

# 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**

**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.**

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**Augusta, Maine**  
**2009**

accessible by the public, notice of fish stocking plans identified under this section and allow public comment within a reasonable period of time. The department shall also provide notice by e-mail to organizations and individuals who have requested such notice. The department shall provide notification as provided in this section at the same time the stocking plan becomes a Bureau of Resource Management proposal. This section does not apply to a private pond or a fishing program for children.

See title page for effective date.

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## CHAPTER 217

### H.P. 335 - L.D. 447

#### An Act To Allow the Direct Sale of Shellfish to Retailers

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

**Sec. 1. 12 MRSA §6601, sub-§2**, as amended by PL 2005, c. 434, §4, is further amended to read:

**2. Licensed activities.** The holder of a commercial shellfish license may fish for, take, possess or transport shellfish within the state limits or sell shellstock the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail seafood license holder under section 6852-A. The holder may also sell shellstock the holder has taken from that license holder's home in the retail trade. This license does not authorize the holder to fish for or take shellfish in violation of a municipal ordinance adopted pursuant to section 6671.

**Sec. 2. 12 MRSA §6602, sub-§2**, as enacted by PL 2007, c. 54, §2, is amended to read:

**2. Licensed activity.** A surf clam boat license issued under this section may be used for harvesting surf clams. The holder of a surf clam boat license may also possess or transport surf clams within state limits or sell surf clams the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail seafood license holder under section 6852-A. The license also authorizes the captain and crew members aboard the licensed boat when engaged in harvesting surf clams to undertake these activities.

**Sec. 3. 12 MRSA §6731, sub-§2, ¶C**, as amended by PL 2005, c. 434, §7, is further amended to read:

C. Sell mahogany quahogs that the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail seafood license holder under section 6852-A.

**Sec. 4. 12 MRSA §6745, sub-§2**, as amended by PL 2005, c. 434, §9, is further amended to read:

**2. Licensed activity.** The holder of a hand-raking mussel license may take mussels by hand raking or possess or transport mussels within the state limits or sell mussels the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail seafood license holder under section 6852-A.

**Sec. 5. 12 MRSA §6746, sub-§2**, as amended by PL 2007, c. 494, §3, is further amended to read:

**2. Licensed activity.** A boat license under this section may be used for dragging for mussels. The holder of a mussel boat license may also possess or transport mussels within the state limits or sell mussels the holder has taken to a wholesale seafood license holder certified under section 6856 or an enhanced retail seafood license holder under section 6852-A. The license also authorizes the captain and crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities. A mussel boat license does not authorize the holder to fish for or take mussels in violation of a municipal ordinance adopted pursuant to section 6671.

**Sec. 6. 12 MRSA §6852-A** is enacted to read:

#### **§6852-A. Enhanced retail seafood license**

**1. Licensed required.** A person may not engage in the activities authorized under this section without a current enhanced retail seafood license or other license issued under this Part authorizing the activities.

**2. Licensed activity.** The holder of an enhanced retail seafood license may, in the retail trade within the state limits, buy, sell, transport, ship or serve:

A. Shellstock bought from a commercial shellfish license holder licensed under section 6601, a surf clam boat license holder licensed under section 6602, a mahogany quahog license holder licensed under section 6731, a hand-raking mussel license holder licensed under section 6745 and a mussel boat license holder licensed under section 6746;

B. Shellstock and shucked shellfish if they are bought from a wholesale seafood license holder certified under section 6856;

C. Lobster parts or meat if they are permitted under section 6857 or have been lawfully imported;

D. Crayfish; and

E. Lobsters.

**3. License limited.** An enhanced retail seafood license authorizes the activities under subsection 2 only one establishment or with only one vehicle.

**4. Fee.** The annual fee for an enhanced retail seafood license is \$150. Forty-four dollars of the license

fee is dedicated to the Shellfish Fund under section 6651.

**5. Violation.** A person who violates this section commits a civil violation for which a fine of not less than \$100 or more than \$500 may be adjudged.

**6. Rules.** Rules adopted by the commissioner pursuant to section 6852, subsection 6 are applicable to this section.

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF**

**Bureau of Resource Management 0027**

Initiative: Allocates funds related to the newly created enhanced retail seafood license.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$3,564	\$4,752
OTHER SPECIAL REVENUE FUNDS TOTAL	\$3,564	\$4,752

See title page for effective date.

**CHAPTER 218**

**S.P. 108 - L.D. 344**

**An Act To Allow Smelting on Mud Brook on Long Lake in Aroostook County**

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

**Sec. 1. 12 MRSA §12460-A, sub-§3,** as amended by PL 2007, c. 651, §12, is repealed.

See title page for effective date.

**CHAPTER 219**

**H.P. 393 - L.D. 555**

**An Act To Promote Public Safety Answering Point Efficiency**

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

**Sec. 1. 25 MRSA §2925, sub-§6, ¶D** is enacted to read:

D. The council shall assist the bureau in responding to and resolving service-related complaints and issues regarding the E-9-1-1 system.

**Sec. 2. 25 MRSA §2926, sub-§2-A,** as enacted by PL 2003, c. 359, §3, is amended to read:

**2-A. Goal.** To the extent possible, the bureau shall establish a total of between 16 and 24 public service answering points. The bureau shall seek to coordinate any reduction in the number of public service answering points to achieve this goal with any contractual obligations it may have or may enter into that are or could be affected by that reduction. Prior to implementing a reduction in the number of public safety answering points, the bureau shall make a finding regarding the need for the reduction based on an evaluation of the costs and benefits of the reduction, taking into account impacts on ratepayers, each of the affected municipalities and the State.

**Sec. 3. 25 MRSA §2927, sub-§5,** as amended by PL 1997, c. 409, §1, is further amended to read:

**5. Legislative annual report.** The bureau shall report annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over utilities and energy matters on:

- A. The bureau's planned expenditures for the year and use of funds for the previous year;
- B. The statewide E-9-1-1 surcharge collected under this section;
- C. The bureau's recommended statewide E-9-1-1 surcharge for the coming year; ~~and~~
- D. The bureau's recommendations for amending existing and enacting new law to improve the E-9-1-1 system; and
- E. The performance of each of the public safety answering points in the State during the previous calendar year.

**Sec. 4. Report regarding public safety answering points and E-9-1-1 system.** No later than February 1, 2010, the Public Utilities Commission, Emergency Services Communication Bureau shall prepare and submit to the Joint Standing Committee on Utilities and Energy a report on:

- 1. The optimum configuration of public safety answering points in the State, taking into account:
  - A. Total E-9-1-1 system needs and costs, including, but not limited to, needs and costs related to system operations, maintenance, training, back-up system capacity and staffing levels, including answering position units or seats;
  - B. Forecasted total system costs, including direct and indirect costs, under the optimum configuration; and