

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

- (2) Technologies, such as advanced information systems, advanced telecommunications, energy and environmental products and services;
- (3) Biological and natural resource technologies, such as aquaculture, marine technology, agriculture, forestry products and biotechnology;
- (4) A business converting from defense dependency;
- (5) A business significantly engaged in export of goods or services to locations outside the State;
- (6) A business that dedicates significant resources to research and development activities;
- (7) Other businesses with 10 or fewer employees; and
- (8) A child care project that includes any business that, for compensation, provides a regular service of care and protection for any part of a day less than 24 hours to a child or children under 16 years of age whose parents work outside the home, attend an educational program or are otherwise unable to care for their children.

Notwithstanding the requirements of this paragraph, until June 30, 2012, a project or a borrower that is eligible for loan insurance under section 1026-A is eligible for financial assistance under the program.

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

Effective March 31, 2011.

CHAPTER 12
H.P. 42 - L.D. 49

**An Act To Allow Storage of
Lobster Traps on Docks**

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

Sec. 1. 38 MRSA §480-Q, sub-§28, as enacted by PL 2009, c. 75, §4, is amended to read:

28. Release of water from dam after petition by owner for release from dam ownership or water level maintenance. Activity associated with the release of water from a dam pursuant to an order issued by the department pursuant to section 905; and

Sec. 2. 38 MRSA §480-Q, sub-§29, as enacted by PL 2009, c. 75, §5, is amended to read:

29. Dam safety order. Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24-; and

Sec. 3. 38 MRSA §480-Q, sub-§30 is enacted to read:

30. Lobster trap storage. The storage of lobster traps and related trap lines, buoys and bait bags on docks in, on, over or adjacent to a coastal wetland. For purposes of this subsection, "dock" means a dock, wharf, pier, quay or similar structure built in part on the shore and projected into a harbor and used as a landing, docking, loading or unloading area for watercraft.

See title page for effective date.

CHAPTER 13
H.P. 43 - L.D. 50

**An Act To Allow Provisional
Drivers To Transport Persons
under Guardianship and
Children of Active Military
Personnel**

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

Sec. 1. 29-A MRSA §1311, sub-§1, ¶A, as amended by PL 2009, c. 10, §1, is further amended to read:

A. Carry passengers other than immediate family members unless accompanied by a licensed operator who meets the requirements of section 1304, subsection 1, paragraph E. For the purpose of this paragraph, "immediate family member" includes a ~~foreign exchange student that is~~ the following when living with the immediate family:

- (1) A foreign exchange student;
- (2) A person who is under court-appointed guardianship of an immediate family member; and
- (3) A child whose parent is deployed for military service and is under guardianship of an immediate family member as provided on a United States Department of Defense Armed Forces Family Care Plan, DA Form 5305 or its successor form.

For the purpose of this paragraph, "deployed for military service" means assigned to active military duty with the state military forces, as defined in

Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, whether pursuant to orders of the Governor or the President of the United States, when the duty assignment is in a combat theater, in an area where armed conflict is taking place or in an area away from a person's normal duty station;

See title page for effective date.

CHAPTER 14

H.P. 293 - L.D. 367

**An Act To Amend the Laws
Regarding Noncommercial
Foreign Vessels**

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

Sec. 1. 38 MRSA §87-A, sub-§1, ¶D, as amended by PL 1999, c. 355, §7, is further amended to read:

D. The vessel on regularly scheduled ferry operations between Bar Harbor, Maine and Yarmouth, Nova Scotia, provided that the master of such vessel has completed an appropriate number of trips, as established by commission rules and has met any appropriate federal requirements;

Sec. 2. 38 MRSA §87-A, sub-§1, ¶E, as amended by PL 1999, c. 355, §7, is further amended to read:

E. All military ships navigating the Kennebec River to and from the Bath Iron Works Corporation for the purpose of accomplishing overhaul, repair, post shakedown availability and sea trials; and

Sec. 3. 38 MRSA §87-A, sub-§1, ¶F is enacted to read:

F. Noncommercial foreign vessels with overall length of under 200 feet.

See title page for effective date.

CHAPTER 15

H.P. 151 - L.D. 174

**An Act To Amend the Law
Governing Employment,
Discipline and Dismissal of
Chief Deputy Sheriffs**

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

Sec. 1. 30-A MRSA §383, sub-§5 is enacted to read:

5. Minimum qualifications. The chief deputy must meet the minimum qualifications for sheriffs pursuant to section 371-B, subsection 3.

Sec. 2. 30-A MRSA §501, sub-§5 is enacted to read:

5. Application to chief deputy. Subsections 1, 2 and 3 do not apply to the appointment, dismissal, suspension or discipline of a chief deputy by a sheriff.

See title page for effective date.

CHAPTER 16

H.P. 55 - L.D. 67

**An Act Relating to
Standardbred Horse Breeding**

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

Whereas, it is important to the future of the Maine Standardbred horse breed that the best breeding stallions be available; and

Whereas, it is necessary for this legislation to take effect sooner than 90 days after adjournment of the First Regular Session in order to make available the best breeding opportunities; 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. 8 MRSA §281-B is enacted to read:

§281-B. Registration of stallions

For the 2011 and 2012 breeding seasons as defined in rule by the commission adopted under section 281, a person may register a stallion with the commission between January 1st and July 15th to stand at stud in the State and the offspring of that stallion conceived during that breeding season may be registered as a Maine Standardbred under section 281 as long as all other requirements for registration established in rule adopted under section 281 are met. A person who registers a stallion under this section must pay a late fee as established by rule adopted under section 281 in addition to the registration fee established in rule.

This section is repealed December 31, 2012.