

# 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 scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

---

---

J.S. McCarthy Company  
Augusta, Maine  
1991

---

---

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

**Whereas**, limiting the flotation device requirement to the section below the Hiram Dam will allow enforcement to be more effective and therefore may save lives; 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:**

**12 MRSA §7801, sub-§16, 1C**, as enacted by PL 1989, c. 469, §3, is amended to read:

C. Fails to wear a ~~Coast Guard~~ Coast Guard approved Type I, Type II, or Type III personal flotation device while canoeing or kayaking on the Saco River between Hiram Dam and the Atlantic Ocean between January 1st and June 1st.

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

Effective April 9, 1991.

## CHAPTER 29

H.P. 118 - L.D. 163

### An Act to Amend the Shellfish Licensing Laws

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

**Whereas**, without emergency enactment, this legislation will not take effect before the next shellfish fishing season; 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:**

**12 MRSA §6671, sub-§9**, as amended by PL 1985, c. 737, Pt. A, §29, is repealed and the following enacted in its place:

**9. Penalty.** Notwithstanding Title 17-A, section 4-B, a person who takes or possesses shellfish in violation of a municipal ordinance adopted under this section

commits a crime punishable by a fine of not less than \$100 and not more than \$1,000, except that:

A. For taking shellfish from a closed area or for digging shellfish without a license, the fine may not be less than \$500 and not more \$1,500; and

B. A fine for a violation of article 5 must be as provided by section 6681.

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

Effective April 9, 1991.

## CHAPTER 30

H.P. 151 - L.D. 236

### An Act to Amend the Definition of a Street Rod

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

**29 MRSA §1, sub-§15-C-1**, as enacted by PL 1979, c. 607, §1, is amended to read:

**15-C-1. Street rod.** "Street rod" means a replica of or a modified antique auto manufactured prior to 1949 and which that complies with the standards promulgated by the Chief of the State Police.

See title page for effective date.

## CHAPTER 31

S.P. 132 - L.D. 234

### An Act to Delay the Minimum Lobster Gauge Increases

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

**Whereas**, the state minimum lobster size was increased as of January 1, 1991; and

**Whereas**, the viability of the Maine lobster industry is dependent upon the biological health and economic sustainability of the American lobster fisheries management area; and

**Whereas**, the American lobster fisheries management area extends along the eastern seaboard of the United States and includes territorial waters of this State and 8 other states and waters within the exclusive economic zone of the United States; and