

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 16

H.P. 113 - L.D. 134

**An Act To Amend the
Occupancy Limits for
Campsites in the Unorganized
Territories**

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 2009 camping season will begin well in advance of the expiration of the 90-day period; 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Sec. 1. 12 MRSA §682, sub-§18, as repealed and replaced by PL 2001, c. 402, §2, is amended to read:

18. Transient occupancy. "Transient occupancy" means occupancy that does not exceed ~~90 consecutive~~ 120 days in a calendar year.

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

Effective March 31, 2009.

CHAPTER 17

H.P. 130 - L.D. 151

**An Act To Amend the Alewife
Fishing Laws**

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

Sec. 1. 12 MRSA §6131, sub-§1, ¶B, as enacted by PL 1977, c. 661, §5, is amended to read:

B. Municipal rights ~~in existence on January 1, 1974~~ which that are not exercised for 3 consecutive years ~~shall~~ lapse;

Sec. 2. 12 MRSA §6131, sub-§2, ¶A, as amended by PL 1987, c. 513, §2, is further amended to read:

A. It ~~shall be~~ is unlawful to take alewives from 6 a.m. each ~~Saturday~~ Thursday morning until 6

a.m. Sunday morning. Municipalities ~~which that~~ make other provisions for escape of spawning alewives, which are approved by the commissioner, ~~shall be~~ are exempt from this limit.

Sec. 3. 12 MRSA §6131, sub-§5, as enacted by PL 1977, c. 661, §5, is repealed and the following enacted in its place:

5. Leasing of rights. The commissioner:

A. When the commissioner decides to manage or lease any alewife fishing rights where a municipality has had those rights and has failed to act as provided in subsection 1, shall so notify the clerk of the municipality in writing. After the notice, the commissioner may lease any of those rights to any person, as the commissioner determines is in the best interest of the State. All leases must be in writing and signed by the commissioner and the lessee and must set forth in detail the exact conditions under which the alewives may be taken, all in accordance with good conservation practices; and

B. May manage or lease alewife fishing rights in any river or stream where a municipality does not have those rights. The commissioner may lease any of those rights to any person, as the commissioner determines is in the best interest of the State. All leases must be in writing and approved and signed by the commissioner and the lessee and must set forth in detail the exact conditions under which the alewives may be taken, all in accordance with good conservation practices.

Sec. 4. 12 MRSA §6131, sub-§8, as enacted by PL 1977, c. 661, §5, is amended to read:

8. Migratory Fish Fund. All fees received by the commissioner from alewife leasing rights ~~shall be~~ are allocated to the Migratory Fish Fund, as established. Expenditures from the Migratory Fish Fund ~~shall~~ must be made:

- A. To build fishways for alewives and other migratory fish;
- B. For construction of other facilities for improving the environment of alewives and other migratory fish;
- C. For general propagation and conservation of alewives and other migratory fish; ~~and~~
- D. For research to enhance the fishing industry based on alewives and other migratory fish; ~~and~~
- E. For management measures required to maintain or enhance alewife populations or populations of other migratory fish.

The Migratory Fish Fund ~~shall~~ does not lapse.

See title page for effective date.