

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION
July 29, 2005

SECOND REGULAR SESSION
January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 23, 2006

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2006

CHAPTER 505**S.P. 681 - L.D. 1764****An Act To Amend the Statutes
Governing the Commercial Fishing
Safety Council**

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

Sec. 1. 12 MRSA §6034, sub-§1, as amended by PL 2003, c. 510, Pt. C, §3, is further amended to read:

1. Appointment; composition. The Commercial Fishing Safety Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-E, consists of 17 members, 15 of whom are appointed by the ~~Governor~~ commissioner as follows:

- A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council;
- B. One member who is a license holder under this Part and a member of the Marine Resources Advisory Council, recommended by the chair of the Marine Resources Advisory Council;
- C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council, recommended by the chair of the Sea Urchin Zone Council;
- D. Five members who are license holders under this Part and who ~~each represent a different commercial marine harvesting activity than the other members of the council, recommended by commercial marine harvesting and aquaculture interests activities;~~
- E. An educator experienced in community-based adult education and volunteer safety training;
- F. An expert in fishing industry risk analysis and occupational health;
- G. An expert in marine safety equipment;
- H. A representative of the marine insurance industry;
- I. A marine surveyor;
- J. A spouse or domestic partner of a license holder under this Part; and
- K. A member of the public.

The chair of the Marine Resources Advisory Council and the chair of the Marine Recreational Fishing Advisory Council are ex officio members of the council. The composition of the council must reflect a geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.

Sec. 2. 12 MRSA §6034, sub-§7, as enacted by PL 2003, c. 90, §2, is amended to read:

7. Duties. The council shall carry out duties specifically delegated to the council by law or by the commissioner and give the commissioner information and advice concerning fishing safety issues, including:

- A. Minimum safety equipment, training and operational standards;
- B. Community-based education programs that provide practical safety training and fisheries-specific safety training;
- C. An outreach program to promote the culture of safety; and
- D. Opportunities to minimize the costs and seek alternative funding sources, fees, incentives, grants or partnerships to minimize the financial impact of safety requirements; and.
- ~~E. The commercial safety fishing plan that the commissioner submits to the council pursuant to section 6035 and report to the Legislature concerning that plan pursuant to subsection 8.~~

Sec. 3. 12 MRSA §6034, sub-§8, as enacted by PL 2003, c. 90, §2, is repealed.

Sec. 4. 12 MRSA §6035, as enacted by PL 2003, c. 90, §2, is amended to read:

§6035. Commercial fishing safety plan

No later than ~~November 15th~~ October 1st of each year, the ~~commissioner~~ Commercial Fishing Safety Council shall submit a commercial safety fishing safety plan to the ~~Commercial Fishing Safety Council~~ commissioner that includes, but is not limited to, the ~~department's council's~~ fishing safety initiatives, ~~the progress in implementing those fishing safety initiatives, any revisions to those initiatives or their implementation~~ and any new initiatives for the ~~Commercial Fishing Safety Council~~ department to consider.

Sec. 5. 12 MRSA §6176 is enacted to read:

§6176. Commercial fishing safety

The commissioner may adopt commercial fishing safety rules recommended by the Commercial Fishing Safety Council. Rules authorized by this section must be adopted and amended in accordance with the procedures outlined in subchapter 2 and are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. Report. The Commissioner of Marine Resources and the Commercial Fishing Safety Council shall jointly report to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 2, 2007 regarding any rule-making activity conducted pursuant to the Maine Revised Statutes, Title 12, section 6176.

See title page for effective date.

CHAPTER 506

H.P. 1324 - L.D. 1884

An Act To Improve the Prisoner Telephone System

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

Whereas, this legislation reduces the costs of telephone calls for prisoners and their families through the use of prepaid phone accounts; and

Whereas, immediate enactment of this legislation is necessary for the timely implementation of the Department of Corrections' telephone system; 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. 4 MRSA §1058, sub-§§1, 3 and 4, as enacted by PL 1997, c. 75, §1, are further amended to read:

1. Prepayment of filing fee and certified copies required. A person who is confined in a federal, state, county or local correctional or detention facility may not bring a civil action arising under federal or state law in any court in this State with respect to a condition of that person's confinement or the effect of an action or inaction by a government official on the life of that person confined and may not appeal a judgment in such a civil action without prepayment of

the filing fee unless, in addition to the in forma pauperis application and affidavit required by the Maine Rules of Civil Procedure, Rule 91, that person submits a certified copy of the ~~facility~~ general client account statement for that person for the 6-month period immediately preceding the filing of the action or appeal, obtained from the appropriate official of each facility at which that person is or was confined.

3. Full payment of filing fee required; initial partial filing fee. Notwithstanding subsection 2, the person shall pay the full amount of the filing fee. The court shall assess the person's financial status and, when funds exist, collect as a partial payment of the filing fee an initial partial filing fee of 20% of the greater of:

A. The average monthly deposits to the ~~person's facility~~ general client account ~~credited to the person~~ for the 6-month period immediately preceding the filing of the action or appeal; or

B. The average monthly balance in the ~~person's facility~~ general client account ~~for the person~~ for the 6-month period immediately preceding the filing of the action or appeal.

4. Payments from account. After payment of the initial partial filing fee, the person shall make monthly payments of 20% of the preceding month's deposits ~~to the general client account credited to the person's facility account~~ person. The facility having custody of the person shall forward monthly payments from the account to the clerk of the court each time the amount in the account ~~for the person~~ exceeds \$10 until the filing fee is paid in full.

Sec. 2. 17-A MRSA §1330, sub-§1, as amended by PL 1999, c. 469, §2, is further amended to read:

1. Work program; payment of restitution and fines. A prisoner who has been ordered to pay restitution or fines may not be released pursuant to a work program administered by the Department of Corrections under Title 34-A, section 3035, or a sheriff under Title 30-A, section 1605, or participate in an industry program under Title 34-A, section 1403, subsection 9 or any other program administered by the Department of Corrections or a sheriff by which a prisoner is able to generate money, unless the prisoner consents to pay at least 25% of the prisoner's gross weekly wages or other money generated to the victim or the court until such time as full restitution has been made or the fine is paid in full. The chief administrative officer of the correctional facility where the prisoner is incarcerated shall collect and disburse to the victim or victims that portion of the prisoner's wages or other money generated agreed to as payment of restitution. The chief administrative officer of the