

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

4. Violation of certain Department of Marine Resources rules; striped bass. Fish for striped bass in inland waters or possess striped bass taken from inland waters in a number, amount or size that exceeds the number, amount or size limits for striped bass established by rules adopted by the Commissioner of Marine Resources under section 6171. Notwithstanding section 6002 or any provision of law to the contrary, for purposes of this subsection only, the number, amount and size limits for striped bass established by rules adopted by the Commissioner of Marine Resources under section 6171 apply to the inland waters of the State.

Sec. 4. 12 MRSA §12602, as amended by PL 2017, c. 150, §5, is further amended by adding at the end a new paragraph to read:

A person who fishes for striped bass in or possesses striped bass taken from the coastal waters of the State in violation of rules adopted by the Commissioner of Marine Resources under section 6171 is subject to the provisions of section 6174.

See title page for effective date.

CHAPTER 225

H.P. 1127 - L.D. 1552

An Act To Make Technical Changes to Maine's Marine Resources Laws

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

Sec. 1. 5 MRSA §12004-I, sub-§57-C, as reenacted by PL 2011, c. 598, §1, is amended to read:

57-C.

Marine Resources	Aquaculture Advisory Council	Not Authorized <u>Expenses Only</u>	12 MRSA §6080
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Sec. 2. 12 MRSA §6001, sub-§13-I, as enacted by PL 2005, c. 26, §1, is amended to read:

13-I. Established base of operations. "Established base of operations" means the location where a vessel has its primary relationship. Among the factors identifying a primary relationship are the locations at which the vessel is primarily moored or docked, where it prepares for expeditions and hires a crew and to which it regularly returns for repairs, supplies and activities relating to its business or trade. The fact that a vessel carries on one or more of these activities at more than one location within this State or at a location or locations outside this State does not prevent the

vessel from being considered to have an established base of operations within the State if a substantial portion of these activities are carried on at a location or locations within this State. For purposes of this subsection, "substantial portion" means a period exceeding ~~60~~ 30 days in any calendar year.

Sec. 3. 12 MRSA §6024, sub-§1-A, as amended by PL 2009, c. 369, Pt. A, §23, is further amended to read:

1-A. Appointment; composition; term; compensation. The Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, consists of ~~16~~ 15 members. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council,~~ the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council are ex officio members of the council. Each other member is appointed by the Governor and is subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources matters and to confirmation by the Legislature. Five members must be persons who are licensed under this Part to engage in commercial harvesting activities. Those 5 members are selected by the Governor from names recommended to the Governor by groups representing commercial harvesting interests. Each member must represent a different commercial harvesting activity, except that none of those 5 members may represent lobster harvesters. The remaining 7 members must include one public member, 4 persons who hold a nonharvesting-related license under this Part, one person representing recreational saltwater anglers and one person representing the aquaculture industry. The Governor shall select the person to represent the aquaculture industry from among the names recommended by the aquaculture industry. The composition of the council must reflect a geographical distribution along the coast. All appointed members are appointed for a term of 3 years, except a vacancy must be filled in the same manner as an original member for the unexpired portion of the term. An appointed member may not serve for more than 2 consecutive terms. Appointed members serve until their successors are appointed. The chair of the Lobster Advisory Council, ~~the chair of the Sea Run Fisheries and Habitat Advisory Council,~~ the chair of the Sea Urchin Zone Council and the chair of the Shellfish Advisory Council shall serve until a new chair of the Lobster Advisory Council, ~~a new chair of the Sea Run Fisheries and Habitat Advisory Council,~~ a new chair of the Sea Urchin Zone Council or a new chair of the Shellfish Advisory Council, respectively, is chosen. Members are compensated as provided in Title 5, chapter 379.

Sec. 4. 12 MRSA §6139, as enacted by PL 2007, c. 240, Pt. QQ, §6, is repealed.

Sec. 5. 12 MRSA §6140-A, first ¶, as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

Unless more restrictive rules are adopted by the ~~commission~~ department, the following restrictions apply to methods of fishing and the season for Atlantic salmon.

Sec. 6. 12 MRSA §6140-A, sub-§4, as enacted by PL 2007, c. 240, Pt. QQ, §8, is amended to read:

4. Open season. ~~The commission, after consultation with and advice from the Sea Run Fisheries and Habitat Advisory Council,~~ department may establish by rule an open season during which a person may fish for Atlantic salmon. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 7. 12 MRSA §6421, sub-§5-D, ¶B, as amended by PL 2011, c. 266, Pt. A, §5, is further amended to read:

B. Possesses a valid federal lobster permit or a valid lobster fishing license from a state other than this State; ~~and~~

Sec. 8. 12 MRSA §6421, sub-§5-D, ¶C, as amended by PL 2011, c. 266, Pt. A, §6, is further amended to read:

C. Except as authorized under subsection 5-E, does not operate a lobster and crab fishing vessel with an established base of operations in this State; ~~and~~

Sec. 9. 12 MRSA §6421, sub-§5-D, ¶E is enacted to read:

E. Has not had that individual's lobster fishing license or right to obtain a lobster fishing license suspended in this State or in another state.

Sec. 10. 12 MRSA §6808, sub-§1, as enacted by PL 2001, c. 186, §1, is amended to read:

1. License required. It is unlawful for a person to engage in the activities authorized by ~~this license under this section~~ subsection 2 without a current commercial green crab only license. This subsection does not apply to a person who holds a current lobster and crab fishing license issued pursuant to section 6421, subsection 1, paragraph A, B, C or E.

Sec. 11. 12 MRSA §6808, sub-§4-A is enacted to read:

4-A. Exemptions. Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport green crabs for personal use if the green crabs are taken by hand or by a method exempted from licensing requirements under section 6501, subsection 3, paragraph A.

See title page for effective date.

CHAPTER 226
S.P. 492 - L.D. 1557

**An Act To Adjust the Staffing
and Resources of the Office of
the Public Advocate**

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

Sec. 1. 35-A MRSA §116, sub-§8, ¶B, as amended by PL 1999, c. 259, §3, is further amended to read:

B. The Public Advocate may use the revenues provided in accordance with this section to fund the Public Advocate and ~~9~~ 10 employees and to defray the costs incurred by the Public Advocate pursuant to this Title, including administrative expenses, general expenses, consulting fees and all other reasonable costs incurred to administer this Title.

Sec. 2. 35-A MRSA §1701, sub-§3, as amended by PL 2011, c. 655, Pt. P, §1, is further amended to read:

3. Salaries of certain employees. The salaries of the following employees of the Public Advocate are within the following salary ranges:

- A. Deputy Public Advocate, salary range 53;
- B. Senior Counsel, salary range 36;
- ~~D. Research Assistant, salary range 30;~~
- E. Business Services Manager, salary range 26; ~~and~~
- F. Special Assistant to the Public Advocate, salary range 20; ~~and~~
- G. Economic Analyst, salary range 36.

The employees listed in this subsection serve at the pleasure of the Public Advocate and are confidential employees. All other employees of the Public Advocate are subject to the Civil Service Law.

The Public Advocate may compensate one or more Senior Counsels at salary range 37 if, in the judgment of the Public Advocate, an increase is necessary to provide competitive salary levels.

See title page for effective date.
