

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.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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

5 MRSA §1767 is enacted to read:

§1767. Energy service companies and 3rd-party financing

Any department or agency of the State, subject to approval of the Bureau of Public Improvements, may enter into an agreement with a private party such as an energy service or 3rd-party financing company for the design, installation, operation, maintenance and financing of energy conservation improvements at state facilities.

Any department or agency of the State, subject to approval by the Bureau of Public Improvements, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement with the private party or may make an agreement with another private party to operate and maintain the improvement.

All agreements made with private parties as contemplated in this section shall be subject to review by a subcommittee of the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs.

The provisions of section 1587 shall not apply to an agreement with a private party as contemplated in this section, except in the event that the state department or agency chooses to exercise an option to purchase energy conservation improvements, the department or agency before or at the time of the exercise of the option shall submit the proposed purchase of the energy conservation improvements for approval by the Legislature through the usual budget procedure.

Effective September 19, 1985.

CHAPTER 129

H.P. 231 - L.D. 272

AN ACT to Authorize the Sale of Frozen
Lobster Tails.

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

Whereas, the lobster industry in the State could suffer serious economic losses if trade in frozen lobster tails is not permitted under proper supervision and regulation; 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 §6431, sub-§4, as enacted by PL 1977, c. 661, §5, is amended to read:

4. Mutilation. It shall be unlawful to possess any lobster, or part thereof, which is mutilated in a manner which makes accurate measurement impossible, except that any person, firm or corporation may possess lobster tails removed under section 6862.

Sec. 2. 12 MRSA §6862 is enacted to read:

§6862. Lobster tail permit

1. Current lobster tail permit. It is unlawful for any person to engage in the activities authorized by a permit issued under this section without a current lobster tail permit.

2. Permitted activity. A lobster tail permit authorizes a wholesale seafood license holder to remove lobster tail in the shell from lobster under the following conditions.

A. The lobster tails shall only be processed at the establishment named in the permit.

B. The tails shall only come from legal sized lobsters, as defined in section 6431.

C. All containers in which lobster tails are packed to be sold, shipped or transported shall be clearly labeled with the name, address and permit number of the packer.

3. Permit limitation. A permit shall only authorize these activities at one location or place of business.

4. Regulations. The commissioner may adopt such regulations as are deemed necessary for implementation and enforcement of this section. These regulations may include provisions for determining that lobster tails processed under this section were removed from legal sized lobsters and other provisions as may be deemed necessary.

5. Report; repeal. The department shall report in writing to the joint standing committee of the Legislature having jurisdiction over marine resources on the activities conducted under this section. The report shall be submitted no later than January 15, 1986. This section shall be repealed on May 1, 1986.

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

Effective April 30, 1985.

CHAPTER 130

S.P. 57 - L.D. 76

AN ACT Concerning the Administration of
Public Improvements Under the
Supervision of the Department of
Transportation.

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

5 MRSA §1741, first ¶, as amended by PL 1973, c. 593, §22, is further amended to read:

Whenever the words "public improvement" or "public improvements" shall appear in chapters 141 to 155, they shall be held to mean and include the construction, major alteration or repair of buildings or public works now owned or leased or hereafter constructed, acquired or leased by the State of Maine or any department, officer, board, commission or agency thereof, or constructed, acquired or leased, in whole or in part with state funds, and including the con-