

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

Sec. 1. 12 MRSA §6702, sub-§7 is enacted to read:

7. Apprentice license. The department may adopt rules to establish an apprentice program for entry into the scallop fishery that includes an apprentice license for a resident who is 18 years of age or older to engage in dragging for scallops under the supervision of a person licensed under this section. The fee for an apprentice scallop dragging license is \$250. The commissioner shall deposit license fees collected in this subsection into the Scallop Research Fund under section 6729-A. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 12 MRSA §6706, sub-§3, as amended by PL 2011, c. 237, §2, is further amended to read:

3. Scallop license limited entry system. Notwithstanding subsection 2, the commissioner shall establish by rule a limited entry system under which a person who did not hold a hand fishing scallop license or a scallop dragging license in the previous calendar year may become eligible to obtain that license. The rules for a limited entry system must include provisions for the method and administration of the ~~program~~ system. Rules adopted pursuant to this subsection are ~~major substantive~~ routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §6729, sub-§1, ¶B, as amended by PL 2007, c. 607, Pt. A, §12, is further amended to read:

B. For a scallop draggers license, \$100, plus an additional \$250 to sponsor an apprentice pursuant to section 6702, subsection 7;

Sec. 4. 12 MRSA §6729-A, sub-§1, as amended by PL 2007, c. 607, Pt. A, §13, is further amended to read:

1. Uses of fund. The commissioner shall use the fund for research directly related to scallop fishery management information needs, for implementation of scallop management measures ~~and~~, for reporting to licensed scallop harvesters on the results of research and the use of fund revenues and for the administration of an apprentice program established pursuant to section 6702, subsection 7. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of scallop resources. The commissioner shall consult with the Scallop Advisory Council under section 6729-B before deciding upon research projects and awarding grants from the fund. The fund may also be used for support of the Scallop Advisory Council, including reimbursement for travel expenses.

Sec. 5. 12 MRSA §6729-A, sub-§2, as enacted by PL 2003, c. 319, §2, is amended to read:

2. Sources of revenue. The fund is capitalized by license fees and surcharges assessed under section 6702, subsection 7 and section 6729. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF
Bureau of Marine Science 0027**

Initiative: Provides an ongoing allocation for the administration of an apprentice license program, research and development programs that address the restoration, development or conservation of scallop resources.

	2019-20	2020-21
OTHER SPECIAL REVENUE FUNDS		
All Other	\$0	\$25,000
	<hr/>	<hr/>
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000

See title page for effective date.

CHAPTER 108

H.P. 786 - L.D. 1063

**An Act To Support the Role of
Municipalities in Expanding
Broadband Infrastructure**

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

Sec. 1. 30-A MRSA §5401, sub-§7, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. Any of the following within or outside, or partly within and partly outside the corporate limits of the municipality:

- (1) A water system or part of that system;
- (2) A sewer system or part of that system;
- (3) An airport or part of an airport;
- (4) A telecommunications system or part of that system; ~~or~~
- (5) An energy facility or part of that facility; ~~or~~

(6) A community broadband system or part of that system.

Sec. 2. 30-A MRSA §5402, sub-§1-A is enacted to read:

1-A. Need for broadband systems. Access to affordable, reliable, high-speed broadband Internet is necessary to the general welfare of the public, and the people of the State and its economy require connection to existing publicly built infrastructure as a means of cultivating entrepreneurial activity, attracting business, improving access to modernized methods of education and health care and encouraging people to move to this State;

Sec. 3. 30-A MRSA §5403, sub-§13, as amended by PL 2005, c. 556, §1, is further amended to read:

13. General powers. Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter; ~~and~~

Sec. 4. 30-A MRSA §5403, sub-§14, as enacted by PL 2005, c. 556, §2, is amended to read:

14. Community septic systems. As a means of facilitating compact growth patterns, including cluster developments, construct, maintain and operate a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems. The municipality may construct such a sewer system in anticipation of the establishment of a community sanitary district under Title 38, chapter 11-A, to which the municipality will transfer the system pursuant to Title 38, section 1232. For purposes of this subsection, "cluster development" has the same meaning as in section 4301, subsection 1-A; ~~and~~

Sec. 5. 30-A MRSA §5403, sub-§15 is enacted to read:

15. Communications services systems; community broadband systems. Construct, maintain and operate a municipal or multimunicipal system composed of infrastructure capable of being utilized by communications service providers for the provision of communications services. For the purposes of this subsection, "communications service" has the same meaning as in Title 35-A, section 9202, subsection 3 and "communications service provider" has the same meaning as in Title 35-A, section 9202, subsection 4.

Nothing in this chapter restricts a municipality from purchasing, leasing, constructing or equipping facilities that are designed to provide communications services. Nothing in this chapter restricts a municipality from using community broadband systems for internal municipal government purposes or, by written contract, leasing, selling capacity in or granting other similar rights to communications service providers to use the facilities in connection with the provider's offering communications services.

Sec. 6. 30-A MRSA §5413, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§5413. Exemption from taxation

As proper revenue-producing municipal facilities are essential for the health and safety of the inhabitants of the municipalities, and as the exercise of the powers conferred to effect these purposes ~~constitute~~ constitutes the performance of essential governmental functions, and as municipal facilities acquired or constructed under this chapter constitute public property and are used for municipal purposes, no municipality may be required to pay any taxes or assessments upon any parking facility or system, water or sewer system, community broadband system or telecommunications system revenue-producing municipal facility, or any part of such a system, whether located within or outside the corporate limits of the municipality, or upon the income from those facilities. Any bonds issued under this chapter, and their transfer and the income from the bonds, including any profit made on the sale of the bonds, ~~shall at all times be~~ are free from taxation within the State, ~~provided~~ except that nothing in this section exempts any lessee or person in possession of a parking facility or part of a parking facility or the property so leased or possessed from taxes or assessments payable under Title 36, section 551.

See title page for effective date.

CHAPTER 109

H.P. 876 - L.D. 1212

**An Act To Adopt the Uniform
Interstate Depositions and
Discovery Act**

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

Sec. 1. 14 MRSA c. 15 is enacted to read:

CHAPTER 15

**UNIFORM INTERSTATE DEPOSITIONS AND
DISCOVERY ACT**

§401. Short title

This chapter may be known and cited as "the Uniform Interstate Depositions and Discovery Act."

§402. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Foreign jurisdiction. "Foreign jurisdiction" means a state other than this State.