

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

enrolled in school on a full-time basis due to a mental or physical illness or accidental injury.

See title page for effective date.

## CHAPTER 533

### H.P. 1421 - L.D. 2020

#### An Act Relating to Elver Fishing

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

**Whereas,** the management of the American eel population in Maine is dependent on elver dealers reporting harvest data to the Department of Marine Resources in a timely manner; and

**Whereas,** this legislation must be enacted prior to the end of the elver fishing season on May 31st to ensure the Department of Marine Resources receives harvest data in time to use that information for developing a long-term conservation plan for the American eel; 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 §6505-A, sub-§2,** as amended by PL 1999, c. 534, §1, is further amended to read:

**2. Eligibility.** An elver fishing license may be issued only to an individual who:

C. Possessed an elver fishing license in the previous calendar year; ~~or,~~

~~D. Becomes eligible to obtain an elver fishing license pursuant to a lottery under subsection 2-A.~~

~~The department may not issue more than 827 elver fishing licenses each elver fishing season.~~

**Sec. 2. 12 MRSA §6505-A, sub-§2-A,** as enacted by PL 1999, c. 534, §2, is repealed.

**Sec. 3. 12 MRSA §6575-B, sub-§2-B,** as enacted by PL 1999, c. 534, §5, is amended to read:

**2-B. Type and amount of gear.** It is unlawful for a person to immerse elver fishing gear other than the types and amounts authorized pursuant to this subsection. ~~In determining the number of traps or nets that may be immersed, the following limits apply.~~

A. A person who is issued an elver fishing license pursuant to section 6505-A, subsection 2, paragraph C may not immerse elver fishing gear other than the types and amounts of gear the person was authorized to immerse during the previous elver fishing season, except that a person may surrender the authority to use an elver fyke net in order to use an elver dip net.

~~B. In the 2000 elver fishing season, a person who is issued an elver fishing license pursuant to section 6505 A, subsection 2, paragraph D may not immerse at any one time a total of more than 2 elver dip nets, elver fyke nets and Sheldon eel traps. In determining the number of traps or nets that may be immersed, the following formula must be used, except that if the number arrived at using the formula is greater than 2 nets or traps, the maximum number of traps and nets that may be immersed is 2. A person may not immerse:~~

~~(1) A number of elver dip nets that is greater than the average number, rounded down, of elver dip nets that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license;~~

~~(2) A number of elver fyke nets that is greater than the average number, rounded down, of elver fyke nets that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license; and~~

~~(3) A number of Sheldon eel traps that is greater than the average number, rounded down, of traps that person was authorized to use during any of the elver fishing seasons in 1996, 1997 and 1998 for which that person held a license.~~

~~C. Beginning with the 2001 elver fishing season and in subsequent years, a person who is issued an elver fishing license pursuant to section 6505 A, subsection 2, paragraph D may not immerse more than one elver dip, elver fyke net or Sheldon eel trap.~~

**Sec. 4. 12 MRSA §6864, sub-§8** is enacted to read:

**8. Reporting.** A dealer licensed under this section shall report the total annual harvest of elvers received by that dealer to the department within 30

days after the end of the elver fishing season. The commissioner shall prescribe how that data and any other information necessary for a meaningful analysis of the elver harvest are reported to the department.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 4, 2006.

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## CHAPTER 534

H.P. 1468 - L.D. 2074

### An Act Regarding Energy Efficiency Standards for Residential Rental Properties

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

Sec. 1. 14 MRSA §6030-C is enacted to read:

**§6030-C. Residential energy efficiency disclosure statement**

**1. Energy efficiency disclosure.** A landlord or other lessor of residential property that will be used by a tenant or lessee as a primary residence shall provide to potential tenants or lessees a residential energy efficiency disclosure statement in accordance with Title 35-A, section 10006, subsection 1 that includes, but is not limited to, information about the energy efficiency of the property.

**2. Provision of statement.** A landlord or other lessor shall provide the residential energy efficiency disclosure statement required under subsection 1 in accordance with this subsection. The landlord or lessor shall provide the statement to any person who requests the statement in person and shall post the statement in a prominent location in a property that is being offered for rent or lease. Before a tenant or lessee enters into a contract or pays a deposit to rent or lease a property, the landlord or lessor shall provide the statement to the tenant or lessee, obtain the tenant's or lessee's signature on the statement and sign the statement. The landlord or lessor shall retain the signed statement for a minimum of 7 years.

Sec. 2. 35-A MRSA §10006 is enacted to read:

**§10006. Energy efficiency of rental properties**

**1. Residential energy efficiency disclosure statement.** The commission and the Maine State Housing Authority shall prepare a residential energy efficiency disclosure statement form for landlords and

other lessors of residential properties to use to disclose to tenants and lessees information about the energy efficiency of the property in order to comply with Title 14, section 6030-C. The commission and the Maine State Housing Authority shall post and maintain the statement required by this subsection on the Internet in a format that is easily accessible by the public.

**2. Suggested energy efficiency standards.** The commission and the Maine State Housing Authority shall prepare suggested energy efficiency standards for landlords and other lessors of residential property that is used by the tenant or lessee as a primary residence. The commission and the Maine State Housing Authority shall post and maintain the standards required by this subsection on the Internet in a format that is easily accessible by the public.

**Sec. 3. Report.** The Public Utilities Commission shall prepare and submit a report to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters before January 1, 2008 that provides the commission's assessment of whether the requirements of the Maine Revised Statutes, Title 14, section 6030-C are achieving the purposes of informing prospective tenants of the energy efficiency characteristics of residential properties used as primary residences. The commission also shall include in its report an assessment of whether the form that the commission and the Maine State Housing Authority submitted on January 31, 2006 to the Joint Standing Committee on Utilities and Energy as part of its report pursuant to Resolve 2005, chapter 109 and that, with changes suggested by the committee, will be used as the disclosure statement under Title 35-A, section 10006, subsection 1, requires adjustments to achieve the purposes of Title 14, section 6030-C.

See title page for effective date.

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## CHAPTER 535

H.P. 1443 - L.D. 2049

### An Act To Amend the Laws Regarding Aquaculture Leases

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

**Whereas,** the aquaculture industry in Maine has been going through a period of consolidation and contraction; and

**Whereas,** the current following requirements for aquaculture facilities are causing unnecessary financial hardship for the aquaculture industry; and