

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

person issued a permit to carry a concealed firearm under this chapter.

See title page for effective date.

CHAPTER 556

H.P. 482 - L.D. 633

An Act To Improve Funding for the State Snowmobile Trail System

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

Whereas, snowmobile registrations for the 2008-2009 snowmobile season will be issued by the Department of Inland Fisheries and Wildlife beginning in June 2008; and

Whereas, a portion of each snowmobile registration fee is used to create and maintain snowmobile trails throughout the State that attract snowmobile riders from around the world, providing a significant economic benefit at both the local and state levels; and

Whereas, in order to ensure that state-funded snowmobile trails remain safe for public use, this Act must take effect prior to the issuance of the 2008-2009 snowmobile registrations; 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 §10206, sub-§2, ¶A, as amended by PL 2005, c. 93, §2, is further amended to read:

A. ~~The~~ After the transfers provided in section 13104, subsection 4, the snowmobile and trail-grooming equipment registration fee for residents collected under chapter 937 is credited as follows:

- (1) Twenty-two percent is credited to the General Fund as undedicated revenue;
- (2) Fifty-two percent is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands; and
- (3) Twenty-six percent is annually distributed to the municipality of the owner's residence as shown on the owner's registration

certificate, except that in unorganized territory, 26% is annually distributed to the county of the owner's residence as shown on the owner's registration certificate and credited to the unorganized territory fund of that county established in Title 30-A, section 7502.

Sec. 2. 12 MRSA §10206, sub-§2, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. ~~The~~ After the transfers provided in section 13104, subsection 4, the snowmobile registration fee for nonresidents collected under chapter 937 is credited as follows.

- (1) Eighteen percent is credited to the General Fund as undedicated revenue.
- (2) Seven percent is credited to the Snowmobile Enforcement Fund established under section 10258.
- (3) The remainder is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

Sec. 3. 12 MRSA §13104, sub-§4, as amended by PL 2005, c. 12, Pt. III, §41, is further amended to read:

4. Fee. Except as provided in subsection 5, the annual snowmobile registration fee is as follows:

- A. For residents, ~~§33~~ §35. The registration for a snowmobile owned by a resident is valid for one year, commencing on July 1st of each year.
- B. For nonresidents:
 - (1) Forty-three dollars for a 3-consecutive-day registration. A person may purchase more than one 3-day registration in any season;
 - (2) Fifty-eight dollars for a 10-consecutive-day registration. A person may purchase more than one 10-day registration in any season; and
 - (3) ~~Sixty-eight~~ Eighty-eight dollars for a seasonal registration.

The registration for a snowmobile owned by a nonresident must specify the dates for which the registration is valid.

Five dollars from each registration fee collected pursuant to this subsection must be transferred to a special fund administered by the Off-Road Vehicle Division of the Bureau of Parks and Lands within the Department of Conservation. The funds must be used to assist any entity that has a snowmobile trail-grooming contract with the bureau in the purchase of trail-grooming equipment.

Two dollars from each resident snowmobile registration fee must be transferred to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

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

Effective April 4, 2008.

**CHAPTER 557
S.P. 774 - L.D. 1980**

**An Act To Preserve the
Cobscook Bay Scallop Fishery**

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

Sec. 1. 12 MRSA §6701, sub-§7 is enacted to read:

7. Violation in Cobscook Bay. Notwithstanding subsection 6, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. 2. 12 MRSA §6702, sub-§7 is enacted to read:

7. Violation in Cobscook Bay. Notwithstanding subsection 6, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. 3. 12 MRSA §6703, sub-§6 is enacted to read:

6. Violation in Cobscook Bay. Notwithstanding subsection 5, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. 4. 12 MRSA §6721-A, sub-§6 is enacted to read:

6. Violation in Cobscook Bay. Notwithstanding section 6174 and subsection 5, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and

C. For the 3rd and subsequent offenses, a mandatory fine of \$750 is imposed and all scallops on board may be seized. The penalty imposed pursuant to this paragraph is in addition to the penalty imposed under section 6728-B.

Sec. 5. 12 MRSA §6722, as amended by PL 2001, c. 272, §14, is repealed and the following enacted in its place:

§6722. Scallop season

1. Scallop fishing season. Unless modified by rules adopted under section 6171-A, a person may not fish for or take scallops in the territorial waters from April 16th to November 30th, both days inclusive.

2. Violation in Cobscook Bay. Notwithstanding section 6174, a person who violates this section in Cobscook Bay commits a civil violation for which the following penalties apply:

A. For the first offense, a mandatory fine of \$500 is imposed and all scallops on board may be seized;

B. For the 2nd offense, a mandatory fine of \$750 is imposed and all scallops on board may be seized; and