

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 29, 2013**

**SECOND REGULAR SESSION**  
**January 8, 2014 to May 2, 2014**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**EMERGENCY LAW IS**  
**SEPTEMBER 6, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 1, 2014**

**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**  
**2014**

**Sec. 6. 12 MRSA §6072-C, sub-§2**, as amended by PL 2009, c. 229, §5, is further amended to read:

**2. Licensed activities; criteria.** The holder of a limited-purpose aquaculture license may place marine organisms on the ocean bottom without gear or utilize approved aquaculture gear in a site in the coastal waters of the State to engage in certain aquaculture activities that meet the criteria established in this subsection and in rules adopted by the commissioner. The license also authorizes unlicensed individuals to assist the license holder in the licensed activities with the written permission of the license holder. The commissioner, or qualified professional department staff designated in writing by the commissioner, may issue a limited-purpose aquaculture license for certain aquaculture activities if:

- A. The proposed activity generates no discharge into coastal waters;
- B. The applicant proposes to utilize aquaculture gear and markings approved by the commissioner in rules adopted pursuant to subsection 8;
- C. The gear, excluding mooring equipment, does not cover more than 400 square feet of area and the gear does not present an unreasonable impediment to safe navigation;
- D. The proposed activity does not unreasonably interfere with the ingress and egress of riparian owners;
- E. The proposed activity does not unreasonably interfere with fishing or other uses of the area, taking into consideration the number and density of aquaculture leases and licensed aquaculture activities in that area;
- F. The applicant holds no more than 3 other limited-purpose aquaculture licenses issued under this section; and
- G. The consent of the riparian ~~landowner~~ owner is obtained if the proposed activity is located above the mean low-water mark.

**Sec. 7. 12 MRSA §6072-C, sub-§7-A** is enacted to read:

**7-A. Prohibition; taking product.** A person other than a marine patrol officer or the license holder, or the license holder's assistant with written permission from the license holder, may not take any marine organism grown by the license holder under the license in the area designated on the license and marked in accordance with applicable rules.

**Sec. 8. 12 MRSA §6072-C, sub-§10** is enacted to read:

**10. Reporting requirement; confidentiality.** A holder of a limited-purpose aquaculture license shall

annually submit to the department a seeding and harvesting report for the past year and a seeding and harvesting plan for the coming year. Information provided in seeding and harvesting reports submitted by a license holder under this subsection is considered confidential information reported to the commissioner pursuant to section 6173.

**Sec. 9. 12 MRSA §6601, sub-§2-A**, as enacted by PL 2007, c. 522, §3, is amended to read:

**2-A. Licensed activities; aquaculture.** The holder of a commercial shellfish license who is also the holder or authorized representative of a holder of a lease issued under section 6072, 6072-A or 6072-B or a license issued under section 6072-C and personnel who are operating under the authority of such a holder of a commercial shellfish license may remove, possess, transport within the state limits or sell cultured shellfish the holder has removed from the leased area or the licensed gear to a wholesale seafood license holder certified under section 6856. Such a holder of a commercial shellfish license may also sell such shellstock from that license holder's home in the retail trade. A holder of a commercial shellfish license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**Sec. 10. 12 MRSA §6863, first ¶**, as enacted by PL 1991, c. 876, §2, is amended to read:

A person may not grow cultchless American oysters in the State unless licensed under this section, except that a person who is the holder of a lease issued under section 6072, 6072-A or 6072-B that authorizes the culture of American oysters or a license issued under section 6072-C that authorizes the culture of American oysters is not required to obtain a cultchless American oyster growers license.

See title page for effective date.

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**CHAPTER 510**

**H.P. 1275 - L.D. 1778**

**An Act To Revise the Description of Commercial Fishing Vessels That Are Exempt from Attachment**

**Emergency preamble.** Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

**Whereas**, current civil forfeiture law provides for many exemptions from attachment; and

**Whereas**, the description of a debtor's fishing boat that is used for income-generating purposes is out of date; and

**Whereas**, the continued use of the out-of-date description allows the attachment of fishing boats that are commonly used in commercial fishing, leading to an inability of the debtor to generate income, which is contradictory to the reason for the exemption; 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. 14 MRSA §4422, sub-§9**, as enacted by PL 1981, c. 431, §2, is amended to read:

**9. Fishing boat.** The debtor's interest in one boat, not exceeding ~~5 tons burden~~ 46 feet in length, used by the debtor primarily for commercial fishing.

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

Effective April 2, 2014.

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**CHAPTER 511  
S.P. 719 - L.D. 1802**

**An Act To Allocate a Portion of  
the Reed Act Distribution of  
2002 To Use for the  
Administration of the  
Unemployment Insurance and  
Employment Services  
Programs**

**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 Unemployment Reform Blue Ribbon Commission, established by Executive Order 2013-003, recognized significant staffing shortages within the Department of Labor, Bureau of Unemployment Compensation and recommended the addition of full-time staff; and

**Whereas**, as a result of being understaffed, the Bureau of Unemployment Compensation has been unable to serve the unemployed citizens of Maine adequately in relation to the timeliness of claims processing, call center wait times, adjudications and hearings, and this inability has resulted in a below-standard level of service for Maine citizens; and

**Whereas**, Maine remains out of compliance with the United States Department of Labor's minimum performance measures for timeliness; and

**Whereas**, the Bureau of Unemployment Compensation and the Maine Unemployment Insurance Commission need to add full-time, permanent staff to reverse this trend, yet there are no federal or state funds readily available for this purpose; and

**Whereas**, the Department of Labor, Bureau of Employment Services needs to fully fund a modernization of the bureau's Maine Job Bank computer system, expand the functionality of the system and access to the system and create a stable technological platform from which to deliver the services offered by the Maine Job Bank; and

**Whereas**, the Department of Labor, Center for Workforce Research and Information needs to develop economic data critical to the reemployment of unemployed workers; and

**Whereas**, in order to rectify quickly the staffing shortages and deliver services to the unemployed citizens of Maine, it is necessary that this legislation take effect as soon as possible; 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. Money credited to State of Maine account in Unemployment Trust Fund under Section 903(d) and Section 903(f) of federal Social Security Act.** Money credited to the account of the State of Maine in the federal Unemployment Trust Fund by the United States Secretary of the Treasury on March 13, 2002 pursuant to Section 903(d) of the federal Social Security Act and on July 29, 2009 pursuant to Section 903(f) of the federal Social Security Act may not be requisitioned from the State's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices. Money used for the payment of benefits is requisitioned as defined in the Maine Revised Statutes, Title 26, section 1162. Money requisitioned and used for the pay-