

# 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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admissible in any court in the State. The commissioner is authorized to adjust the State double gauge lobster measure to conform to the minimum legal size in effect.

Sec. 4. 12 MRSA §6433, sub-§1-A is enacted to read:

1-A. Adjustment. Notwithstanding subsection 1, the commissioner shall specify by rule the dimensions of vents in lobster traps which shall be appropriate for the minimum legal lobster size in effect.

Sec. 5. 12 MRSA §6858, sub-§1-A is enacted to read:

1-A. Adjustment. Notwithstanding subsection 1, the commissioner shall specify by rule the legal size of lobster meat tail sections in conformity with the minimum legal lobster size in effect.

Sec. 6. Effective date. Sections 2 to 5 of this Act shall become effective when the Attorney General certifies that the following prerequisite actions have occurred:

1. That the New England Fisheries Management Council has amended the American Lobster Fishery Management Plan and the United States Secretary of Commerce has promulgated the appropriate regulations to implement a schedule of increases in the minimum legal lobster size at least as restrictive as that described in section 2 and to prohibit the possession of v-notched lobsters; and

2. That the appropriate regulatory action by the United States Secretary of Commerce has the force of law in all states or that federal legislation accomplishes the same purpose.

Sec. 7. Repeal. Sections 2 to 5 of this Act are repealed on January 1, 1988, if the conditions of section 6 have not been met.

Effective July 16, 1986.

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## CHAPTER 678

H.P. 1511 - L.D. 2131

AN ACT to Improve Compliance with Maine Tax  
Laws.

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

36 MRS.A §175 is enacted to read:

§175. Applicants for license or renewal of license

1. Information provided to State Tax Assessor. Every department, board, commission, division, authority, district or other agency of the State issuing or renewing a license or other authority to conduct a profession, trade or business shall annually, beginning in 1988 on or before April 1st, furnish to the State Tax Assessor, in such form as the State Tax Assessor may prescribe, a list of all licenses or certificates of authority issued or renewed by that agency during the preceding calendar year. The list provided to the State Tax Assessor shall contain the name, address, Social Security or federal identification number of the licensees and such other identifying information as the State Tax Assessor may by rule require. Notwithstanding other provisions of law, all persons seeking a license or certificate of authority or a renewal beginning on or after January 1, 1987, shall provide and the responsible agency shall collect the information required by the State Tax Assessor under this section. Failure by persons to provide a licensing or certifying agency that information shall result in an automatic denial of any request for a license or certificate of authority or a renewal.

2. Failure to file or pay taxes; denial of license or renewal. If the State Tax Assessor determines, from the information formulated under subsection 1 or otherwise, that any person who holds a license or certificate of authority issued by that agency has neglected or refused to file any returns required under this Title which has become final, the State Tax Assessor shall notify the person in writing that refusal to file the required tax return may result in loss of license or certificate of authority. If the person continues to fail to file or show reason why he is not required to file, the State Tax Assessor shall notify the person in writing of his determination to prevent renewal or reissuance of the license or certificate of authority by the issuing agency. A review of this determination is available by requesting a petition for reconsideration under section 151, subject to appeal to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. Either by failure to proceed to the next step of appeal or by exhaustion of

the steps of appeal, the determination of the State Tax Assessor's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal.

3. Refusal of license or certificate by licensing agency. Any issuing agency which is notified by the State Tax Assessor of his finalized determination to prevent renewal or reissuance of a license or certificate of authority under subsection 2 shall refuse to reissue, renew or otherwise extend that license or certificate of authority until the agency receives a certificate issued by the State Tax Assessor that the person is in good standing with respect to any and all returns due as of the date of issuance of the certificate.

Effective July 16, 1986.

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## CHAPTER 679

S.P. 847 - L.D. 2139

AN ACT to Strip Crime of its Profit.

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

15 MRSA c. 515 is enacted to read:

### CHAPTER 515

#### ASSET FORFEITURE

##### §5801. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Conspiracy. "Conspiracy" means that, with the intent that conduct be performed, a person agrees with one or more other persons to engage in or cause the performance of the conduct. For purposes of this chapter, a conspiracy may be proven without proof of a substantial step towards completion, but rather upon a showing that a participant in the conspiracy has engaged in one or more overt acts toward completion of the object of the conspiracy.