

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

**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**  
**2010**

A. "After-tax amount" means the gross amount of any benefit under subsection 3, paragraph A, subparagraph (2), (3), (4) or (5) reduced by the prorated weekly amount that would have been paid, if any, under the Federal Insurance Contributions Act, 26 United States Code, Sections 3101 to 3126, state income tax and federal income tax, calculated on an annual basis using as the number of exemptions the disabled employee's dependents plus the employee, and without excess itemized deductions. In determining the "after-tax amount" the tables provided for in section 102, subsection 1 must be used. The gross amount of any benefit under subsection 3, paragraph A, subparagraph (2), (3), (4) or (5) is presumed to be the same as the average weekly wage for purposes of the table. The applicable 80% of after-tax amount as provided in the table, multiplied by 1.25, is conclusive for determining the "after-tax amount" of benefits under subsection 3, paragraph A, subparagraph (2), (3), (4) or (5).

B. "Disability insurance policy" does not include a life insurance policy that includes a disability feature if the policy was put in place as a result of collective bargaining.

**Sec. 2. Retroactivity.** This Act applies retroactively to all injuries including pending cases and cases on appeal.

See title page for effective date.

## CHAPTER 522

### H.P. 1200 - L.D. 1699

#### An Act To Update and Modernize Maine's Floodplain Mapping

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

**Whereas**, many properties in the State are either erroneously placed in or excluded from maps of flood hazard areas due to floodplain mapping inaccuracies; and

**Whereas**, the State has collaborated with other states to submit a grant proposal to the United States Geological Survey to acquire light detection and ranging elevation data and the State is awaiting final approval of the grant funding; and

**Whereas**, the grant proposal addresses a very small percentage of the data needed for improved floodplain mapping; and

**Whereas**, private funding sources are currently available to contribute toward floodplain mapping in the State; 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. 5 MRSA §3307-G** is enacted to read:

#### **§3307-G. Floodplain Mapping Fund**

**1. Fund established.** The Floodplain Mapping Fund, referred to in this section as "the fund," is established as a dedicated nonlapsing fund administered by the office for the purpose of providing funds for the mapping of floodplains using light detection and ranging technology in the State.

**2. Sources of money.** The fund consists of any money received from the following sources:

A. Contributions from private sources;

B. Federal funds and awards;

C. The proceeds of any bonds issued for the purposes for which the fund is established; and

D. Any other funds received in support of the purposes for which the fund is established.

**3. Disbursements from the fund.** The office shall apply the money in the fund toward the support of floodplain mapping in the State, including, but not limited to, the acquisition of light detection and ranging elevation data and the processing and production of floodplain maps.

**Sec. 2. Appropriations and allocations.** The following appropriations and allocations are made.

#### **STATE PLANNING OFFICE**

##### **Floodplain Mapping Fund N091**

Initiative: Provides a base allocation to establish the Floodplain Mapping Fund.

OTHER SPECIAL REVENUE FUNDS	2009-10	2010-11
All Other	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

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

Effective March 18, 2010.

## CHAPTER 523

### H.P. 1131 - L.D. 1593

#### An Act To Amend the Lobster Meat Laws and Expand Economic Opportunity for Maine's Lobster Industry

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

**Whereas,** this legislation must take effect July 1, 2010; 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 §6301, sub-§2, ¶Q,** as amended by PL 1999, c. 491, §1 and affected by §9, is further amended to read:

Q. A lobster transportation supplemental license issued under section 6854 expires on March 31st of each year; ~~and~~

**Sec. 2. 12 MRSA §6301, sub-§2, ¶R,** as enacted by PL 1999, c. 491, §2 and affected by §9, is amended to read:

R. A wholesale seafood license with a shrimp permit issued under section 6851 expires on March 31st of each year; ~~and~~

**Sec. 3. 12 MRSA §6301, sub-§2, ¶S** is enacted to read:

S. A lobster processor license issued under section 6851-B expires on March 31st of each year.

**Sec. 4. 12 MRSA §6302, sub-§2,** as amended by PL 1997, c. 544, §1, is further amended to read:

**2. Common carrier.** Carry any marine organism by a common carrier; ~~or~~

**Sec. 5. 12 MRSA §6302, sub-§3,** as amended by PL 1997, c. 544, §1, is further amended to read:

**3. Hermetically sealed containers.** Buy, sell, ship or transport within or beyond the state limits or

possess any marine organism that is in a hermetically sealed container; ~~or.~~

**Sec. 6. 12 MRSA §6302, sub-§4,** as enacted by PL 1997, c. 544, §1, is repealed.

**Sec. 7. 12 MRSA §6431, sub-§4,** as amended by PL 1985, c. 129, §1, is further amended to read:

**4. Mutilation.** It shall be unlawful to possess any lobster, or part thereof, which is mutilated in a manner which makes accurate measurement impossible, except that any person, firm or corporation may possess lobster tails removed under section ~~6862~~ 6851-B.

**Sec. 8. 12 MRSA §6851, sub-§2-A,** as amended by PL 2007, c. 615, §21, is further amended to read:

**2-A. Wholesale seafood license with lobster permit.** At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process or ship lobster or properly ~~permitted~~ licensed or lawfully imported lobster meat or parts. A person holding a wholesale seafood license with a lobster permit may transport lobster or properly ~~permitted~~ licensed or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to possess or transport lobster that person has taken unless that person is in possession of a license issued under section 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a ~~permit license~~ under section 6857 6851-B is held.

**Sec. 9. 12 MRSA §6851-B** is enacted to read:

#### §6851-B. Lobster processor license

**1. License required.** A person may not engage in the activities authorized under this section without a current wholesale seafood license with a lobster permit as required under section 6851 and a current lobster processor license.

**2. Licensed activity.** A lobster processor license authorizes a person to process lobsters and lobster meat for sale in accordance with rules adopted by the commissioner, including, but not limited to, the appropriate fee for the license, which may not exceed \$750, and under the following conditions:

A. The lobster and lobster meat may be processed only at the fixed place of business named on the license;

B. The lobster meat or lobster parts may come from only legal-sized lobsters;