

# 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 service member's ability to appear in person at a regularly scheduled hearing, unless good cause is shown.

**7. Transfer of parent-child contact rights.**

Upon motion of a service member, or upon the court's own motion, in a case involving parent-child contact, the court shall allow the service member to temporarily transfer the service member's contact rights to a relative, by blood or marriage, who has a significant connection with the child or children when the military duties of the service member have a material effect on the ability of the service member to exercise those rights, unless the transfer is not in the best interest of the child.

See title page for effective date.

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**CHAPTER 354**

**H.P. 985 - L.D. 1421**

**An Act To Address the  
Constitutionality of Maine's  
Resident-only Lobster License**

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

**Sec. 1. 12 MRSA §6421, sub-§5**, as corrected by RR 2001, c. 2, Pt. A, §§14 and 15, is amended to read:

**5. Eligibility.** ~~A Class I, Class II, Class III, apprentice,~~ noncommercial or student lobster and crab fishing license may only be issued to an individual who is a resident. A Class I, Class II or Class III license may be issued to a person only if the person:

- A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year;
- C. Meets the requirements of the apprentice program under section 6422 or section 6475; or
- D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year.

**Sec. 2. 12 MRSA §6421, sub-§7-A**, as amended by PL 2003, c. 20, Pt. WW, §2, is repealed and the following enacted in its place:

**7-A. Fee.** Except as provided in subsection 8, the fee for the license is:

A. Fifty-six dollars for a resident Class I license for applicants under 18 years of age;

A-1. Three hundred and thirty-six dollars for a nonresident Class I license for applicants under 18 years of age;

B. One hundred and thirteen dollars and seventy-five cents for a resident Class I license for applicants 18 years of age or older;

B-1. Six hundred and eighty-two dollars and seventy-five cents for a nonresident Class I license for applicants 18 years of age or older;

C. Two hundred twenty-eight dollars and fifty cents for a resident Class II license;

C-1. Thirteen hundred seventy-one dollars and fifty cents for a nonresident Class II license;

D. Three hundred forty-one dollars and twenty-five cents for a resident Class III license;

D-1. Two thousand forty-seven dollars and twenty-five cents for a nonresident Class III license;

E. Fifty-six dollars for a resident apprentice lobster and crab fishing license for applicants under 18 years of age;

E-1. Three hundred thirty-six dollars for a nonresident apprentice lobster and crab fishing license for applicants under 18 years of age;

F. One hundred and fourteen dollars for a resident apprentice lobster and crab fishing license for applicants 18 years of age or older;

F-1. Six hundred and eighty-two dollars and seventy-five cents for a nonresident apprentice lobster and crab fishing license for applicants 18 years of age or older;

G. Fifty-six dollars for a student lobster and crab fishing license; and

H. Fifty-six dollars for a noncommercial lobster and crab fishing license.

**Sec. 3. 12 MRSA §6451, sub-§1**, as amended by PL 2003, c. 520, §6, is further amended to read:

**1. Allocation of license fees.** Ten dollars of each \$113.75 fee, \$10 of each \$114 fee, \$20 of each \$228.50 fee, \$30 of each \$341.25 fee, \$30 of each \$336 fee, \$60 of each \$682.75 fee, \$120 of each \$1,371.50 fee, \$180 of each \$2,047.25 fee and \$5 of each \$56 fee for each lobster and crab fishing license must be allocated to the Lobster Fund, which must be

used for the purposes of lobster biology research, of propagation of lobsters by liberating seed lobsters and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

See title page for effective date.

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**CHAPTER 355**

**S.P. 200 - L.D. 645**

**An Act To Promote the  
Commonsense Consumption of Food**

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

**Sec. 1. 14 MRSA §170** is enacted to read:

**§170. Consumption of food**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Food product" means any product that is grown, prepared, manufactured, provided, served or sold and that is primarily intended for human consumption and nourishment.

B. "Long-term" means consisting of multiple instances over a period of time and not a single or isolated instance.

**2. Liability limited.** Except as provided in subsection 3, a manufacturer, distributor or seller of a food product, or an association of one or more such entities, is not liable for personal injury or death to the extent the liability is based upon a person's weight gain or obesity resulting from the person's long-term consumption of the food product.

**3. Exception.** Subsection 2 does not bar a claim for damages if otherwise available under any other provision of law against a manufacturer or distributor of food products if the manufacturer or distributor has failed to provide nutritional content information as required by any applicable state or federal statute, rule or regulation or has provided materially false or misleading information to the public.

See title page for effective date.

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**CHAPTER 356**

**H.P. 648 - L.D. 929**

**An Act To Create Freedom of Citizen  
Information Regarding Ballot  
Questions**

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

**Sec. 1. 21-A MRSA §901-A** is enacted to read:

**§901-A. Petition requirements for direct  
initiatives of legislation**

The following provisions apply to direct initiatives of legislation under the Constitution of Maine, Article IV, Part Third, Section 18.

**1. Opportunity to read direct initiative summary.** A person circulating a petition must provide the voter the opportunity to read the proposed direct initiative summary required by section 901 prior to that voter signing the petition. The summary presented to the voter must be as it appears on a publicly accessible website established by the Secretary of State.

**2. Required statements; placement of information.** The Secretary of State shall include the following statements at the top of the petition to be submitted to voters in a type size of no less than 16 points:

"Freedom of Citizen Information: Before a registered voter signs any initiative petition, signature gatherers must offer the voter the opportunity to read the proposed initiative summary prepared by the Secretary of State."

"Ballot questions during the 20.. election [most recent election cycle] cost taxpayers approximately \$..... [Secretary of State shall use fiscal information provided by the Office of Fiscal and Program Review] each to be placed on the ballot. As a citizen of Maine, you have a right to this information."

The summary of the proposed direct initiative must be printed on the petition immediately following the statements required by this subsection.

See title page for effective date.

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