

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF 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

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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bids for state highway construction within its limits, and shall be subject to all requirements prescribed for other contractors, except that no bond need be required of it. The department may construct state highways by day labor without advertising for bids; and may, with the approval of the Governor, award contracts for state highways without advertising for bids, if the same shall be for the best interest of the State. The department shall have full power in all matters relating to the furnishing of bonds by the successful bidders for the completion of their work and fulfilling of their contracts, and for the protection of the State and town from all liability arising from damage or injury to persons or property.

Effective July 16, 1986.

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## CHAPTER 555

H.P. 1049 - L.D. 1525

### AN ACT to Establish a Maine-New Hampshire Boundary Commission.

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

Sec. 1. 5 MRSA c. 12 is enacted to read:

#### CHAPTER 12

#### MAINE-NEW HAMPSHIRE BOUNDARY COMMISSION

##### §251. Commission established

The Maine-New Hampshire Boundary Commission as established by Title 5, section 12004, subsection 11, shall be composed of 5 members: One appointed by the Governor; one Senate member representing York County to be appointed by the President of the Senate; one member from the House of Representatives representing York County to be appointed by the Speaker of the House of Representatives; the Commissioner of the Department of Marine Resources; and the Commissioner of the Department of Conservation.

##### §252. Tenure of office

The member appointed by the Governor shall hold office as a member of the commission as long as the

Governor making the appointment continues to hold office. The member appointed from the Senate shall hold office as a member of the commission as long as he continues without interruption to be a member of the Senate and the member appointed from the House of Representatives shall continue to hold office as a member of the commission as long as he continues without interruption to be a member of the House of Representatives. The Commissioner of Marine Resources and the Commissioner of Conservation shall hold office as members of the commission as long as they continue to hold the respective state offices by virtue of which they were appointed.

§253. Organization and procedure

The commission shall organize by choosing one of its members to be chairman and one of its members to be secretary. The commission may adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, as it deems necessary to conduct the affairs of the commission.

§254. Powers

The commission may enter into, with the State of New Hampshire, by and through the commissioners who may be appointed under or by virtue of the laws of the State of New Hampshire, an agreement or compact defining and ascertaining the common, lateral-marine boundary of the 2 states from the Breakwater at the end of the inner Gosport Harbor in the Isles of Shoals seaward to the limit of the states' respective jurisdictions.

The commissioners on the part of the State may, from time to time, meet with such commissioners as may be appointed for the same purposes and with substantially similar powers on the part of the state of New Hampshire to define and ascertain a common, lateral-marine boundary. The commissioners representing the State of Maine may agree to a just and reasonable location of a common lateral-marine boundary for the purpose of submission of a mutual written agreement to the Legislatures of Maine and New Hampshire.

§255. Agreement

If, at a minimum, a majority of the commissioners from each state agree to the location of a common lateral-marine boundary as provided in this chapter, the agreement shall be established in writing as a compact and signed by a majority of the commissioners

of each state. This compact shall be submitted by the respective commissioners to the legislatures of the 2 states for approval by appropriate legislative acts. Upon approval by legislative act by both states, this compact shall become provisionally effective and binding upon this State, subject only to the consent and approval of the Congress of the United States.

§256. Approval of compact

The commissioners on the part of this State, together with the commissioners appointed by the State of New Hampshire, may apply to the Congress of the United States for its consent or approval of the compact entered into by the states. Upon the consent and approval by the Congress of the United States, the compact shall become final and binding upon this State and shall be filed in the office of the Secretary of State.

§257. Vacancy

If a vacancy in the commission occurs by death, resignation or other means with respect to a commissioner representing the State of Maine, the vacancy shall be filled by the appointing authority designated by this chapter to make that appointment.

§258. Expenses

The commissioners shall be compensated for expenses incurred in fulfilling their duties according to chapter 379.

§259. Implementation of chapter

The provisions of this chapter shall not become effective and no members of the commission may be appointed until the state legislature of New Hampshire has enacted and the Governor of New Hampshire has approved legislation to establish the commission as defined in this chapter.

Sec. 2. 5 MRSA §12004, sub-§11, ¶A, sub-¶(2-A) is enacted to read:

<u>(2-A)</u>	<u>Marine</u>	<u>Maine-New</u>	<u>Expenses</u>	<u>5 MRSA §251</u>
	<u>Resources</u>	<u>Hampshire</u>	<u>Only</u>	
		<u>Boundary</u>		
		<u>Commission</u>		