

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

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.

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**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.

**Sec. 3. 29-A MRSA §501, sub-§7, ¶D**, as amended by PL 1999, c. 790, Pt. C, §5 and affected by §19, is further amended to read:

D. The fee for ~~the a~~ temporary registration permit issued under paragraph A, subparagraph (1) is \$12. The fee for a temporary registration permit issued under paragraph A, subparagraph (2) is \$25.

See title page for effective date.

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**CHAPTER 178  
S.P. 218 - L.D. 681**

**An Act Concerning the  
Examination of Persons in  
Protective Custody**

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

**Sec. 1. 34-B MRSA §3862, sub-§1, ¶B**, as amended by PL 1999, c. 423, §4, is further amended to read:

B. If the law enforcement officer does take the person into protective custody, shall deliver the person immediately for examination as provided in section 3863 or, for a person taken into protective custody who has an advance health care directive authorizing mental health treatment, for examination as provided in Title 18-A, section 5-802, subsection (d) to determine the individual's capacity and the existence of conditions specified in the advance health care directive for the directive to be effective. ~~If the examination occurs in a hospital emergency room, the~~ The examination may be performed by a licensed physician, a licensed clinical psychologist, a physician's assistant, a nurse practitioner or a certified psychiatric clinical nurse specialist. ~~If the examination does not occur in a hospital emergency room, the examination may be performed only by a licensed physician or licensed clinical psychologist.~~

See title page for effective date.

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**CHAPTER 179  
S.P. 240 - L.D. 791**

**An Act To Ensure Equitable  
Geographic Representation on  
the State Board of Education**

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

**Sec. 1. 20-A MRSA §401, sub-§1**, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**1. Appointment.** The state board ~~shall consist~~ consists of 9 members ~~who shall be~~, appointed by the Governor. Four members must reside in the State's First Congressional District at the time of appointment, 4 members must reside in the State's Second Congressional District at the time of appointment and one member may reside in either the First Congressional District or the Second Congressional District at the time of appointment. Each appointment ~~shall be~~ is subject to review by the joint standing committee of the Legislature having jurisdiction over education and to confirmation by the Legislature.

**Sec. 2. 20-A MRSA §401, sub-§2**, as amended by PL 1987, c. 851, §2, is further amended to read:

**2. Composition.** The membership of the state board ~~shall~~ must be broadly representative of the ~~pub-~~ lie and the geographic regions of the State and of municipalities of varying sizes. A person whose income is derived in substantial portion from work as a teacher or as an administrator in an educational institution ~~may~~ is not be eligible for appointment to or service on the state board. Members must have a strong interest in and knowledge of education.

**Sec. 3. Transition.** Notwithstanding the Maine Revised Statutes, Title 20-A, section 401, subsection 1, members serving on the State Board of Education on the effective date of this Act continue to serve for the remainder of the terms for which they were appointed. After the expiration of the terms of members serving on the effective date of this Act, the appointment of members to fill vacancies on the State Board of Education must be made consistent with the provisions of Title 20-A, section 401 as amended by this Act.

See title page for effective date.

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**CHAPTER 180  
S.P. 269 - L.D. 859**

**An Act To Restrict the  
Smoking Exemption for  
Tobacco Specialty Stores**

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

**Sec. 1. 22 MRSA §1541, sub-§8** is enacted to read:

**8. Waterpipe or hookah.** "Waterpipe" or "hookah" means a device used for smoking tobacco that consists of a tube connected to a container where the smoke is cooled by passing through water.