

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

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

5. Right of first refusal. The commissioner shall retain a permanent right of first refusal on any working waterfront property acquired in fee or protected by working waterfront covenant or other less-than-fee interests under Title 5, section 6203-B. Exercise of the right of first refusal must be at a price determined by an independent professional appraiser based on the value of the working waterfront property to a commercial fisheries business at the time of the exercise of the right. The commissioner may assign this right to a commercial fisheries business or to a local government if, in the commissioner's judgment, such an assignment is consistent with the purposes of this section.

6. Termination. If the commissioner determines that the public purposes of a grant made under subsection 4 are no longer served, the commissioner may, consistent with the provisions of Title 33, chapter 6-A, terminate a grant agreement made under subsection 4 conditional on repayment of the original grant amount or an amount equal to that proportion of the then-current value of the protected property that represents the ratio of the original grant amount to the original fee interest value at the time of the grant. Any funds recovered under this subsection must be deposited into the Maine Working Waterfront Access Protection Fund under Title 5, section 6203-B and may be expended only for the purposes of this section.

Sec. B-7. 12 MRSA §6173-A, sub-§1, as enacted by PL 2005, c. 683, Pt. F, §1, is amended to read:

1. Confidential information. Information submitted to the department under the provisions of the Maine Working Waterfront Access ~~Pilot~~ Protection Program established by ~~Public Law 2005, chapter 462 section 6042~~ may be designated by the submitter as proprietary information and as being only for the confidential use of the department, its agents and employees, other agencies of State Government, as authorized by the Governor, and the Attorney General. The designation must be clearly indicated on each page or other unit of information. The commissioner shall establish procedures to ensure that information so designated is segregated from public records of the department. The department's public records must include the indication that information so designated has been submitted to the department, giving the name of the submitter and the general nature of the information. Upon a request for information the scope of which includes information so designated, the commissioner shall notify the submitter. Within 15 days after receipt of the notice, the submitter shall demonstrate to the satisfaction of the department that the designated information should not be disclosed because the information is proprietary information. Unless such a demonstration is made, the information must be disclosed and becomes a public record. The department may grant or deny disclosure for all or any part of the designated information requested and within 15 days

shall give written notice of the decision to the submitter and the person requesting the designated information. A person aggrieved by a decision of the department under this subsection may appeal to the Superior Court.

Sec. B-8. Holder of covenant. The Commissioner of Marine Resources may hold working waterfront covenants under the Maine Revised Statutes, Title 33, chapter 6-A on behalf of the Department of Marine Resources. All working waterfront covenants obtained with funding under the provisions of Public Law 2005, chapter 462; Public Law 2007, chapter 39; and Public Law 2009, chapter 414 as amended by Public Law 2009, chapter 645 are deemed to be held by the commissioner on behalf of the department.

See title page for effective date.

CHAPTER 267

H.P. 918 - L.D. 1227

An Act Concerning the Disposal of Unclaimed, Lost or Stolen Personal Property by Law Enforcement Agencies

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

Sec. 1. 25 MRSA §3502, as enacted by PL 1975, c. 558, is amended to read:

§3502. Custody and return of property believed to be abandoned, lost or stolen

Such property believed to be abandoned, lost or stolen or otherwise illegally possessed, as is covered by this chapter, ~~shall~~ must be retained in custody by the chief of police or the principal official of the law enforcement agency, who shall make reasonable inquiry and efforts to identify and notify the owner or other person entitled to possession ~~thereof of the property~~ and shall return the property after such person provides reasonable and satisfactory proof of ~~his~~ that ~~person's~~ ownership or right to possession and reimburses the agency and others authorized to incur expenses by the agency for all reasonable expenses of such custody. If the owner of such property or any other person entitled to possession ~~thereof of the property~~ has not been identified ~~within~~ after at least 30 days from the initial date of custody of such property by a law enforcement agency, the principal official of such agency shall cause to be published, at least once in a newspaper of general circulation in the county ~~wherein in which~~ such official has authority or in ~~the state paper~~ a newspaper of general circulation in the county in which the property was taken into custody in the case of a state law enforcement agency, a notice of ~~his~~ the law enforcement agency's ~~possession~~ possession

sion of such property and its inability to ascertain the owner ~~thereof of the property~~. Such notice shall ~~must~~ also contain a brief description of the property and a statement to the effect that, if the owner of such property or any other person entitled to possession ~~thereof of the property~~ has not claimed such property within 5 months of the date of such published notice, such property will ~~either~~ be surrendered to the person who found it, if any, ~~or be~~ sold to the highest bidder at public auction, donated to a nonprofit organization or charity or disposed of as waste.

Sec. 2. 25 MRSA §3503, as enacted by PL 1975, c. 558, is amended to read:

§3503. Sale of unclaimed property

If the identity or location of the owner or other person entitled to possession of the property has not been ascertained within 6 months after the law enforcement agency obtains such possession, or said identity has been determined and such person does not claim possession within this 6-month period, and the finder of such property, if any, has not claimed it pursuant to the provisions of section 3507 within 15 days after the expiration of said 6-month period, the principal official thereof shall effectuate the sale of the property for cash to the highest bidder at a public auction, notice of which, including time, place and a brief description of such property, shall be published at least once in a newspaper of general circulation in the county wherein such official has authority at least 10 days prior to such auction or in the state paper in the case of a state law enforcement agency. Property offered but not sold at such public auction may be offered and sold at a subsequent public auction without further notice, donated to a nonprofit organization or charity or disposed of as waste.

A law enforcement agency shall appropriately and properly dispose of as waste any property that poses a possible health risk.

At no time may any property that has been disposed of by a law enforcement agency as waste be owned or personally used by any member of a law enforcement agency or by any immediate family member of any member of a law enforcement agency.

See title page for effective date.

CHAPTER 268

H.P. 90 - L.D. 108

**An Act To Amend the Fees for
Infant Lifetime Licenses**

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

Sec. 1. 12 MRSA §10851, sub-§1, ¶A, as amended by PL 2009, c. 404, §1, is further amended to read:

A. For a person who is less than 6 years of age:

(1) An infant lifetime fishing license. The fee for an infant lifetime fishing license is \$150 for a resident and \$450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is \$200;

(2) An infant lifetime hunting license. The fee for an infant lifetime hunting license is \$150 for a resident and \$450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is \$200;

(3) An infant lifetime archery hunting license. The fee for an infant lifetime archery hunting license is \$150 for a resident and \$450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is \$200;

(3-A) An infant lifetime trapping license. The fee for an infant lifetime trapping license is \$150 for a resident and \$450 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is \$200;

(4) An infant combination of any 2 lifetime licenses. The fee for an infant combination of any 2 lifetime licenses is \$250 for a resident and \$750 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is \$425; and

(5) An infant combination of any 3 lifetime licenses. The fee for an infant combination of any 3 lifetime licenses is \$400 for a resident and \$1,200 for a nonresident, except that, from December 1, 2011 until March 1, 2015, the fee for a nonresident is \$660;

Sec. 2. Report. The Commissioner of Inland Fisheries and Wildlife shall report on the fiscal impact of reducing the fees for the nonresident infant lifetime licenses under this Act by January 5, 2015 to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters.

See title page for effective date.
