

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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the scope of which includes information so designated, the department shall notify the submittor. Within 15 days after receipt of the notice, the submittor shall demonstrate to the satisfaction of the commissioner that the designated information should not be disclosed because the information is a trade secret, production, commercial or financial information, the disclosure of which would impair the competitive position of the submittor and would make available information not otherwise publicly available. Unless such a demonstration is made, the information shall be disclosed and shall become a public record. The commissioner may grant or deny disclosure for the whole or any part of the designated information requested and within 15 days shall give written notice of his decision to the submittor and the person requesting the designated information. A person aggrieved by a decision of the commissioner may appeal to the Superior Court in accordance with the provisions of section 346. All information provided by the department to the municipality under this subsection shall be confidential and shall not be a public record under Title 1, chapter 13. In the event a request for such information is submitted to the municipality, the municipality shall submit that request to the department to be processed by the department as provided in this subsection.

Effective September 19, 1985.

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## CHAPTER 268

H.P. 1066 - L.D. 1548

AN ACT to Clarify and Correct Certain Laws  
Relating to Marine Resources  
Laws.

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

Whereas, ambiguities exist in the marine resources laws; and

Whereas, these ambiguities create uncertainties and confusion in interpreting legislative intent; and

Whereas, inadvertent omissions of certain provisions of marine resources laws occurred during the last regular session; and

Whereas, it is vitally necessary that these uncertainties be resolved in order to prevent any injustice to the citizens of Maine; 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 §6172, sub-§3, as repealed and replaced by PL 1983, c. 301, §6, is amended to read:

3. Repeal. The commissioner shall repeal a regulation closing an area or waters when the marine mollusks are no longer contaminated or polluted or when the waters meet the sanitary standards set forth in any department regulations. The commissioner ~~shall~~ may use emergency regulatory procedures to open areas or waters that have been closed under emergency procedures of this section.

Sec. 2. 12 MRSA §6173, as repealed and replaced by PL 1983, c. 9, is amended to read:

§6173. Confidentiality of statistics

The commissioner may, with the advice and consent of the advisory council, adopt or amend regulations to collect pertinent data with respect to the fisheries, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight thereof, areas in which fishing was conducted, time of fishing, number of hauls and the estimated processing capacity of, and the actual processing capacity utilized by United States fish processors. The commissioner may collect statistics from any source and may require reporting of these statistics. The information collected by or reported to the commissioner shall be confidential and shall not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. The commissioner may share this data with the National Marine Fisheries Service for research or fisheries management purposes, provided that federal laws and regulations protect the confidentiality of the shared data. The commissioner shall by regulation prescribe such procedures as necessary to preserve confidentiality.

Sec. 3. 12 MRSA §6255, sub-§3, ¶C is enacted to read:

C. Members of Maine's Indian Tribes and Maine residents under 16 years of age are exempt from any fee.

Sec. 4. 12 MRSA §6255, sub-§12 is enacted to read:

12. Fishing in inland waters. When fishing in inland waters, the holder of a license authorized under this section shall be subject to all the provisions of chapters 701 to 721.

Sec. 5. 12 MRSA §6439, sub-§3, as repealed and replaced by PL 1981, c. 433, §10, is amended to read:

3. Off Hancock County. Within the following radio direction-finder LORAN C bearings: Beginning at Schoodic Point, Hancock County; thence running a True compass course of 159° for approximately 17 16 miles to LORAN C bearing of 9960-W-1234.9 9960-W-12349.0 and 9960-X-25693.0; thence running along a True compass course of 236° 234° for approximately 11 1/4 11.4 miles, to and through Mt. Desert Rock to LORAN C bearing of 9960-W-12456.0 and 9960-X-25695 9960-X-25695.0; thence running in a True compass course of 336° for approximately 4 1/2 4.2 miles to LORAN C bearing of 9960-W-12440 9960-W-12440.0 and 9960-X-25718.0; thence running in a westerly direction to a point where that line intersects with the line described in subsection 2, paragraph B, if it is extended to that line.

Sec. 6. 32 MRSA §4159, sub-§1, as amended by PL 1975, c. 44, §2, is repealed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 6, 1985.

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## CHAPTER 269

H.P. 708 - L.D. 1018

AN ACT to Require Disclosures by Transient  
Sellers.