

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
NOVEMBER 25, 2019**

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 16, 2020**

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

**Augusta, Maine
2020**

supervisor may not intentionally permit a person trapping under an apprentice trapper license with that ~~adult~~ apprentice trapper supervisor to violate subsection 2.

See title page for effective date.

CHAPTER 640

H.P. 1370 - L.D. 1922

An Act To Create a Menhaden Fishing License

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

Sec. 1. 12 MRSA §6041, sub-§2, as amended by PL 2019, c. 332, §1 and affected by §3, is further amended to read:

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6502-A, subsection 7 and section 6502-C, subsection 5 and fees collected pursuant to section 6502-B, subsection 4. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

Sec. 2. 12 MRSA §6302-A, sub-§1, as amended by PL 2013, c. 254, §1, is further amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6502-A, 6502-C, 6505-A, 6505-C, 6535, 6601, 6602, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751, 6803, 6804 or 6808 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe, nation or band or the agent of the band to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe, Penobscot Nation, Aroostook Band of Micmacs or Houlton Band of Maliseet Indians issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe, nation or band:

A. May utilize lobster traps tagged with trap tags issued by the tribe, nation or band or the agent of the band in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe, nation or band is not required to pay trap tag fees under section 6431-B if the tribe, nation or band or the agent of the band issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe, nation or band or the agent of the band in a manner consistent with tags issued pursuant to section 6505-B. A member of the tribe, nation or band is not required to pay elver fishing gear fees under section 6505-B if the tribe, nation or band or the agent of the band issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

Sec. 3. 12 MRSA §6502-A, sub-§1, as amended by PL 2011, c. 598, §22, is further amended to read:

1. Definition. As used in this section, "pelagic or anadromous fish" means Atlantic herring, ~~Atlantic menhaden~~, whiting, spiny dogfish, river herring, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

Sec. 4. 12 MRSA §6502-C is enacted to read:

§6502-C. Menhaden fishing license

1. License required. A person may not engage in the activities authorized under this section without a current:

- A. Resident commercial menhaden fishing license;
- B. Nonresident commercial menhaden fishing license; or
- C. Noncommercial menhaden fishing license.

2. Licensed activity; commercial license. The holder of a commercial menhaden fishing license may fish for, take, possess, ship, transport or sell menhaden that the holder has taken. A commercial menhaden fishing license also authorizes the crew members aboard the vessel named on the license to fish for, take, possess, ship or transport menhaden when the license holder is aboard the vessel.

3. Licensed activity; noncommercial license. The holder of a noncommercial menhaden fishing license may fish for, take or possess menhaden that the holder has taken. A noncommercial menhaden fishing license authorizes the crew members aboard the vessel named on the license to fish for, take or possess menhaden when the license holder is aboard the vessel.

4. Eligibility. A noncommercial menhaden fishing license may be issued only to an individual who is a resident. An individual is eligible to hold only one license described in subsection 1 per calendar year.

5. Fees and surcharges. Fees and surcharges for menhaden fishing licenses are as follows:

- A. For a resident commercial menhaden fishing license, \$128, plus a \$200 surcharge;

B. For a nonresident commercial menhaden fishing license, \$500, plus a \$400 surcharge; and

C. For a noncommercial menhaden fishing license, \$48, plus a \$50 surcharge.

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

6. Exemption. The licensing requirement under subsection 1 does not apply to a person who fishes for, takes, possesses or transports menhaden that have been taken by speargun, harpoon, minnow trap, hand dip net or hook and line and are only for personal use.

7. 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.

8. Rules. The commissioner shall adopt rules to implement this section including provisions that provide limitations on the holder of a resident commercial menhaden fishing license, a nonresident commercial menhaden fishing license and a noncommercial menhaden fishing license. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

9. Effective date. This section takes effect January 1, 2021.

See title page for effective date.

CHAPTER 641
S.P. 666 - L.D. 1924

An Act To Amend the Real Estate Appraisal Management Company Laws

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

Sec. 1. 32 MRSA §14049-G, sub-§1, ¶M, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

M. Allow the removal of an appraiser from an appraiser panel without prior written notice in accordance with section 14049-I to the appraiser;

Sec. 2. 32 MRSA §14049-I, as reenacted by PL 2017, c. 475, Pt. D, §1, is amended to read:

§14049-I. Appraiser panel management

~~Except within the first 30 days after an appraiser is added to an appraiser panel, an~~ An appraisal management company may not remove an appraiser from its appraiser panel or otherwise refuse to assign requests for real estate appraisal services to an appraiser without notifying the appraiser in writing and identifying the reasons why the appraiser is being removed from the

appraiser panel and providing an opportunity for the appraiser to respond to the notification.

See title page for effective date.

CHAPTER 642
S.P. 667 - L.D. 1925

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. 12 MRSA §6302-B, sub-§2, ¶A, as enacted by PL 2015, c. 391, §6, is amended by amending subparagraph (4) to read:

(4) When the quota established under subsection 1 is reached, the department shall notify the tribe, nation or band. The commissioner may use the data collected from the elver transaction cards issued under subparagraph (1) to determine whether the overall annual quota established under subsection 1 has been reached. When the quota established under subsection 1 is reached, the holder of a license issued by the tribe, nation or band under section 6302-A, subsection 3 may not thereafter take, possess or sell elvers. Taking, possessing or selling elvers after the quota established under subsection 1 is reached is deemed a violation by the license holder of the prohibition on fishing in excess of the person's individual quota in section 6505-A, subsection 3-A.

Sec. 2. 12 MRSA §6409, as amended by PL 2009, c. 561, §14, is further amended to read:

§6409. Suspension of license for failure to appear, answer or pay

If a license is suspended pursuant to Title 14, section 3142, the suspension remains in effect and that person is ineligible to obtain or hold a license until the person pays the fine. ~~On~~ Except for a limited entry fishery, as defined in section 6310-A, subsection 2, upon payment of the fine and on condition of payment of a \$25 administrative fee to the department, the suspension is rescinded and the person's eligibility to obtain or hold a license is reinstated. For a limited entry fishery, as defined in section 6310-A, subsection 2, in order for the suspension to be rescinded and the person's eligibility to obtain or hold a license to be reinstated, the person must purchase the license and pay the \$25 administrative fee to the department by no later than the end of the calendar year following the year in which the fine is paid. For the purposes of this section, "fine" has the same meaning as in Title 14, section 3141, subsection 1.