

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

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Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 175
H.P. 851 - L.D. 1158

**An Act To Increase the Per
Diem for Members of the State
Board of Arbitration and
Conciliation**

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

Sec. 1. 26 MRSA §931, first ¶, as amended by PL 2003, c. 670, §1, is further amended to read:

The State Board of Arbitration and Conciliation, in this subchapter called the "board," consists of 3 members appointed by the Governor from time to time upon the expiration of the terms of the several members, for terms of 3 years. One member must be an employer of labor or selected from some association representing employers of labor, and another must be an employee or selected from some bona fide trade or labor union. The 3rd member must represent the public interests of the State and serves as chair. Vacancies occurring during a term must be filled for the unexpired term. Members of the board are entitled to receive ~~\$75~~ \$150 a day for their services for the time actually employed in the discharge of their official duties. They are entitled to receive their traveling and all other necessary expenses. The costs for services rendered and expenses incurred by the State Board of Arbitration and Conciliation and any state allocation program charges must be shared equally by the parties to the proceedings and must be paid into a special fund administered by the Maine Labor Relations Board. Authorization for services rendered and expenditures incurred by the State Board of Arbitration and Conciliation is the responsibility of the Executive Director of the Maine Labor Relations Board. All costs must be paid from that special fund. The executive director may estimate costs upon receipt of a request for services and collect those costs prior to providing the services. The executive director shall bill or reimburse the parties, as appropriate, for any difference between the estimated costs that were collected and the actual costs of providing the services. Once one party has paid its share of the estimated cost of providing the service, the matter is scheduled for hearing. A party who has not paid an invoice for the estimated or actual cost of providing services within 60 days of the date the invoice was issued is, in the absence of good cause shown, liable for the amount of the invoice together with a penalty in the amount of 25% of the amount of the invoice. Any penalty amount collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs

and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action. The executive director shall, annually, on or before July 1st, make a report of the activities of the State Board of Arbitration and Conciliation to the Governor. The board shall from time to time adopt rules of procedure as it determines necessary, including rules of procedure for proceedings under chapter 18. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 176
H.P. 1117 - L.D. 1595

**An Act To Ensure the Proper
Management of the Sea Urchin
Industry**

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

Sec. 1. 12 MRSA §6024, sub-§1-A, as amended by PL 1999, c. 85, §2, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of 15 members. The Chair of the Lobster Advisory Council ~~and~~ the chair of the Marine Recreational Fishing Advisory Council and the chair of the Sea Urchin Zone Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. ~~Seven~~ Six members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those ~~7~~ 6 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those ~~7~~ 6 members may represent lobster harvesters. The remaining 6 members must include one public member, 4 persons who hold a nonharvesting-related license under this Part and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more

than 2 consecutive terms. Appointed members serve until their successors are appointed. The Chair of the Lobster Advisory Council ~~and~~ the chair of the Marine Recreational Fishing Advisory Council and the chair of the Sea Urchin Zone Council shall serve until a new Chair of the Lobster Advisory Council ~~or~~ a new chair of the Marine Recreational Fishing Advisory Council or a new chair of the Sea Urchin Zone Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6749-X, sub-§1, as amended by PL 1999, c. 244, §5, is further amended to read:

1. Appointment and election; composition. The Sea Urchin Zone Council, referred to in this section as the "council," established by Title 5, section 12004-I, subsection 57-B, consists of ~~19~~ 15 members. ~~The commissioner shall appoint the members~~ Seven members of the council are elected by the sea urchin industry as follows:

A. ~~Three~~ One sea urchin ~~harvesters~~ harvester who ~~hold~~ holds a current handfishing sea urchin license for Zone 1;

B. ~~Three~~ One sea urchin ~~harvesters~~ harvester who ~~hold~~ holds a current handfishing sea urchin license for Zone 2;

C. ~~Three~~ One sea urchin ~~harvesters~~ harvester who ~~hold~~ holds a current sea urchin draggers license for Zone 1;

D. ~~Three~~ One sea urchin ~~harvesters~~ harvester who ~~hold~~ holds a current sea urchin draggers license for Zone 2;

E. ~~Two individuals whose base of operation is located in Zone 1 and who hold either a current sea urchin processor's permit or a current~~ One individual who holds a current wholesale seafood license with a sea urchin buyer's permit;

F. ~~Two individuals whose base of operation is located in Zone 2 and who hold either a current~~ One individual who holds a current wholesale seafood license with a sea urchin processor's permit or a current sea urchin buyer's permit; and

I. ~~Two scientists who have expertise in marine resources management; and~~

J. One sea urchin harvester who holds a current boat tender's license.

The commissioner shall appoint the remaining 8 members. If possible, those 8 appointees must include, but not be limited to, a marine scientist, an aquaculturalist, a person holding a sea urchin draggers license, a person holding a sea urchin and scallop diving tender license and a person holding a sea urchin hand-raking and trapping license. In making appointments under paragraphs A, B, C and D this subsection,

the commissioner shall select members to ensure a geographic distribution of representation from each zone.

Sec. 3. 12 MRSA §6749-X, sub-§1-A is enacted to read:

1-A. Elections. The commissioner shall adopt by rule procedures for conducting the election of members required under subsection 1. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 4. 12 MRSA §6749-X, sub-§2, as enacted by PL 1995, c. 595, §5, is amended to read:

2. Term. Council members serve for 2 years and continue serving until a successor is duly appointed or elected and qualified. When a vacancy occurs of an appointed member, the commissioner shall fill the vacancy by appointing a member from the same category of members listed in subsection 1 as the member who vacated the council. When a vacancy occurs of an elected member, the vacancy must be filled by an election as provided by rule.

See title page for effective date.

CHAPTER 177

H.P. 220 - L.D. 264

An Act To Amend the Temporary Registration Plate Law

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

Sec. 1. 29-A MRSA §501, sub-§7, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

A. A temporary registration permit is for one trip only:

(1) Between the points of origin and destination and intermediate points, as set forth in the permit; or

(2) From the point of origin to the destination and back to the point of origin, including any intermediate points, as set forth in the permit.

Sec. 2. 29-A MRSA §501, sub-§7, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The Secretary of State may not issue a temporary registration permit that is valid for longer than ~~45~~ 10 days from the effective date of the registration.