

# 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.**

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**Augusta, Maine**  
**2019**

**CHAPTER 210**  
**H.P. 711 - L.D. 956**

**An Act To Allow Student  
License Holders in the  
Monhegan Lobster  
Conservation Area To Fish for  
or Take Lobsters during a  
Closed Season**

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

**Whereas,** it is important for a student license holder to gain experience during the summer months when it is safer to fish and when that license holder is not in school; and

**Whereas,** it is necessary that this legislation take effect by June 26, 2019 in order for a student license holder in the Monhegan Lobster Conservation Area to be able to fish for or take lobster during the interim between school years; 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. 12 MRSA §6421, sub-§3-A, ¶E,** as amended by PL 2015, c. 68, §3, is further amended to read:

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. ~~A~~ Except as provided in section 6477, a person issued a student license may not submerge more than:

- (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;
- (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or
- (3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a

sponsor and may designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

**Sec. 2. 12 MRSA §6472, sub-§1,** as amended by PL 2007, c. 219, §2, is further amended to read:

**1. Closed season.** ~~Except as provided in section 6477,~~ it is unlawful for a person to fish for or take lobsters in the Monhegan Lobster Conservation Area from June 26th to ~~August 31st~~ September 30th, both days inclusive, and on any day not included in the open season established by the commissioner under subsection 2.

**Sec. 3. 12 MRSA §6477,** as enacted by PL 1997, c. 574, §4, is repealed and the following enacted in its place:

**§6477. Student license holder**

**1. Trap tags.** Notwithstanding section 6474, a person issued a student license under section 6421 may not be issued by the commissioner more than:

A. Ten Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 8 years of age or older and under 11 years of age;

B. Twenty-five Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 11 years of age or older and under 14 years of age; or

C. Fifty Monhegan Lobster Conservation Area trap tags in the Monhegan Lobster Conservation Area if the person is 14 years of age or older and under 23 years of age.

The license holder must tend the tagged traps from a vessel operated by a person registered under section 6474. The student license holder must be present when that license holder's lobster traps are tended. A student license holder shall certify on forms supplied by the commissioner that a person registered under section 6474 authorizes the student license holder to fish for or take lobsters from that person's vessel.

**2. Student fishing during the closed season.** Notwithstanding section 6472, subsection 1, a person with a student license issued pursuant to section 6421 who is issued trap tags pursuant to this section is authorized to fish for or take lobsters in the Monhegan Lobster Conservation Area during the closed season if that closed season occurs during an interim between school years.

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

Effective June 6, 2019.

## CHAPTER 211

### H.P. 1140 - L.D. 1578

#### An Act To Improve Administration of the Maine Aeronautical Advisory Board and the Public Transit Advisory Council

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

**Whereas**, this legislation needs to take effect before the expiration of the 90-day period in order to allow the Commissioner of Transportation to adjust the memberships of the Maine Aeronautical Advisory Board and the Public Transit Advisory Council at the beginning of the next fiscal year on July 1, 2019; 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. 6 MRSA §302**, as amended by PL 2009, c. 485, §1, is further amended to read:

#### §302. Maine Aeronautical Advisory Board

##### 1. Board established.

A. The Maine Aeronautical Advisory Board, established by Title 5, section 12004-I, subsection 81, and in this section called "the board," ~~shall be~~ is a board within the Department of Transportation.

##### 2. Membership.

A. The membership of the board consists of at least 7 voting members: ~~one person from an airport association in the State appointed by the association's board of directors; one person from a pilot's association in the State appointed by the association's board of directors; and the remaining members~~ appointed by the Commissioner of Transportation. All members shall serve a term of office of 2 years consistent with the state fiscal year. ~~Vacancies in membership must be filled in the same manner as the original appointment. The commissioner serves as secretary of the board. Terms must be staggered so that approximately half of the board is renewed each year. The commissioner shall endeavor to appoint a balance~~

of public and private sector members holding diverse knowledge and perspectives of the aeronautics industry. Vacancies may be filled to serve out the remainder of a term if a member resigns or is terminated for cause or a vacancy is created in any other manner.

B. The commissioner or the commissioner's designee shall serve as a nonvoting secretary and clerk of the board and be responsible for board records and filings. All other members are voting members.

C. The board shall annually elect a chair and vice-chair from among its membership to serve a one-year term. If a vacancy occurs in the office of chair or vice-chair, the board shall endeavor to fill that office for the remainder of the term.

D. Members are not entitled to compensation.

##### 3. Meetings.

~~A. The board shall annually elect a chair from among its members, and the chair serves a term of one year. The board shall meet at the call of the chair, or at the call of at least 3 members of the board, and there must be at least one meeting held a year at which time officers are elected for the ensuing year.~~

~~B. Members shall be compensated as provided in Title 5.~~

##### 4. Duties.

~~A. The board shall advise the department on matters relating to aeronautics and recommendations for change to the aeronautical laws and comments upon the present and future needs of that service.~~

4-A. Powers. The board is authorized to adopt bylaws and other appropriate policies to effectively govern its proceedings.

##### 5. Staff support.

A. The department shall supply reasonable staff support requested by the board.

##### 6. Transition.

A. Of the initial members appointed to the board, 3 shall serve for a term of one year and 2 shall serve for a term of 2 years. After expiration of the initial term of any member of the board, any appointment to the membership ~~shall be~~ is for a term of 2 years.

**Sec. 2. 23 MRSA §4209-A**, as enacted by PL 2015, c. 182, §8, is amended to read:

#### §4209-A. Public Transit Advisory Council

**1. Council established.** The Public Transit Advisory Council, referred to in this section as "the council," is established in accordance with Title 5, section