

# 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.**

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**Augusta, Maine**  
**2013**

10a-tetrahydrobenzo[c]chromen-1-ol or HU-210;

(b) (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol or Dexanabinol or HU-211;

(c) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl-1-naphthalenylmethanone or WIN 55,212-2; or

(d) (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone or XLR-11.

See title page for effective date.

## CHAPTER 342

### H.P. 718 - L.D. 1020

#### An Act Regarding the Swans Island Lobster Fishing Zone

**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 trap limit in the Swans Island Lobster Conservation Area is 475 per individual and the rest of Zone B allows 800 traps; and

**Whereas,** it is necessary to raise the maximum number of allowed traps in the Swans Island Lobster Conservation Area in order to increase economic opportunity for license holders fishing in the Swans Island Lobster Conservation Area in order to sustain commercial lobster fishing as a viable economic pursuit for residents of Swans Island and keep the community's population sustainable; and

**Whereas,** the Maine lobster industry faces a critical opportunity for branding and marketing; and

**Whereas,** it is necessary that this Act take effect by June 2013 in order to take advantage of the plentiful summer harvest, in order to provide needed support to persons who fish for lobster and the lobster industry; 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 c. 619, sub-c. 6** is enacted to read:

#### **SUBCHAPTER 6**

#### **SWANS ISLAND LOBSTER CONSERVATION AREA**

##### **§6481. Swans Island Lobster Conservation Area**

##### **1. Swans Island Lobster Conservation Area.**

The following territorial waters of the State in the vicinity of Swans Island are known as the Swans Island Lobster Conservation Area:

Beginning at the northern tip of Long Point, Marshall Island, Hancock County, Maine; then northerly to the navigational buoy at the western entrance to Toothacker Bay, located at the intersection of Loran lines 9960-W-12492.0 and 9960-X-25800.0; then northeasterly to West Point, Swans Island, Hancock County, Maine; then from Phinney Point on the northeastern shore of Swans Island southeasterly to the intersection of Loran lines 9960-W-12445.6 and 9960-X-25780.9, 68°22.40' W. Longitude, 44°08.79' N. Latitude, Hancock County, Maine; then southwesterly to the intersection of Loran lines 9960-W-12468.0 and 9960-X-25773.0, 68°23.6' W. Longitude, 44°06.4' N. Latitude; then south-southwesterly to the intersection of Loran lines 9960-W-12482.2 and 9960-X-25766.4, 68°24.01' W. Longitude, 44°04.8' N. Latitude; then southerly to the intersection of Loran lines 9960-W-12493.5 and 9960-X-25758.4, 68°23.9' W. Longitude, 44°03.1' N. Latitude, and the intersection with the 3-nautical-mile line of the territorial waters, as shown on United States Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Service, Office of Coast Survey Chart #13312; then southwesterly along the 3-nautical-mile line of the territorial waters approximately 3.5 miles to a point where a line drawn southeasterly 165° True from the center of Black Ledges intersects the 3-nautical-mile line of the territorial waters at Loran lines 9960-W-12524.5 and 9960-X-25765.5, 68°28.6' W. Longitude, 44°01.9' N. Latitude; then northwesterly 345° True to the center of Black Ledges; then northwesterly to the most southerly point of Marshall Island; thence along the westerly shore of Marshall Island to the point of beginning.

##### **§6482. Fishing in Swans Island Lobster Conservation Area**

**1. Placing and maintaining traps.** A person may not place or maintain any trap for lobsters, or otherwise fish for or take lobsters, within the Swans Island Lobster Conservation Area except in accordance with this section.

**A.** An individual registered to obtain Swans Island Lobster Conservation Area trap tags under this section may not place or maintain in the Swans Island Lobster Conservation Area more

than 550 traps. Each trap must bear the appropriate tag.

B. A person may not place or maintain a lobster trap in the Swans Island Lobster Conservation Area unless a trap tag designated for use in the Swans Island Lobster Conservation Area is affixed to the trap.

**2. Trap tags; eligibility; expiration; suspension.** The commissioner shall issue tags for traps in the Swans Island Lobster Conservation Area in accordance with this subsection. The commissioner shall charge and deposit fees for Swans Island Lobster Conservation Area trap tags in accordance with section 6431-B.

A. Trap tags issued for use in the Swans Island Lobster Conservation Area expire after one year as determined by the commissioner by rule.

B. Except as provided under paragraph C, the commissioner may not issue Swans Island Lobster Conservation Area trap tags to a person unless:

(1) That person's Class I, Class II or Class III lobster and crab fishing license issued in the prior calendar year identified the lobster management zone that includes the Swans Island Lobster Conservation Area as the declared lobster zone, as defined in section 6448, subsection 1, paragraph A, and that person applies to the commissioner during the period between January 1st and May 31st for Swans Island Lobster Conservation Area trap tags; or

(2) That person registered with the commissioner to purchase Swans Island Lobster Conservation Area trap tags for the prior season and applies to the commissioner during the period between January 1st and May 31st for Swans Island Lobster Conservation Area trap tags.

C. A person otherwise eligible to apply for Swans Island Lobster Conservation Area trap tags under paragraph B if not for the suspension of that person's Class I, Class II or Class III lobster and crab fishing license may apply to the commissioner for Swans Island Lobster Conservation Area trap tags during the period between January 1st and May 31st. Upon reinstatement of that person's license, the commissioner may issue trap tags to that person.

**Sec. 2. Trap tag eligibility in 2013.** A person eligible to take lobsters in the limited-entry zone in which Swans Island is located pursuant to the Department of Marine Resources Rule Chapter 25.90: Swans Island Area Lobster Trap Regulation is deemed to satisfy the requirements of the Maine Revised Statutes, Title 12, section 6482, paragraph B.

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

Effective June 24, 2013.

## CHAPTER 343

H.P. 786 - L.D. 1114

### An Act To Amend the Laws Concerning Parental Rights in Child Abandonment Cases

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

**Sec. 1. 17-A MRSA §553, sub-§4** is enacted to read:

4. It is an affirmative defense to a prosecution under this section that the person had voluntarily placed the child with a person, agency or medical facility and the placement resulted from communication between the person or the person's agent and the Department of Health and Human Services and health care professionals with the purpose of securing a placement that is in the best interests of the child.

See title page for effective date.

## CHAPTER 344

S.P. 573 - L.D. 1518

### An Act Concerning Liquor Licensing Laws for Holders of 2 Licenses

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

**Sec. 1. 28-A MRSA §10**, as amended by PL 2009, c. 438, §1, is further amended to read:

**§10. Class A restaurant and off-premise retail licensee on same premises**

1. **Class A restaurant or restaurant and off-premise retail licensee on same premises not prohibited.** If a portion of a ~~premise~~ premises is licensed as an off-premise retail licensee, no provision within this Title may be construed to prohibit issuance of a ~~Class A restaurant~~ Class III or Class IV license to the same licensee ~~for a restaurant or Class A restaurant~~ for the remaining portion of the premises, ~~provided that as long as~~ necessary qualifications are maintained for each separately licensed area.

2. **Access between the 2 licensed areas.** There may be access between the 2 licensed areas for the licensee or ~~his~~ the licensee's employees if it is through