

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

Whereas, this Act must take effect immediately to provide aquaculture facilities with enough time to respond to the changes in the following laws this year; 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 §6072, sub-§2, ¶E, as amended by PL 2003, c. 660, Pt. A, §3, is further amended to read:

E. Except as provided in subsection 13-A, the lease does not result in a person being a tenant of any kind in leases covering an aggregate of more than ~~300~~ 500 acres; and

Sec. 2. 12 MRSA §6072, sub-§12, ¶D, as amended by PL 2003, c. 660, Pt. A, §8, is further amended to read:

D. Except as provided in subsection 13-A, the renewal will not cause the lessee to become a tenant of any kind in leases covering an aggregate of more than ~~300~~ 500 acres; and

Sec. 3. 12 MRSA §6072, sub-§12-A, ¶B, as amended by PL 2003, c. 660, Pt. A, §9, is further amended to read:

B. The commissioner may grant lease transfers if the commissioner determines that:

- (1) The change in lessee does not violate any of the standards in subsection 7;
- (2) The transfer is not intended to circumvent the intent of subsection 8;
- (3) The transfer is not for speculative purposes; and
- (4) Except as provided in subsection 13-A, the transfer will not cause the transferee to be a tenant of any kind in leases covering an aggregate of more than ~~300~~ 500 acres.

Sec. 4. 12 MRSA §6072, sub-§13-A, as enacted by PL 2003, c. 660, Pt. A, §14, is repealed and the following enacted in its place:

13-A. Lease acreage increase; fallowing. The commissioner may require a person to submit an annual fallowing plan and a reassessment schedule for that plan to the commissioner that identifies lease sites

that have been actively operated during the lease period and that will be fallowed. The commissioner shall review the plan and reassessment schedule and may approve them, reject them or request changes. Revisions to the plan must be submitted in accordance with the reassessment schedule unless the commissioner authorizes an exception due to extraordinary circumstances.

A. Except as provided in paragraph B, a person may not be a tenant of any kind in leases covering an aggregate of more than 500 acres including fallowed leases at any time.

B. The commissioner may by rule authorize leases in excess of the 500-acre limit if the commissioner determines that the increase is beneficial for the management of aquaculture and is environmentally and economically appropriate. The commissioner may not authorize a person to be a tenant of any kind in leases covering an aggregate of more than 1,500 acres. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

For purposes of this subsection, "fallow" means a lease site without cultured organisms. A lease site fallowed pursuant to an enforcement action may not be considered fallowed for the purpose of this subsection.

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

Effective April 4, 2006.

CHAPTER 536

H.P. 231 - L.D. 307

An Act To Improve Recreational Watercraft Safety

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

Sec. 1. 12 MRSA §13071-A, sub-§5 is enacted to read:

5. Operating personal watercraft while 16 years of age or older and under 18 years of age; boater education. The following provisions apply to operating a personal watercraft by a person 16 years of age or older and under 18 years of age.

A. A person 16 years of age or older and under 18 years of age may not operate a personal watercraft unless:

(1) That person is accompanied by a person 18 years of age or older who physically occupies the personal watercraft; or

(2) While operating the personal watercraft, that person possesses on that person identification showing proof of age and proof of successful completion of a boater safety education course approved by a national association of state boating law administrators, including but not limited to courses offered by the U.S. Coast Guard Auxiliary or other organizations approved by the commissioner for providing boater safety education courses. The commissioner shall establish a list of approved organizations for providing boater safety education courses and make that list readily available to the public.

B. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 and not more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 2. Safety education program. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources shall work together and with other interested parties to study the feasibility of developing, implementing and funding a statewide boater safety education program. The Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resources matters, respectively, by February 1, 2007, their findings and recommendations on the development and implementation of a boater education safety program.

Sec. 3. Effective date. Section 1 takes effect January 1, 2007.

See title page for effective date, unless otherwise indicated.

CHAPTER 537

S.P. 675 - L.D. 1758

An Act To Require the Maine State Retirement System To Divest Itself of Holdings in Those Businesses or Corporations Doing Business in the Nation of Sudan and To Repeal Requirements Relating to Shareholder Initiatives by State Officials on State Investments in Northern Ireland

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

Sec. 1. 5 MRSA §1955, as amended by PL 1991, c. 537, is repealed.

Sec. 2. 5 MRSA §1956 is enacted to read:

§1956. Sudan

1. Divestment. The Board of Trustees of the Maine State Retirement System shall review the extent to which the assets of any state pension or annuity fund are invested in the stocks, securities or other obligations of any corporation or company, or any subsidiary, affiliate or parent of any corporation or company, doing business in or with the nation of Sudan or its instrumentalities. Except as provided in subsection 2, the board shall, in accordance with sound investment criteria and consistent with the board's fiduciary obligations, divest any such holdings and may not invest any assets in any such stocks, securities or other obligations. Divestment pursuant to this subsection must be complete by January 1, 2008.

2. Exemption. Short-term investment funds that commingle commercial paper or futures and other commingled investment or index funds are exempt from the restrictions imposed by this section.

3. Report. The Board of Trustees of the Maine State Retirement System shall report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 2007 and each January 1st thereafter regarding the progress of divestment and the implementation of this section.

4. Repeal. This section is repealed July 1, 2009.

See title page for effective date.
