

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST SPECIAL SESSION
September 27, 2011

SECOND REGULAR SESSION
January 4, 2012 to May 31, 2012

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
LAWS IS
SEPTEMBER 28, 2011

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 30, 2012

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

Augusta, Maine
2012

number of registrants established pursuant to section 6474, subsection 6.

The commissioner shall by August 15th notify a person who becomes eligible for registration under this paragraph. If that person does not register with the commissioner within 30 days, that person becomes ineligible for registration and the commissioner shall immediately notify the next individual who has been listed for the longest period of time ~~in the registry on the waiting list~~. That individual must register within 30 days.

2. Registration in later years. A person who registers for Monhegan Lobster Conservation Area trap tags under subsection 1 must follow the provisions of section 6474, subsection 4, paragraph A or B to register for trap tags for each subsequent open season.

3. License requirements; apprenticeship. ~~License requirements for an apprenticeship in the Monhegan Lobster Conservation Area are as follows:~~

~~A. A person who does not possess a Class I, Class II or Class III lobster and crab fishing license must possess an apprentice license issued under section 6421 to be an apprentice in the Monhegan Lobster Conservation Area. The waiver provisions of the apprentice program under section 6422, subsection 4 do not apply to an apprentice in the Monhegan Lobster Conservation Area.~~

~~B. A person who possesses a Class I, Class II or Class III lobster and crab fishing license is not required to possess an apprentice license issued under section 6421 to be an apprentice in the Monhegan Lobster Conservation Area.~~

4. Issuance of commercial lobster license. ~~A person who does not possess a Class I, Class II or Class III lobster and crab fishing license may be issued a Class I, Class II or Class III lobster and crab fishing license upon completion of the apprenticeship under subsection 1, paragraph B.~~

5. Registrants exiting the Monhegan Lobster Conservation Area. ~~A person who is registered to fish within the Monhegan Lobster Conservation Area and who no longer wishes to fish there may exit the area at the end of the registration period established in this section in the following manner:~~

~~A. A person who has been registered for a period of not less than 5 open seasons and who can document to the commissioner that that person has harvested lobsters in each of 5 open seasons may exit the Monhegan Lobster Conservation Area and fish elsewhere in Zone D without going on a waiting list as established in section 6448.~~

~~B. A person who has been registered for a period of less than 5 open seasons or who cannot docu-~~

~~ment to the commissioner that that person harvested lobsters in at least 5 open seasons may exit the Monhegan Lobster Conservation Area and become eligible to fish elsewhere in Zone D if that person complies with the waiting list requirement established in accordance with section 6448.~~

Sec. 13. 12 MRSA §6476, as enacted by PL 1997, c. 574, §4, is amended to read:

§6476. Former registrants

A person whose registration to obtain Monhegan Lobster Conservation Area trap tags has lapsed may be listed ~~in the registry on the waiting list~~ under section 6475, subsection 1, paragraph A and may purchase trap tags if the person becomes registered pursuant to section 6475, subsection 1, paragraph C. A person included ~~in the registry on the waiting list~~ pursuant to this subsection must be listed chronologically according to the time and date the commissioner received written notification from that person requesting that person be listed ~~in the registry on the waiting list~~.

See title page for effective date.

CHAPTER 487
H.P. 1294 - L.D. 1759

**An Act To Amend the Laws
Governing the Pull Events
Commission**

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

Sec. 1. 7 MRSA §98, sub-§1, as enacted by PL 2005, c. 563, §3, is amended to read:

1. Membership. The Pull Events Commission consists of ~~9~~ 10 members:

A. Two members appointed by a statewide association representing owners of draft horses and oxen who participate in pulling events;

B. One member appointed by ~~an a~~ a statewide association representing owners of oxen who participate in pulling events;

C. One member appointed by ~~an a~~ a statewide farmers association representing owners of ~~ponies~~ draft horses who participate in pulling events;

C-1. One member appointed by a statewide farmers association representing owners of draft oxen who participate in pulling events;

D. One fair superintendent appointed by ~~a state~~ association of agricultural fairs the commissioner;

D-1. One member appointed by a state association of agricultural fairs;

E. One representative appointed by state humane organizations;

F. One member, appointed by the commissioner, representing the general public; and

~~G. One member, appointed by the commissioner, representing the animal pulling industry; and~~

H. One member appointed by the Animal Welfare Advisory Council.

Sec. 2. 7 MRSA §98, sub-§2, as amended by PL 2011, c. 73, §2, is further amended to read:

2. Chair; meetings; secretary; quorum. The Pull Events Commission shall elect one of its members as chair. The chair serves a 2-year term and may not serve as chair for consecutive terms. The commission shall meet a minimum of twice annually. The commissioner shall designate a person to serve as secretary to the Pull Events Commission. A quorum of the commission for the transaction of business is 6 members. An action may not be taken by the commission without approval of a majority of the members present.

Sec. 3. 7 MRSA §98, sub-§3, as enacted by PL 2005, c. 563, §3, is amended to read:

3. Terms; vacancies. Appointments to the Pull Events Commission must be for terms of ~~2~~ 3 years. The appointing authority fills a vacancy for a full ~~2-year~~ 3-year term. The appointing authority may remove a commission member for cause, which includes poor attendance. The chair shall make recommendations to the appointing authority concerning a removal.

Sec. 4. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 7, section 98, subsections 1 and 3, the terms of members appointed to the Pull Events Commission in 2012 are as follows:

1. The term of one member appointed under Title 7, section 98, subsection 1, paragraph A is one year and the term of the other member is 3 years;

2. The term of the members appointed under Title 7, section 98, subsection 1, paragraphs B, D, E and F is 2 years;

3. The term of the members appointed under Title 7, section 98, subsection 1, paragraphs C and H is one year; and

4. The term of the members appointed under Title 7, section 98, subsection 1, paragraphs C-1 and D-1 is 3 years.

See title page for effective date.

CHAPTER 488
S.P. 597 - L.D. 1740

An Act To Remove the Repeal Date for Outcome-based Forestry

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 seeks to extend the time during which the laws governing outcome-based forestry are in effect; and

Whereas, the laws governing outcome-based forestry are scheduled to be repealed July 1, 2012; 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 §8003, sub-§3, ¶Q, as amended by PL 2007, c. 271, §1, is further amended to read:

Q. The director, in cooperation with public and private landowners, shall actively pursue creating experimental areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, can be applied and tested. No more than 6 such areas may be designated. The director shall seek to designate areas representing differing forest types and conditions and from different geographic regions of the State. The term of initial agreements may not exceed 5 years. ~~This paragraph is repealed July 1, 2012.~~

Sec. 2. 12 MRSA §8868, sub-§2-B, as amended by PL 2007, c. 271, §2, is further amended to read:

2-B. Outcome-based forest policy. "Outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forest, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. ~~This subsection is repealed July 1, 2012.~~