

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

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

heritage fish water under this section. A person who violates this subsection commits a Class E crime.

See title page for effective date.

CHAPTER 22

H.P. 195 - L.D. 224

An Act To Provide for Minimum Wage and Overtime Coverage for Certain Domestic Workers

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

Sec. 1. 26 MRSA §663, sub-§3, ¶B is amended to read:

B. ~~Any~~ An individual employed in domestic service in or about a private home and engaged directly by the resident or owner of that private home or the family of the resident or homeowner;

Sec. 2. 26 MRSA §663, sub-§3, ¶J is amended to read:

J. Members of the family of the employer who reside with and are dependent upon the employer; and

See title page for effective date.

CHAPTER 23

S.P. 129 - L.D. 382

An Act To Correct an Inconsistency in Unemployment Insurance Tax Law

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

Sec. 1. 26 MRSA §1221, sub-§5, ¶B, as repealed and replaced by PL 1981, c. 16, §7, is repealed.

See title page for effective date.

CHAPTER 24

H.P. 743 - L.D. 983

An Act To More Clearly Define Maple Syrup

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

Whereas, the amended definition of the term "maple syrup" in this legislation must be in effect for the 2007 maple syrup marketing season; 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. 7 MRSA §892-A, sub-§1, ¶D, as enacted by PL 1991, c. 326, §2, is amended to read:

D. "Maple syrup," which may also be spelled "maple sirop" or "maple sirup," means the liquid derived by concentration and heat treatment of the sap of ~~the maple tree~~ maple trees, (Acer) or by the solution in water of maple sugar or maple concentrate made from such sap. The solids content of maple syrup may not be less than 66% by weight or more than 69% by weight, as measured in Brix units at a temperature of 68 degrees Fahrenheit.

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

Effective April 2, 2007.

CHAPTER 25

S.P. 245 - L.D. 796

An Act To Create the Endangered or Threatened Marine Species Fund

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

Sec. 1. 12 MRSA §6978 is enacted to read:

§6978. Endangered or Threatened Marine Species Fund

The Endangered or Threatened Marine Species Fund, referred to in this section as "the fund," is established within the department.

1. Sources. The commissioner may receive donations and funding from any source on behalf of the fund.

2. Purpose; use of fund. The purpose of the fund is to support activities related to the management of endangered or threatened marine species. All money received into the fund must be used for the purposes of the fund.

3. Interest and balances credited to fund. Any interest earned on the money in the fund must be cred-