Pt. B, §259 and affected by §422, are amended to read:

A. The holder of a smelt wholesale dealer's license may:

(1) Take live smelts for resale from any inland ~~water~~ waters or private ~~pond~~ ponds. The taking of live smelts from inland waters must be in accordance with general rules adopted by the commissioner in regard to the taking of smelts. Except as provided in paragraph B, the holder of a smelt wholesaler's license shall comply with the same daily bag limit and the same tackle restrictions that apply to all other anglers and is subject to the same penalties for violations of those limits and restrictions. This subparagraph does not apply to a holder of a fish cultivator license as provided under section 12507;

(2) Use a baitfish trap, a dip net, From ice-in to ice-out, use a drop net, a lift net, a bag net or hook and line to take up to 8 quarts of smelts in a 24-hour period, beginning at noon on a given day, from specific inland waters designated by the commissioner. A dip net may be used in conjunction with the above methods to assist with the handling and transporting of smelts. A licensee may keep the daily bag limit alive. The daily bag limit established under this subparagraph is for a 24-hour period, beginning at