

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

A. A description of actions taken by the commission pursuant to subsections 5 and 6 during the prior 12 months;

B. An accounting of total deposits into and expenditures from the fund during the prior 12 months; and

C. A description of any research and development or community demonstration project that received a distribution from the fund during the prior 12 months, including its objectives, current status and results.

Sec. 4. Appropriations and allocations.

The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Renewable Resource Fund 0912

Initiative: Deallocates funds due to a transfer of the Renewable Resource Fund currently administered by the Executive Department, State Planning Office to the Public Utilities Commission.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	(\$500)	(\$500)
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$500)	(\$500)

EXECUTIVE DEPARTMENT

DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	(\$500)	(\$500)
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	(\$500)	(\$500)

PUBLIC UTILITIES COMMISSION

Renewable Resource Fund 0912

Initiative: Allocates funds to allow a transfer of the Renewable Resource Fund currently administered by the Executive Department, State Planning Office to the Public Utilities Commission. This allocation will provide funding for initiatives through revenue fund transfers and authorizes the use of the estimated balance forward.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$500	\$500

OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500
PUBLIC UTILITIES COMMISSION		
DEPARTMENT TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$500	\$500
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$500	\$500
SECTION TOTALS	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS	\$0	\$0
	<hr/>	<hr/>
SECTION TOTAL - ALL FUNDS	\$0	\$0

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2007.

Effective July 1, 2007.

CHAPTER 19

H.P. 173 - L.D. 202

An Act To Allow the Municipal Clerk To Inspect Municipal Election Ballots

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

Sec. 1. 30-A MRSA §2528, sub-§6-B is enacted to read:

6-B. Inspection of ballots in an election. Upon receipt of a package or box containing absentee ballots for an election, the municipal clerk may open the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. The clerk may then proceed to issue absentee ballots in response to pending requests. Upon receipt of a package or box containing regular ballots for an election, the clerk may open, in the presence of one or more witnesses, the sealed package or box of ballots and verify that the ballots do not contain any errors and that the correct number of ballots has been received. Ballots to be used for testing electronic tabulating devices may be re-

moved at this time and immediately marked with the word "TEST" across the front side of the ballot in black or blue indelible ink. The clerk shall keep a record of the number of ballots used for testing purposes and seal the record with the test ballots in a container labeled "TEST BALLOTS" at the conclusion of the testing. The clerk shall then reseal the package or box of regular ballots and secure the package or box of ballots until election day, when it is delivered to the warden at the polling place.

Sec. 2. 30-A MRSA §2554, sub-§1-A is enacted to read:

1-A. Inspection of ballots in an election. The municipal clerk may inspect ballots in accordance with section 2528, subsection 6-B.

See title page for effective date.

**CHAPTER 20
S.P. 88 - L.D. 251**

**An Act To Authorize the
Bureau of Warden Service to
Provide Assistance to Other
Entities**

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

Sec. 1. 12 MRSA §10353, sub-§6 is enacted to read:

6. Assistance to other entities and persons. The Bureau of Warden Service may, with approval of the commissioner, provide assistance to other entities, including county and state agencies, municipalities and private organizations, and persons. The director of the Bureau of Warden Service may charge the entities or individuals for these services. The Bureau of Warden Service shall report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters no later than January 15th of each year concerning the assistance provided to other entities and persons during the previous calendar year. The report must contain information about the types of services provided, the number of services and the fees charged by the director of the Bureau of Warden Service.

See title page for effective date.

**CHAPTER 21
H.P. 147 - L.D. 165**

**An Act To Designate the Arctic
Charr as a State Heritage Fish**

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

Sec. 1. 1 MRSA §212-A, as enacted by PL 2005, c. 180, §1, is repealed and the following enacted in its place:

§212-A. State heritage fish

1. Eastern Brook Trout. The eastern brook trout, *Salvelinus fontinalis*, is a state heritage fish.

2. Arctic Charr. The subspecies of the arctic charr, *Salvelinus alpinus oquassa*, also known as blue-back charr, is a state heritage fish.

Sec. 2. 12 MRSA §12461, as enacted by PL 2005, c. 180, §2, is amended to read:

§12461. State heritage fish waters

1. Adoption of state heritage fish waters. The commissioner shall adopt by rule for each state heritage fish under Title 1, section 212-A a list of ~~native brook trout~~ state heritage fish waters composed of lakes and ponds that contain eastern brook trout that state heritage fish and have never been stocked according to any reliable records. The list of native brook trout waters authorized for adoption by Resolve 2005, chapter 172 is a list of state heritage fish waters for purposes of this section. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

2. Addition of waters to list. The commissioner may adopt rules to amend the a list established in under subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as ~~native brook trout~~ waters a state heritage fish water. Rules adopted to add a lake or pond to the a list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Removal of waters from list. The commissioner may by rule remove a lake or pond from the a list established in under subsection 1. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

4. Stocking state heritage fish. The commissioner may not stock or issue a permit to stock fish in a lake or pond listed as ~~native brook trout~~ a state heritage fish water under this section.

5. Fishing restrictions. A person may not use live fish as bait or possess live fish to be used as bait on a lake or pond listed as ~~native brook trout~~ a state