

MAINE STATE LEGISLATURE

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

Augusta, Maine
2015

with respect to all other participants' shares and is distributed as follows.

A. On exotic wagers:

- (1) The state share is 8.647% for an off-track betting facility located in the same municipality as a commercial track and 9.801% for all other facilities;
- (2) The Sire Stakes Fund share is 5.965%;
- (3) The Stipend Fund share is 4.494%;
- (4) The purse supplement share is 16.558%;
- (5) The Harness Racing Promotional Fund share is 0.962%;
- (6) The off-track betting facility share is ~~49.269%~~ all amounts not otherwise assigned; and
- (7) The off-track betting facility simulcast fund share is 12.951%.

B. On regular wagers:

- (1) The state share is 2.739% for an off-track betting facility located in the same municipality as a commercial track and 4.405% for all other facilities;
- (2) The Sire Stakes Fund share is 0.400%;
- (3) The Stipend Fund share is 6.590%;
- (4) The purse supplement share is 8.399%;
- (5) The Harness Racing Promotional Fund share is 1.389%;
- (6) The off-track betting facility share is ~~60.190%~~ all amounts not otherwise assigned; and
- (7) The off-track betting facility simulcast fund share is 18.627%.

See title page for effective date.

CHAPTER 201

H.P. 845 - L.D. 1227

An Act To Provide for Improved Reporting of Marine Resources Landings

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

Sec. 1. 12 MRSA §6173, sub-§§3 and 4 are enacted to read:

3. Equipment required. The commissioner may require a person licensed under chapter 625 to purchase specific equipment that is necessary to comply

with rules regarding electronic reporting adopted pursuant to this section as a condition of engaging in the licensed activities.

4. Reimbursement for equipment provided. If the holder of a license issued under chapter 625 fails to pay a fee or charge for equipment that is necessary to comply with rules regarding electronic reporting adopted pursuant to this section and that was provided by the department and either not returned to the department by the license holder or returned in poor condition, the commissioner may refuse to renew or issue any marine resources license or permit to that license holder.

Sec. 2. 12 MRSA §6535, sub-§2, as amended by PL 2013, c. 492, §6, is further amended to read:

2. Licensed activity. A person licensed under this section may tend divers who harvest sea urchins and scallops by hand and operate a boat as a platform for the harvesting of sea urchins and scallops by hand and may possess, ship, transport and sell sea urchins and scallops harvested by licensed harvesters subject to the requirements of paragraph A. A sea urchin and scallop diving tender license does not authorize the holder to harvest sea urchins and scallops. As used in this subsection, "tend" means to assist the diver in any way, to operate a boat as a platform for harvesting or to cull or otherwise handle the harvested product.

~~A. A diving tender licensed under this section may not sell sea urchins or scallops unless the person:~~

- ~~(1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license or sells scallops to a purchaser who holds a valid wholesale seafood license or a valid retail seafood license; and~~

- ~~(2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins or scallops were harvested.~~

~~B. A holder of a wholesale seafood license, a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins from a diving tender licensed under this section may not purchase the sea urchins or scallops except by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license, a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases scallops or sea urchins~~

~~from a licensed diving tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.~~

As long as one person present on a boat engaged as a platform for the harvesting of sea urchins and scallops by hand has met the tender safety requirements adopted by rule pursuant to section 6533, all other persons present on the boat may operate the boat or engage in culling activities or otherwise handle the harvested product. An individual who engages in harvesting activities in accordance with a license issued under section 6701 or 6748 may not be considered as the person who has met the tender safety requirements adopted by rule pursuant to section 6533.

Sec. 3. 12 MRSA §6701, sub-§2, as repealed and replaced by PL 2009, c. 561, §22, is amended to read:

2. Licensed activity. The holder of a hand fishing scallop license may take scallops by hand or possess, ship, transport or sell shucked scallops the holder has taken. ~~An unlicensed person acting as a tender for an individual licensed under subsection 5, paragraph B, in accordance with subsection 4, may possess, ship, transport and sell shucked scallops the hand fishing scallop license holder has taken.~~ A person may not act as a tender under subsection 5, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.

Sec. 4. 12 MRSA §6748, sub-§2, as corrected by RR 2013, c. 1, §23, is amended to read:

2. Licensed activity. The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins. ~~An unlicensed person acting as a tender for an individual licensed under subsection 4, paragraph B, in accordance with subsection 1 A, may possess, ship, transport and sell sea urchins the handfishing sea urchin license holder has taken subject to the requirements of paragraph A.~~

~~A. An unlicensed person acting as a tender may not sell sea urchins unless the person:~~

- ~~(1) Sells sea urchins to a purchaser who holds a valid wholesale seafood license with a sea urchin buyer's permit or a valid wholesale seafood license with a sea urchin processor's permit or a valid retail seafood license; and~~
- ~~(2) Provides to the purchaser the name and license number of the license holder with whom the person was engaged when the sea urchins were harvested.~~

~~B. A holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases sea urchins~~

~~from an unlicensed person acting as a tender must purchase the sea urchins by check or cashier's check unless there is a written receipt associated with the transaction, and the holder of a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit or a retail seafood license who purchases sea urchins from an unlicensed person acting as a tender shall report the information provided by the person under paragraph A, subparagraph (2) in accordance with section 6173.~~

A person may not act as a tender under subsection 4, paragraph B unless that person has met the tender safety requirements adopted by rule pursuant to section 6533.

Sec. 5. 12 MRSA §6851, sub-§2, ¶A, as amended by PL 2011, c. 598, §41, is further amended to read:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters and sea urchins; scallops purchased directly from harvesters; and shrimp purchased directly from harvesters;

Sec. 6. 12 MRSA §6851, sub-§2-E is enacted to read:

2-E. Wholesale seafood license with a scallop permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a scallop permit. A person holding a wholesale seafood license with a scallop permit may engage in all of the activities in subsection 2, may buy scallops from harvesters and may sell, process, ship or transport scallops.

See title page for effective date.

CHAPTER 202

H.P. 7 - L.D. 4

An Act To Promote Industrial Hemp

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

Whereas, farmers need adequate time to prepare for their upcoming growing seasons and industrial hemp cultivation involves numerous time-sensitive planning considerations; and

Whereas, cultivation of industrial hemp may provide a valuable economic opportunity for farmers that begin cultivating as soon as possible; and