

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

- D. Emerald shiner, (*Notropis atherinoides*);
- E. Bridle shiner, (*Notropis bifrenatus*);
- F. Common shiner, (*Luxilus cornutus*);
- G. Blacknose shiner, (*Notropis heterolepis*);
- H. Spottail shiner, (*Notropis hudsonius*);
- I. Northern redbelly dace, (*Phoxinus eos*);
- J. Finescale dace, (*Phoxinus neogaeus*);
- K. Fathead minnow, (*Pimephales promelas*);
- L. Blacknose dace, (*Rhinichthys atratulus*);
- M. Longnose dace, (*Rhinichthys cataractae*);
- N. Creek chub, (*Semotilus atromaculatus*);
- O. Fallfish, (*Semotilus corporalis*);
- P. Pearl dace, (*Margariscus margarita*);
- Q. Banded killifish, (*Fundulus diaphanus*);
- R. Mummichog, (*Fundulus heteroclitus*);
- S. Longnose sucker, (*Catostomus catostomus*);
- T. White sucker, (*Catostomus commersoni*);
- U. Creek chubsucker, (*Erimyzon oblongus*); and
- V. American eel, (*Anquilla rostrata*); and
- ~~W. Blackchin shiner, (*Notropis heterodon*).~~

See title page for effective date.

CHAPTER 160

H.P. 789 - L.D. 1071

An Act Regarding Energy-generating Facilities

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

Sec. 1. 38 MRSA §632, sub-§3, as enacted by PL 1983, c. 458, §18, is amended to read:

3. Hydropower project. "Hydropower project" means any development ~~which that~~ utilizes the flow or other movement of water, including tidal or wave action, as a source of electrical or mechanical power or ~~which that~~ regulates the flow of water for the purpose of generating electrical or mechanical power. A hydropower project development includes all powerhouses, dams, water conduits, turbines or other in-stream power devices, generators, transmission lines, water impoundments, roads and other appurtenant works and structures that are part of the development.

Sec. 2. 38 MRSA §633, sub-§1, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §182, is further amended to read:

1. Permit required. ~~No~~ A person may not initiate construction or reconstruction of a hydropower project, or structurally alter a hydropower project in ways that change water levels or flows ~~above or below the dam~~, without first obtaining a permit from the department.

See title page for effective date.

CHAPTER 161

S.P. 57 - L.D. 175

An Act To Fund Youth Conservation Education

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

Whereas, youth conservation education is critical to the future of Maine's natural resources; and

Whereas, a significant portion of funding for youth conservation education programs comes from the auction of moose hunting permits and the demand for these programs has far exceeded the revenues generated by the current auction of 5 permits; and

Whereas, this Act needs to take effect immediately to allow the Commissioner of Inland Fisheries and Wildlife to add to the 2007 moose hunting permit auction an additional 5 permits to more adequately meet the needs of those who wish to attend the youth conservation education programs 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 §11154, sub-§11, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §§128 and 129 and affected by §422, is further amended to read:

11. Auction of moose hunting permits to fund youth conservation education programs. Notwithstanding subsection 1, the commissioner may issue not more than 5 10 moose hunting permits each year through public auction in accordance with this subsection.

A. Each moose hunting permit issued under this subsection must be awarded through public auction to the applicant who submits the highest bid.

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 2 years in order to obtain another permit.

C. An eligible person wishing to apply for a permit under this subsection must submit a written application in such form as the commissioner may require. The application must be accompanied by a bidding fee of \$25, which, except as otherwise provided in paragraph D, is nonrefundable. The commissioner may waive the requirements of this paragraph when, as provided in paragraph G, the commissioner enters into a contract with a conservation organization to auction the permits.

D. An eligible person may apply for a moose hunting permit both through the public chance drawing and in accordance with this subsection. If a person is selected to receive a moose hunting permit as a result of the public chance drawing, that person is no longer eligible to obtain a permit under this subsection and the bidding fee submitted by that person must be refunded.

E. A moose hunting permit issued under this subsection is valid in the district designated by the permittee. This designation must be made within 30 days after the permit is awarded.

F. A person who is awarded a moose hunting permit under this subsection may select a subpermittee to participate in the moose hunt as provided in subsection 7.

G. The commissioner may enter into a contract with a conservation organization whose goals and objectives are not inconsistent with those of the department to advertise this process of issuing permits, auction the permits and collect revenues.

H. Except as otherwise provided, the provisions of this Part relating to moose are applicable to the hunting of moose with a permit awarded under this subsection.

I. The commissioner may adopt rules necessary for the proper administration, implementation, enforcement and interpretation of this subsection. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

J. Notwithstanding this subsection, the total number of moose hunting permits issued each year must be in accordance with section 11552, subsection 2.

K. The commissioner may decline to issue any permit or any number of permits issuable pursuant to this subsection if, in the commissioner's opinion, the auction bids received do not reflect the public value anticipated to meet the goals of this

subsection. Any permit or permits not issued under this subsection must be drawn in the public chance drawing pursuant to subsection 9.

Sec. 2. Application. The Commissioner of Inland Fisheries and Wildlife shall carry out the purposes of this Act for the 2007 moose hunting permit auction.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Public Information and Education, Division of 0729

Initiative: Allocates additional funds for youth conservation education purposes.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$25,000	\$25,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$25,000	\$25,000

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

Effective May 23, 2007.

CHAPTER 162

H.P. 893 - L.D. 1265

An Act To Keep Private Road Maintenance Costs Affordable

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

Sec. 1. 23 MRSA §3101, as amended by PL 1999, c. 552, §1, is further amended to read:

§3101. Call of meetings; repairs

Except as provided in this section, when 4 or more parcels of land are benefited by a private way or bridge as an appurtenant easement or by fee ownership of the way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting, who may issue a warrant setting forth the time, place and purpose of the meeting, copies of which must be posted at some public place in the town and mailed to the owners of all the parcels benefited by the way at the addresses set forth in the municipal tax records, at least 30 days before such time. When so assembled, they