

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTIETH LEGISLATURE

FIRST REGULAR SESSION
December 2, 2020 to March 30, 2021

FIRST SPECIAL SESSION
April 28, 2021 to July 19, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2021

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
OCTOBER 18, 2021

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

Augusta, Maine
2021

that the license holder provide direct supervision of unlicensed individuals assisting the license holder in the licensed activities at the license holder's limited-purpose aquaculture license site. The commissioner may grant exceptions to:

A. A license holder who is also the holder of or has an ownership interest in an entity, including as a shareholder in a corporation, that holds a lease issued pursuant to section 6072, 6072-A or 6072-B;

B. A license holder using specific gear types as specified in rule; or

C. A license holder who has applied for a lease under section 6072 or 6072-A for an area that includes the area authorized by the license holder's existing limited-purpose aquaculture license.

The commissioner may adopt rules to implement this subsection, including, but not limited to, establishing requirements for an application for an exception and the reasons for which an exception may be granted.

Sec. 15. 12 MRSA §6072-C, sub-§2-C is enacted to read:

2-C. Primary assistant. The holder of a limited-purpose aquaculture license may designate one unlicensed individual as a primary assistant. Notwithstanding subsection 2, a primary assistant may conduct the licensed activities without the direct supervision of the license holder. If an individual is designated by the license holder as a primary assistant, the limited-purpose aquaculture license on which the individual is designated a primary assistant counts against the total number of licenses the primary assistant may hold under subsection 2-A, paragraph G. An individual may be the primary assistant on no more than 4 limited-purpose aquaculture licenses.

Sec. 16. 12 MRSA §6072-C, sub-§6, as amended by PL 2009, c. 229, §7, is further amended to read:

6. Fee. The application fee for a resident limited-purpose aquaculture license is \$50 \$100 and \$300 for a nonresident limited-purpose aquaculture license is \$400. The application fee is nonrefundable. All fees collected under this subsection must be deposited in the Aquaculture Research Fund established in section 6081.

Sec. 17. 12 MRSA §6072-C, sub-§8, as amended by PL 2017, c. 159, §6, is further amended to read:

8. Rules. The commissioner shall adopt rules to implement this section, including, but not limited to, rules establishing the type of gear that is approved aquaculture gear for the purposes of a limited-purpose aquaculture license, minimum standards for maintaining gear, methods of gear identification and license application and review procedures. The commissioner may adopt rules to limit the period of the year during which

license applications may be submitted. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 18. 12 MRSA §6085, sub-§7 is enacted to read:

7. Rules. The commissioner may adopt rules establishing procedures to implement the issuance, renewal and amendment of licenses under this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 19. 12 MRSA §6651, sub-§1-A is enacted to read:

1-A. Additional fees to be paid into fund. Any fees collected pursuant to section 6072, subsection 13, paragraph I must be deposited into the Shellfish Fund.

Sec. 20. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF Bureau of Policy and Management 0258

Initiative: Provides ongoing allocations for expenditure of funds to develop and manage effective and cost-efficient water quality licensing and monitoring criteria, analyze and evaluate monitoring data, process lease applications and make information about aquaculture available to the public.

Table with 3 columns: OTHER SPECIAL REVENUE FUNDS, 2021-22, 2022-23. Rows include All Other, OTHER SPECIAL REVENUE FUNDS TOTAL.

Sec. 21. Effective dates. That section of this Act that amends the Maine Revised Statutes, Title 12, section 6072-C, subsection 6 takes effect January 1, 2022. Those sections of this Act that amend Title 12, section 6072-C, subsection 2 and enact Title 12, section 6072-C, subsection 2-B take effect January 1, 2024.

See title page for effective date, unless otherwise indicated.

CHAPTER 53 H.P. 108 - L.D. 152

An Act To Address Training Requirements for Harbor Masters

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

Sec. 1. 38 MRSA §1-A, as amended by PL 2017, c. 54, §1, is further amended to read:

§1-A. Training

The following provisions govern the training of harbor masters and deputy harbor masters appointed pursuant to section 1 or 2.

1. **Basic training course.** A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association that represents Maine harbor masters within one year after being appointed or reappointed unless that person has previously completed such a course. ~~The person appointed or reappointed a harbor master or deputy harbor master shall pay the cost of the training required under this subsection.~~ If a person has not held the position of harbor master or deputy harbor master within the last 5 years prior to being appointed or reappointed, that person upon appointment or reappointment must complete the basic harbor master training course.

1-A. Continuing education. A person appointed or reappointed a harbor master or deputy harbor master who has completed the basic training course under subsection 1 shall complete, at a minimum, 8 hours of training every 3 years to maintain certification as a harbor master or deputy harbor master. The training requirement of this subsection may be met by completing continuing education training offered or approved by a statewide harbor masters association that represents Maine harbor masters.

2. ~~Reimbursement Payment; reimbursement.~~ Nothing in this section may be construed to prohibit a municipality, at its sole discretion, from paying for or reimbursing a harbor master or deputy harbor master for the cost of training under this section.

3. **Additional training.** Nothing in this section may be construed to prohibit a municipality from requiring a harbor master or deputy harbor master to obtain training beyond that required by this section.

4. **Training format.** During any 3-year period, the training courses offered by the statewide harbor masters association must include, at a minimum, in-person, remote and online options.

See title page for effective date.

CHAPTER 54

S.P. 88 - L.D. 199

An Act To Amend Certain Fish and Wildlife Laws and Related Provisions

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

Sec. 1. ~~12 MRSA §10001, sub-§67-B~~ is enacted to read:

67-B. Upland game species. "Upland game species" includes bobwhite quail, gray squirrel, porcupine, ring-necked pheasant, ruffed grouse, snowshoe hare, spruce grouse and woodchuck.

Sec. 2. ~~12 MRSA §10652~~, as amended by PL 2017, c. 50, §1, is further amended to read:

~~§10652. Abuse of another person's property while fishing, hunting or trapping~~

1. **Prohibitions.** Prohibitions on the abuse of another person's property ~~while fishing, hunting or trapping~~ are as follows.

A. A person may not ~~while fishing~~:

(1) Tear down or destroy any fence or wall on another person's land;

(2) Leave open any gate or bars on another person's land; ~~or~~

(3) Trample or destroy any crop on another person's land;

(4) ~~Damage or destroy a tree on another person's land by inserting into that tree any metallic or ceramic object to be used as, or as part of, a ladder or observation stand unless the person has the permission of the landowner;~~

(5) Erect or use either a portable or permanent ladder or observation stand on the land of another person unless:

(a) That person has obtained oral or written authorization to erect and use a ladder or observation stand from the landowner or the landowner's representative; and

(b) The ladder or observation stand is plainly labeled with a 2-inch by 4-inch tag identifying the name and address of the person or persons authorized by the landowner to use the ladder or observation stand.

This subparagraph does not apply to a portable ladder or observation stand that is located on land within the jurisdiction of the Maine Land Use Planning Commission and attended by the person who owns the ladder or observation stand. For purposes of this subparagraph, "observation stand" does not include a portable blind utilized at ground level that remains in the physical possession of the hunter; or

(6) Destroy, tear down, deface or otherwise damage a property posting sign under Title 17-A, section 402, subsection 4.

B. A person may not ~~while hunting any wild animal or wild bird~~: