

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

B. The lobsters are legal in the waters from which they were harvested; and

C. The lobsters are not less than the minimum size established in this section.

Lobster tails processed under this subsection may not be offered for sale within this State in the wholesale or retail trade. Lobster meat processed from the claws and knuckles may be sold within this State in the wholesale or retail trade.

This subsection takes effect November 1, 2011 and is repealed 90 days after the adjournment of the First Regular Session of the 126th Legislature.

Sec. 3. 12 MRSA §6851-B, sub-§2, ¶C, as enacted by PL 2009, c. 523, §9, is amended to read:

C. All containers in which lobster meat is packed after removal and that are to be sold, shipped or transported must be clearly labeled with the lobster processor license number of the packer; ~~and~~

Sec. 4. 12 MRSA §6851-B, sub-§2, ¶D, as enacted by PL 2009, c. 523, §9, is amended to read:

D. Records must be maintained at the fixed place of business named on the license; and

Sec. 5. 12 MRSA §6851-B, sub-§2, ¶E is enacted to read:

E. Notwithstanding paragraph B, the lobster meat or lobster parts may come from lobsters that are not legal-sized as provided in section 6431, subsection 6-B.

This paragraph takes effect November 1, 2011 and is repealed 90 days after the adjournment of the First Regular Session of the 126th Legislature.

Sec. 6. Rules. The Commissioner of Marine Resources shall adopt or amend rules to prescribe the time, manner and method of sealing containers for the effective operation of the Maine Revised Statutes, Title 12, section 6431, subsection 6-B. The rules may include a requirement for a permit and provisions for inspection that establish a chain of custody that ensures that the lobsters were not harvested or landed in this State. The commissioner shall also adopt or amend rules to establish the method by which the department collects from a holder of a lobster processor license landings records of the amount of oversized lobsters harvested outside this State received by that lobster processor. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective June 7, 2011.

**CHAPTER 248
H.P. 207 - L.D. 254**

**An Act To Amend the
Standards by Which Law
Enforcement Officers May
Stop an All-terrain Vehicle
Operating on Private Property**

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

Sec. 1. 12 MRSA §10353, sub-§2, as amended by PL 2009, c. 389, §1, is further amended to read:

2. Powers. In addition to other powers granted in this Part, a game warden or other official described in section 10401 may:

A. Arrest, summons and prosecute a violator of the following:

- (1) This Part;
- (2) Rules adopted by the commissioner; and
- (3) The federal Migratory Bird Treaty Act, 16 United States Code, Chapter 7, subchapter II, section 703 and all rules and regulations promulgated in pursuance of that Act.

A game warden or other official described in section 10401 shall, without unnecessary delay, take any person so arrested before the District Court nearest the place of violation;

B. Serve criminal processes on offenders of the law and serve all processes pertaining to the enforcement of this Part;

C. Accept personal recognizances in accordance with the following procedures:

- (1) A game warden or other official described in section 10401 making an arrest for any violation of this Part and Title 38, chapter 3, subchapter 1, article 5-A, at a point more than 50 miles distant from the nearest District Court having jurisdiction, may accept the personal recognizance of the prisoner in an amount not to exceed \$1,000 for the prisoner's appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance; and
- (2) The warden or other official described in section 10401 shall report all those recognizances and forward all those deposits to the court to which the recognizance is returnable.

Recognizances and deposits must be handled by the court in accordance with sections 10202 and 10203;

Recognizances and deposits must be handled by the court in accordance with sections 10202 and 10203;

D. If the warden or other official described in section 10401 is in uniform and has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop a motor vehicle or watercraft for the purpose of:

- (1) Arresting the operator for a criminal violation;
- (2) Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or
- (3) Questioning the operator or occupants;

E. In order to protect fish and wildlife:

(1) If the warden or other official described in section 10401 is in uniform, stop a person for the purpose of determining compliance with license, permit, equipment or other requirements or restrictions if the person, at the time of the stop, is:

- (a) Engaged in hunting, fishing or trapping; and
- (b) Not in or on a motor vehicle; and

(2) Pursuant to policy established by the commissioner, establish checkpoints to stop any type of vehicle and conduct checks to gather statistics concerning hunting, fishing and trapping and to determine compliance with fish and wildlife laws;

F. Stop any watercraft to inspect the craft, its equipment and its documents or certificates; board a watercraft when necessary to enforce chapter 935 or any other provision of this Part regarding watercraft; and order any watercraft ashore to correct a violation or to protect the safety of its occupants, if in the opinion of the warden or other official described in section 10401 their safety is in jeopardy;

~~G. If the warden has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop~~ Stop and examine any all-terrain vehicle to ascertain whether it is being operated in compliance with chapter 939 or any other provision of this Part regulating ATVs, demand and inspect the operator's certificate of registration and, when appropriate, demand and inspect evidence that the operator has satisfactorily completed a training course as required by section 13152. ~~Other law enforcement officers are subject to the provisions of this paragraph;~~

H. Stop and examine any snowmobile to ascertain whether it is being operated in compliance with chapter 937 or any other provision of this Part regulating snowmobiles; demand and inspect the operator's certificate of registration; and exam-

ine the identification numbers of the snowmobile and any marks on it; and

I. Do anything otherwise prohibited by this Part if necessary to carry out the ~~warden's~~ duties and powers of the warden or other official described in section 10401. This paragraph does not authorize a warden or other official described in section 10401 enforcing this Part to stop any person, motor vehicle or watercraft except as specifically provided in this section.

See title page for effective date.

CHAPTER 249

H.P. 322 - L.D. 404

An Act To Assist School Administrative Units in Providing Health Insurance to Their Employees

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

Sec. 1. 20-A MRSA §1001, sub-§14, ¶D is enacted to read:

D. In order to facilitate the competitive bidding process in procuring health insurance for a school administrative unit's employees under this subsection, the administrator for an individual school plan or for a group plan for a multiple-school group shall seek and obtain competitive bids through a request for proposal process from qualified insurers at least once every 5 years commencing July 1, 2012. The administrator for any such group plan shall make the request for proposal responses available to requesting school administrative units, excluding any portions of the request for proposal responses considered to be confidential proprietary information by the submitting insurers. If any such individual school plan or group plan is subsequently self-insured, in whole or in part, the school board shall compare the overall cost of such a self-insured plan, including projected claims, all administrative expenses and reinsurance expenses, to the cost of insured products at least once every 5 years commencing July 1, 2012.

Sec. 2. Voluntary employee benefits trust; low-cost plan. The voluntary employee benefits trust established pursuant to the federal Employee Retirement Income Security Act of 1974, 29 United States Code, Sections 1001 to 1461 (1988) by a statewide education association shall review and consider creating a new benefits option with a lower premium rate for the plan year starting July 1, 2012 or a subsequent plan year.