

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

SECTION TOTALS	2009-10	2010-11
OTHER SPECIAL REVENUE FUNDS	\$19,112,600	\$19,766,391
FEDERAL EXPENDITURES FUND ARRA	\$0	\$0
FEDERAL BLOCK GRANT FUND ARRA	\$0	\$0
<hr/>		
SECTION TOTAL - ALL FUNDS	\$19,112,600	\$19,766,391

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

Effective May 28, 2009, unless otherwise indicated.

**CHAPTER 214
S.P. 34 - L.D. 85**

An Act To Simplify and Consolidate Maine's Fishing Laws and Rules

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

Sec. 1. 12 MRSA §12452, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

§12452. Consolidation of rules

Fishing rules as set forth in the ~~annual~~ Open Water and Ice Fishing Regulations folder ~~and the annual Ice Fishing Regulations folder~~, as printed and distributed to the public, are declared to be official consolidations of fishing rules upon filing with the Secretary of State, except that the 150-day limit of Title 5, section 8052, subsection 7, paragraph B does not apply to this section.

Sec. 2. 12 MRSA §12454, sub-§1, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 3. 12 MRSA §12455, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

Sec. 4. 12 MRSA §12456, sub-§1, as amended by PL 2007, c. 695, Pt. C, §3, is repealed.

Sec. 5. 12 MRSA §12456, sub-§1-A is enacted to read:

1-A. Open seasons. The commissioner shall establish open seasons for fishing, except as provided in this section and section 6140-A, subsection 4.

A. The open-water fishing season on boundary waters between Maine and New Brunswick is from April 15th to September 30th, inclusive.

Sec. 6. 12 MRSA §12456, sub-§2, as amended by PL 2005, c. 237, §2, is further amended to read:

2. Exceptions. Notwithstanding the open seasons established under subsection 4 ~~1-A~~:

A. A person who holds a valid Maine fishing license may take smelts for recreational purposes only from the inland waters or portions of inland waters that are naturally free of ice with a dip net in the usual and ordinary way from noon to 2:00 a.m. in accordance with bag limits established by rule. Bag limits established by rule under this paragraph are for a 24-hour period, beginning at noon on a given day and ending at 11:59 a.m. the following day. The commissioner may prohibit the taking of smelts under this section or shorten the noon to 2:00 a.m. smelt fishing timeframe by rule for enforcement or conservation purposes.

(1) A person may not keep more than 5 dozen smelts alive as part of that person's daily bag limit pursuant to this paragraph.

(2) A person may not take smelts with a dip net unless that dip net meets the requirements under section 10001, subsection 12-A.

Each day a person violates subparagraph (1) or (2) that person commits a Class E crime.

~~B. There is a continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County;~~

~~C. Whenever the last day of open water fishing season falls on a Saturday, the season is extended one day to include the following Sunday; and~~

~~D. The commissioner by rule may extend the open water fishing season as long as such an extension does not pose a threat to the fishery. Rules adopted under this paragraph may include provisions that establish catch and release only restrictions on landlocked salmon, trout, togue and bass.~~

Sec. 7. 12 MRSA §12461, sub-§6 is enacted to read:

6. Exceptions. Notwithstanding the stocking restrictions set forth in subsection 4, the commissioner may:

A. Stock Big Reed Pond in T.8, R.10, W.E.L.S. with native fish species. If sufficient brook trout from Big Reed Pond are not available, brook trout

from Reed Brook and its tributaries in T.8, R.10, W.E.L.S. may be used for restocking. If arctic charr from Big Reed Pond are not available, arctic charr from an endemic arctic charr water in the State may be used for restocking. If northern redbelly dace need to be restocked in Big Reed Pond, northern redbelly dace from Reed Brook and its tributaries in T.8, R.10, W.E.L.S. may be used for restocking.

Sec. 8. 12 MRSA §12652, sub-§1, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §275 and affected by §422, is repealed and the following enacted in its place:

1. Prohibition. Unless otherwise provided:

A. A person may not fish with more than 2 lines at any one time during the open-water fishing season; and

B. A person may not fish during the open-water fishing season unless that person's fishing lines are under that person's immediate supervision.

Sec. 9. 12 MRSA §12656, sub-§1, ¶A, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

A. Possess any grapnel, trawl, weir, seine, gill net or trap or set line or drop net on or adjacent to any of the inland waters of the State, except in accordance with sections 12157 and 12506, section 12551-A, subsection 7, paragraph A, subparagraph (2) and section 12763, subsections 3 and 4; or

Sec. 10. 12 MRSA §12659-A, sub-§4, as amended by PL 2005, c. 477, §19, is further amended to read:

4. Checking cusk lines. ~~In waters that are opened under section 12454, subsection 1, paragraph B,~~ A person fishing through the ice for cusk in the nighttime shall visit at least once every hour all lines set by that person for cusk.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 11. 12 MRSA §12661, sub-§1, ¶A, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §283 and affected by §422, is further amended to read:

A. May not leave or allow the shack or structure to remain on the ice of any inland waters ~~more than 3 days after the waters on which the shack or~~

~~structure is located are closed to ice fishing after April 1st; or~~

Sec. 12. 12 MRSA §12661, sub-§1, ¶B, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §283 and affected by §422, is repealed.

Sec. 13. 12 MRSA §12662, as amended by PL 2005, c. 397, Pt. E, §12, is repealed.

See title page for effective date.

CHAPTER 215

H.P. 993 - L.D. 1417

An Act To Add Unlicensed Assistive Persons with Notations to the Maine Registry of Certified Nursing Assistants

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

Sec. 1. 22 MRSA §1812-G, as amended by PL 2003, c. 376, §§1 and 2 and c. 599, §4 and affected by §5 and amended by c. 634, §3 and c. 689, Pt. B, §6, is further amended to read:

§1812-G. Maine Registry of Certified Nursing Assistants

1. Established. The Maine Registry of Certified Nursing Assistants is established in compliance with federal and state requirements. The Department of Health and Human Services shall maintain the registry.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified nursing assistant" means an individual who has successfully completed an approved nursing assistant training program, holds a certificate of training and meets the eligibility requirements established by the State Board of Nursing for listing on the registry.

B. "Registry" means the Maine Registry of Certified Nursing Assistants established in subsection 1, which is a list of certified nursing assistants, with notations if applicable, and a list of unlicensed assistive persons with notations.

C. "Unlicensed assistive person" means an individual employed to provide hands-on assistance with activities of daily living to individuals in homes, assisted living programs, residential care facilities, hospitals and other health care settings. "Unlicensed assistive person" does not include a certified nursing assistant employed in the capacity of a certified nursing assistant.