

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

lottery application together with a \$25 nonrefundable application fee no later than January 15th of the same calendar year as the lottery.

(4) A person may submit no more than one elver fishing license lottery application per lottery year.

The commissioner shall adopt rules no later than December 31, 2012 to implement the elver gear lottery and the elver fishing license lottery. The rules must include provisions for the method and administration of the lotteries. The elver gear lottery must be set up so that gear authorizations associated with a license that is not renewed go into the elver gear lottery. If a person who held a license that is not renewed has 2 authorized pieces of gear, the gear authorizations must be divided and made available to 2 lottery entrants. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Application fees collected under this subsection must be deposited in the Eel and Elver Management Fund established in section 6505-D.

Sec. 3. 12 MRSA §6505-A, sub-§3, as amended by PL 1999, c. 7, §3, is repealed.

Sec. 4. Additional lottery. Notwithstanding the provisions of the Maine Revised Statutes, Title 12, section 6505-A, subsection 2-B, paragraph A, subparagraph (1), for the 2013 elver fishing season the Commissioner of Marine Resources shall reopen the 2013 elver gear lottery to make available the additional 25 dip nets required to be made available in 2013 under Title 12, section 6505-A, subsection 2-B.

Sec. 5. Examination of elver fishery; report. The Commissioner of Marine Resources shall examine the elver fishery, including harvesting levels and fishery management plans affecting the elver fishery proposed or adopted by the Atlantic States Marine Fisheries Commission, and, consistent with the commissioner's findings from the examination, shall develop recommendations for any appropriate modifications of the State's regulation of elver fishing, including licensing and gear use.

In undertaking the examination under this section, the commissioner, pursuant to the Maine Revised Statutes, Title 12, section 6173, shall collect and analyze pertinent information regarding elver fishing, including pertinent information regarding elver fishing by persons issued tribal licenses under Title 12, section 6302-A.

As soon as practicable after making findings from the examination conducted under this section, the commissioner shall discuss with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians those findings and shall seek through

such discussions to develop a mutually agreeable structure for elver fishing licensing by those tribes.

No later than January 1, 2014, the commissioner shall provide to the Joint Standing Committee on Marine Resources a report of the commissioner's findings and recommendations under this section, including a summary of the commissioner's discussions with representatives of the Passamaquoddy Tribe, the Penobscot Nation, the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians seeking to develop a mutually agreeable structure for elver fishing licensing by those tribes. The report must include any draft legislation necessary to implement the commissioner's recommendations. The Joint Standing Committee on Marine Resources may report out a bill to the Second Regular Session of the 126th Legislature relating to the subject matter of the commissioner's report.

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

Effective March 21, 2013.

CHAPTER 9

H.P. 423 - L.D. 604

An Act Regarding Commercial Elver Fishing Licenses Issued by the Penobscot Nation

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 expands the availability of marine resources licenses for members of the Penobscot Nation; and

Whereas, it is important that these licenses be available during the spring because of the seasonal nature of harvesting certain marine species; 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 §6302-A, sub-§3, ¶E, as amended by PL 2011, c. 598, §17, is repealed and the following enacted in its place:

E. The Penobscot Nation may not issue to members of the nation commercial licenses for the tak-

ing of elvers in any calendar year that exceed the following limits:

- (1) Eight licenses that allow the taking of elvers with 2 pieces of gear, consisting of an elver fyke net and a dip net; and
- (2) Forty licenses that allow the taking of elvers with one piece of gear only, consisting of either an elver fyke net or a dip net.

The commissioner shall by rule allow the Penobscot Nation to issue additional commercial licenses to members of the nation for the taking of elvers if the commissioner and the Penobscot Nation determine that elver resources are sufficient to permit the issuance of new licenses; and

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

Effective March 21, 2013.

**CHAPTER 10
H.P. 13 - L.D. 9**

An Act To Allow the Maine Potato Board To Have Access to Information Regarding the Potato Tax

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

Whereas, the Maine Potato Board needs reliable up-to-date information to perform its duties in a timely manner; 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. 36 MRSA §191, sub-§2, ¶A-1 is enacted to read:

A-1. The disclosure to an authorized representative of the Maine Potato Board of information obtained by the assessor in the administration of chapter 710;

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

Effective March 27, 2013.

**CHAPTER 11
H.P. 199 - L.D. 290**

An Act To Eliminate the Forest Certification Incentive Cost-share Fund

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

Sec. 1. 12 MRSA c. 801-A, as amended, is repealed.

See title page for effective date.

**CHAPTER 12
S.P. 116 - L.D. 283**

An Act To Eliminate the Elm Tree Restoration Fund

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

Sec. 1. 12 MRSA §8702-A, as enacted by PL 1999, c. 98, §1 and amended by PL 2011, c. 657, Pt. W, §7, is repealed.

See title page for effective date.

**CHAPTER 13
S.P. 115 - L.D. 282**

An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles

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

Sec. 1. 12 MRSA c. 805, sub-c. 3, art. 1, as amended, is repealed.

See title page for effective date.

**CHAPTER 14
S.P. 89 - L.D. 253**

An Act Regarding Registration of Fetal Deaths