

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.
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1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

§4818. Commercial fishing and maritime activity zones

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commercial fishing activities" includes not only those activities directly related to commercial fishing, but also those commercial activities commonly associated with or supportive to commercial fishing, such as the manufacture or sale of ice, bait and nets and the sale, manufacture, installation or repair of boats, engines and other electronic devices commonly used on boats.

B. "Maritime activity" includes the construction, repair, storage, loading and unloading of boats, chancellery and other commercial activities designed and intended to facilitate maritime trade.

2. Municipalities may establish zones. A municipality may, within coastal shoreland areas within that municipality, adopt zoning ordinances establishing a commercial fishing and maritime activity zone. In creating such a zone, the municipality shall consider at least the following:

A. The number of commercial fishermen utilizing its shorefront;

B. The availability of shorefront for commercial fishing;

C. The demands for shorefront property for commercial and residential purposes not related to commercial fishing or maritime activity; and

D. Access to the shore and availability of space appropriate for commercial fishing and maritime activities.

Effective September 19, 1985.

CHAPTER 237

S.P. 589 - L.D. 1552

AN ACT to Allow the Use of Lobster Fund Money
to Provide for Lobster Hatcheries.

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

Whereas, fishing mortality in the lobster industry continues to be a serious problem affecting the long-term viability of this important Maine fishery; and

Whereas, lobster hatcheries may hold significant promise to increase the survival of larval lobster; and

Whereas, lobster hatcheries function most effectively in the spring and summer months; 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 §6451, sub-§1, as amended by PL 1981, c. 480, §2, is further amended to read:

1. Allocation of license fees. Ten dollars of each \$33 fee and \$5 of each \$13 fee for each lobster and crab fishing license shall be allocated to the Lobster Fund, which shall be used for the purpose of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters and establishing and supporting lobster hatcheries.

Sec. 2. 12 MRSA §6451, sub-§§3 and 4, as enacted by PL 1977, c. 661, §5, are repealed and the following enacted in their place:

3. Liberation and v-notching. The commissioner may provide purchased seed lobsters to lobster hatcheries. The remaining seed and all other female lobsters shall be liberated in the coastal waters after v-notching them in the right flipper. The right flipper shall be determined as established under section 6436, subsection 1.

4. Program. The commissioner may authorize the expenditure of money in the Lobster Fund for research and development programs which address the restoration, development or conservation of lobster resources.

Sec. 3. 12 MRSA §6451, sub-§§6 and 7 are enacted to read:

6. Lobster hatcheries. The commissioner may authorize expenditure of money from the Lobster Fund to make grants in support of the establishment and operation of lobster hatcheries. The grant may be used to defray a portion, not to exceed 50%, of the cost of the salary of an individual to supervise and manage the hatchery and to pay for direct operating expenses including, but not limited to, power and lobster feed. The grant shall be for a one-year period and shall be renewable indefinitely upon successful reapplication. There shall be no more than 5 lobster hatcheries supported under this section. The commissioner shall develop rules, including biological and economic criteria for evaluating proposals. The commissioner shall require the grantee to keep a log of activities regarding the hatchery and shall require a written report at the termination of each grant.

7. Lobster Advisory Council. The commissioner shall consult with the Lobster Advisory Council on the expenditure of funds under this section.

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

Effective June 4, 1985.

CHAPTER 238

H.P. 1093 - L.D. 1586

AN ACT Concerning Retail Sales of Beer and Wine.

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

28 MRSA §751, last ¶, as amended by PL 1975, c. 741, §23, is further amended to read:

All retail store licensees must have and maintain an adequate stock of groceries in no case less than \$1,000 wholesale value or a stock of merchandise reasonably compatible with a stock of malt liquor or table wine in no case less than \$1,000 wholesale value,