

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

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