

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

3. Supplemental license. A supplemental license must be obtained for each vehicle or additional permanent facility. Beginning with the 2015 elver fishing season, a supplemental license authorizes a person to buy elvers from a person licensed under subsection 1 at the permanent facility identified on that person's license or to possess, ~~ship~~, transport within state limits or sell elvers.

Sec. 4. 12 MRSA §6864, sub-§7-B is enacted to read:

7-B. Use of elver dealer transaction card required. The department shall issue to a dealer licensed under this section an elver dealer transaction card for each dealer license and for each supplemental license to record all sales, purchases and transportation of elvers. All transfers of elvers between any license type requires the use of an elver dealer transaction card, including all transactions between holders of elver dealer licenses and holders of elver dealer supplemental licenses. A person licensed in accordance with this section must have access to an operational Internet connection when using an elver dealer transaction card to buy, sell or transport elvers.

Sec. 5. 12 MRSA §6864, sub-§§9 and 11, as enacted by PL 2011, c. 549, §9, are amended to read:

9. Authorized representatives. A person who holds an elver dealer's license may identify authorized representatives to act on the license holder's behalf to purchase elvers at ~~locations other than~~ the permanent facility. The elver dealer's license holder must identify authorized representatives on forms provided by the department.

11. Shipment or transport of elvers outside state limits. A person who holds an elver dealer's license or the elver dealer's license holder's authorized representative under subsection 9 ~~who is licensed under section 6865, subsection 9~~ must transport elvers to a permanent facility identified on the license holder's license prior to ~~shipping or transporting the elvers being transported~~ outside state limits.

Sec. 6. 12 MRSA §6865 is enacted to read:

§6865. Elver exporter's license

1. License required. A person may not engage in the activities authorized under this section without an elver exporter's license.

2. License activities. A person who holds an elver exporter's license may buy elvers from a person licensed under section 6864 and transport elvers beyond the state limits.

3. License limited. An elver exporter's license authorizes the licensed activities on only one vehicle, owned, leased or rented by the license holder.

4. Use of transaction card required. The department shall issue to an exporter licensed under this

section an electronic recording device that records the information on an elver dealer transaction card issued by the department under section 6864, subsection 7-B to record all sales and purchase transactions. A person licensed in accordance with this section may not buy or transfer elvers to or from another individual licensed in accordance with section 6864 without using an elver dealer transaction card. A person licensed in accordance with this section must have access to an operational Internet connection when using an elver dealer transaction card to buy or sell elvers.

5. Fee. The fee for an elver exporter's license is \$5,000.

6. Disposition of fees. All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D.

7. Violation. A person who violates this section commits a Class D crime for which a fine of \$2,000 must be imposed, none of which may be suspended. Violation of this section is a strict liability crime as defined in Title 17-A, section 34, subsection 4-A.

8. Records. An exporter licensed under this section shall maintain records as specified by the commissioner in rule. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9. Authorized representatives. A person who holds an elver exporter's license may identify authorized representatives to act on the license holder's behalf to transport elvers beyond state limits. The elver exporter's license holder must identify authorized representatives on forms provided by the department.

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

Effective April 30, 2015.

CHAPTER 46

H.P. 354 - L.D. 515

**An Act To Amend the Law
Regarding Commercial
Learner's Permits**

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

Whereas, effective July 8, 2015, Maine law will require that a commercial learner's permit holder must be 18 years of age or older, a change made to conform to a federal regulation change; and

Whereas, recently enacted federal legislation, the Consolidated and Further Continuing Appropriations Act, 2015, Public Law No. 113-235, provides that specified federal funds may not be used to enforce that change in regulation in a state that, like Maine, allowed issuance of a commercial learner's permit to the state's residents under 18 years of age prior to May 9, 2011; and

Whereas, many of the State's vocational and technical schools provide commercial driver education instruction and programs to residents under 18 years of age, which allows them to obtain their commercial license upon reaching 18 years of age and which allows them to gain employment in the trucking industry upon reaching the age of majority; and

Whereas, the State's economy benefits by having a pool of licensed commercial drivers to meet the needs of the trucking 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. 29-A MRSA §1304, sub-§4-A, ¶D, as enacted by PL 2013, c. 381, Pt. B, §16, is repealed.

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

Effective April 30, 2015.

CHAPTER 47

S.P. 202 - L.D. 586

An Act To Amend the Maine Economic Development Venture Capital Revolving Investment Program

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

Sec. 1. 10 MRSA §1026-N, sub-§3, as enacted by PL 1995, c. 424, §1, is amended to read:

3. Disbursements from fund. If an application is approved, the authority shall determine the amount to be invested in the private venture capital fund, taking into account:

A. The size of the region served by the private venture capital fund and the expected demand for venture capital investments in that region; and

B. The demand for venture capital investments from other eligible private venture capital funds in relation to the total amount available in the fund and whether an eligible private venture capital fund will serve a geographic area or segment of potential businesses not served by other applicants.

Funds must be disbursed directly to and retained by the eligible private venture capital fund in accordance with a contract of investment between the private venture capital fund and the authority. All money invested in the private venture capital fund by the authority must be held in the name of the authority. Investment earnings on amounts invested by the authority must be credited to the authority and periodically paid to the authority. Any uncommitted balances existing in the fund at any time may, at the discretion of the authority, be transferred to the Economic Recovery Program Fund established in section 1023-I.

See title page for effective date.

CHAPTER 48

S.P. 246 - L.D. 688

An Act To Amend the Laws Related to the Bolduc Correctional Facility

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

Sec. 1. 34-A MRSA §3266, as amended by PL 1999, c. 583, §§24 and 25, is repealed.

Sec. 2. 34-A MRSA §4205 is enacted to read:

§4205. Employees of the facility

Employees of the facility have the same power as do deputy sheriffs in their respective counties to search for and apprehend escapees from the facility when authorized to do so by the director.

See title page for effective date.

CHAPTER 49

H.P. 481 - L.D. 705

An Act Relating to Insurance Licensing

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

Sec. 1. 24-A MRSA §1416-A, sub-§2, as amended by PL 2005, c. 43, §1, is further amended to read: