

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

3. Eligibility. A carrier license may be issued only to an individual.

4. Fees. The fee for a carrier license is \$98. The commissioner shall deposit the fee in the Pelagic and Anadromous Fisheries Fund established under section 6041.

5. Rules. The commissioner may adopt rules regarding the operations of vessels possessing or transporting fish pursuant to a carrier license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

6. Violation. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 3. Effective date. This Act takes effect on January 1, 2020.

Effective January 1, 2020.

CHAPTER 333

H.P. 1242 - L.D. 1743

An Act To Reclassify Certain Waters of the State

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

Sec. 1. 38 MRSA §467, sub-§1, ¶D, as amended by PL 2009, c. 163, §2, is further amended to read:

D. Androscoggin River, minor tributaries - Class B unless otherwise specified.

- (1) All tributaries of the Androscoggin River that enter between the Maine-New Hampshire boundary in Gilead and its confluence with, and including, the Ellis River and that are not otherwise classified - Class A.
- (2) Bear River - Class AA.
- (3) Sabattus River from Sabattus Lake to limits of the Lisbon urban area - Class C.
- (4) Webb River - Class A.
- (5) Swift River, and its tributaries, above the Mexico-Rumford boundary - Class A.
- (6) Nezinscot River, east and west branches above their confluence in Buckfield - Class A.
- (7) Wild River in Gilead, Batchelders Grant - Class AA.
- (8) Aunt Hannah Brook and its tributaries in Dixfield - Class A.

(9) Tributaries to Webb Lake - Class A.

Sec. 2. 38 MRSA §467, sub-§4, ¶I, as amended by PL 2009, c. 163, §4, is further amended to read:

I. Kennebec River, minor tributaries - Class B unless otherwise specified.

- (1) All minor tributaries entering above Wyman Dam that are not otherwise classified - Class A.
- (2) All tidal portions of tributaries entering between the Sidney-Vassalboro-Augusta town line and a line drawn across the tidal estuary of the Kennebec River due east of Abagadasset Point - Class B, unless otherwise specified.

(a) Eastern River from head of tide to its confluence with the Kennebec River - Class C.

(3) Cold Stream, West Forks Plantation - Class AA.

(4) Moxie Stream, Moxie Gore, below a point located 1,000 feet downstream of the Moxie Pond dam - Class AA.

(5) Austin Stream and its tributaries above the highway bridge of Route 201 in the Town of Bingham - Class A.

(6) East Branch Wesserunsett Stream above the downstream Route 150, Harmony Road, crossing in Athens - Class A.

(7) Tributaries to East Branch Wesserunsett Stream - Class A.

Sec. 3. 38 MRSA §467, sub-§7, ¶A, as amended by PL 2003, c. 317, §12, is further amended to read:

A. Penobscot River, main stem.

- (1) From the confluence of the East Branch and the West Branch to the confluence of the Mattawamkeag River, including all impoundments - Class ~~C~~ B.
- (2) From the confluence of the Mattawamkeag River to the confluence of Cambolasse Stream - Class B.
- (3) From the confluence of Cambolasse Stream to the West Enfield Dam - Class B.
- (4) From the West Enfield Dam, ~~including the Stillwater Branch,~~ to the ~~Veazie Milford~~ Milford Dam, including all impoundments, ~~and the Stillwater Branch~~ - Class B.
- (5) From the ~~Veazie Milford~~ Milford Dam, but not including the ~~Veazie Milford~~ Milford Dam, to the Maine Central Railroad bridge in Bangor-

Brewer - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

(7) From the Maine Central Railroad bridge in Bangor to a line extended in an east-west direction from a point 1.25 miles upstream of the confluence of Reeds Brook in Hampden - Class B. Further, the Legislature finds that the free-flowing habitat of this river segment provides irreplaceable social and economic benefits and that this use must be maintained.

Sec. 4. 38 MRSA §467, sub-§7, ¶B, as repealed and replaced by PL 1989, c. 764, §7, is amended to read:

B. Penobscot River, East Branch Drainage.

(1) East Branch of the Penobscot River, main stem.

(a) Above its confluence with Grand Lake Mattagamon - Class A.

(b) From the dam at the outlet of Grand Lake Mattagamon to a point located 1,000 feet downstream from the dam - Class A.

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the West Branch Mattaceunk impoundment as it existed on July 14, 1990 - Class AA.

(d) From its confluence with the Mattaceunk impoundment as it existed on July 14, 1990 to its confluence with the West Branch - Class B. Further, there may be no new direct discharges to this segment after January 1, 2019.

(2) East Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) All tributaries, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(b) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River - Class AA.

(c) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch - Class AA.

(d) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch - Class AA.

(e) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with Webster Lake - Class AA.

Sec. 5. 38 MRSA §467, sub-§7, ¶C, as amended by PL 2005, c. 159, §3, is further amended to read:

C. Penobscot River, West Branch Drainage.

(1) West Branch of the Penobscot River, main stem.

(a) From the dam at the outlet of Seboomook Lake to a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake - Class B.

(b) From a point located 1,000 feet downstream from the dam at the outlet of Seboomook Lake to its confluence with Chesuncook Lake - Class A.

(b-1) From its confluence with Chesuncook Lake to Ripogenus Dam - Class GPA as modified by section 464, subsection 9-A.

(c) From Ripogenus Dam through Ripogenus Gorge to the McKay powerhouse - Class B.

(d) From the McKay powerhouse to its confluence with Ambajejus Lake - Class A.

(e) From the outlet of Elbow Lake to the outlet of Ferguson and Quakish Lakes - Class B.

(f) From the outlet of Ferguson and Quakish Lakes to its confluence with ~~the East Branch of the Penobscot River, including all impoundments~~ Millinocket Stream - Class C.

(g) From the confluence with Millinocket Stream to its confluence with the East Branch of the Penobscot River, including all impoundments - Class B.

(2) West Branch of the Penobscot River, tributaries - Class A unless otherwise specified.

(a) Those segments of any tributary that are within the boundaries of Baxter State Park - Class AA.

(b) Those tributaries above the confluence with the Debsconeag Deadwater, any portion of which is located within the boundaries of Baxter State Park - Class AA.

(c) Millinocket Stream, from the railroad bridge near the Millinocket-T.3 Indian Purchase boundary to its confluence with the West Branch Canal - Class B.

(d) Millinocket Stream from the confluence of the West Branch Canal to its confluence with the West Branch of the Penobscot River - Class B.

Sec. 6. 38 MRSA §467, sub-§7, ¶D, as amended by PL 1999, c. 277, §11, is further amended to read:

D. Mattawamkeag River Drainage.

(1) Mattawamkeag River, main stem.

(a) From the confluence of the East Branch and the West Branch to the Kingman-Mattawamkeag boundary - Class A.

(b) From the Kingman-Mattawamkeag boundary to its confluence with the Penobscot River - Class AA.

(2) Mattawamkeag River, tributaries - Class A unless otherwise specified.

(a) East Branch Mattawamkeag River above Red Bridge - Class B.

~~(b) West Branch Mattawamkeag River from Interstate 95 to its confluence with Mattawamkeag Lake - Class B.~~

~~(c) Fish Stream - Class B.~~

Sec. 7. 38 MRSA §467, sub-§12, ¶B, as amended by PL 2009, c. 163, §8, is further amended to read:

B. Saco River, tributaries, those waters lying within the State - Class B unless otherwise specified.

(1) All tributaries entering above the confluence of the Ossipee River lying within the State and not otherwise classified - Class A.

(2) Wards Brook (Fryeburg) - Class C.

(3) Buff Brook (Waterboro) - Class A.

(4) Ossipee River Drainage, those waters lying within the State - Class B unless otherwise specified.

(a) Emerson Brook in Parsonsfield - Class A.

(b) South River and its tributaries (Parsonsfield), those waters lying within the State - Class A.

(5) Back Brook and its tributaries (Limington) - Class A.

Sec. 8. 38 MRSA §467, sub-§15, ¶C, as amended by PL 2017, c. 137, Pt. B, §9, is further amended to read:

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to the Route 11 bridge - Class AA.

(b) From the Route 11 bridge to the Sheridan Dam - Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments - Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments - Class C.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments - Class B.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments - Class C.

(2) Aroostook River, tributaries, those waters lying within the State - Class A unless otherwise specified.

(a) All tributaries of the Aroostook River entering below the confluence of the Machias River that are not otherwise classified - Class B.

(b) Little Machias River and its tributaries - Class A.

(c) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Caribou-Connor Township line - Class A.

(d) Machias River, from the outlet of Big Machias Lake to the Aroostook River - Class AA.

(e) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream - Class AA.

(f) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream - Class AA.

(g) Presque Isle Stream and its tributaries above the Mapleton-Presque Isle town line - Class A.

(h) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River - Class AA.

(j) Scopan Stream from the outlet of Scopan Lake to its confluence with the Aroostook River - Class C.

(k) Limestone Stream from the Long Road bridge to the Canadian border - Class C.

(l) Beaver Brook and its tributaries (T.14 R.6 W.E.L.S., T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Portage Lake, Ashland, Castle Hill) - Class A.

(m) Gardner Brook and its tributaries (T.14 R.5 W.E.L.S., T.13 R.5 W.E.L.S., Wade) - Class A.

(n) Salmon Brook and its tributaries (Perham, Westmanland) above Route 228 crossing on main stem in Perham - Class A.

(o) West Branch Salmon Brook and its tributaries (Wade, Perham, T.14 R.5 W.E.L.S.) above the Washburn-Wade town line - Class A.

Sec. 9. 38 MRSA §468, sub-§2, ¶N, as amended by PL 2003, c. 317, §20, is amended to read:

N. Township 7 Southern Division.

(1) Whitten Parritt Stream - Class A.

(2) Tributaries to Tunk Stream - Class A.

Sec. 10. 38 MRSA §468, sub-§2, ¶¶O and P are enacted to read:

O. Sullivan.

(1) Tributaries to Tunk Stream - Class A.

P. Township 10 Southern Division.

(1) Tunk Stream and its tributaries - Class A.

Sec. 11. 38 MRSA §468, sub-§8, ¶P is enacted to read:

P. Cherryfield.

(1) Tunk Stream and its tributaries - Class A.

See title page for effective date.

**CHAPTER 334
H.P. 1244 - L.D. 1745**

**An Act Regarding the Tagging
and Sale of Shellfish**

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

Sec. 1. 12 MRSA §6625, sub-§1, as amended by PL 2005, c. 434, §5, is further amended to read:

1. Tagging required. The holder of a ~~commercial shellfishing~~ license issued under section 6601, 6731, 6732, 6745 ~~or~~, 6746 ~~or~~ 6810-B shall identify shellstock the license holder has taken by means of a harvester's tag. The tag must be consistent with the format required by the department under rules adopted to meet this requirement. Each container of shellstock must be tagged in accordance with department rules. The tag must accompany the harvested product while the product is in wholesale or retail commerce within the State.

Sec. 2. 12 MRSA §6810-B, sub-§4, as enacted by PL 2017, c. 296, §9, is amended to read:

4. Licensed activities; shellfish. The holder of an aquaculture license or authorized representative of the holder of an aquaculture license may remove, possess, transport within the state limits or sell to a wholesale seafood license holder certified under section 6856 ~~or an enhanced retail certificate holder under section 6852, subsection 2-A~~ cultured shellfish the holder has removed from the leased area described in the holder's lease issued under section 6072, 6072-A or 6072-B or cultured shellfish the holder has cultured pursuant to a license issued under section 6072-C ~~or under Title 7, section 1501~~. Such a holder of an aquaculture license may also sell such shellstock from that license holder's home in the retail trade. A holder of an aquaculture license who is also the holder of a lease issued under section 6072 or 6072-A or that holder's authorized representative may sell such shellstock from the holder's lease site in the retail trade. The department shall establish by rule a means to identify personnel and authorized representatives operating under the authority of such a license holder. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §6856, sub-§1, as amended by PL 2017, c. 224, §2, is further amended to read:

1. Shellfish sanitation certificate. A person may not undertake the processing, buying, selling, shipping, transporting or shucking of shellfish or whole scallops without a shellfish sanitation certificate issued by the department or a valid, current certificate issued by the relevant regulatory authority recognized by the United States Department of Health and Human