

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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in the industry. The board shall carry out the duties, as set out in Title 7, article 4 and known as the "Maine Bag Program," and shall use any funds granted by the department to the board or obtained by the board from any other source for the Maine Bag Program to promote the sale of tablestock potatoes.

**Sec. 21. Appropriation; intent.** It is the intent of the Legislature that the funds appropriated or allocated to the Maine Potato Quality Control Board instead be appropriated or allocated to the Department of Agriculture, Food and Rural Resources, to be granted to the Maine Potato Board for the promotion of tablestock potatoes in accordance with Maine Revised Statutes, Title 7, article 4, and Title 36, section 4604, subsection 2.

**Sec. 22. Transition.** Rules adopted under this article and in effect on the effective date of this Act shall remain in effect until amended or replaced as provided herein.

Effective September 29, 1987.

## CHAPTER 100

H.P. 327 — L.D. 426

### AN ACT to Clarify the Emergency Rule-making Authority of the Commissioner of Marine Resources.

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

**Sec. 1.** 12 MRSA §6171-A, sub-§4, as enacted by PL 1981, c. 427, is repealed.

**Sec. 2.** 12 MRSA §6171-A, sub-§5, as amended by PL 1983, c. 645, §1, is repealed.

**Sec. 3.** 12 MRSA §6171-A, sub-§§4-A and 5-A are enacted to read:

4-A. Emergency rules. The commissioner may adopt or amend rules under emergency procedures if immediate action is necessary to prevent serious economic dislocation to the area in which marine resources are harvested.

5-A. Procedure. The procedures of subchapter II shall be used in adopting or amending rules authorized by this section.

**Sec. 4.** 12 MRSA §6192, sub-§1, as amended by PL 1983, c. 645, §2, is further amended to read:

1. **Procedures.** In an emergency adoption or amendment, the commissioner may modify the procedures required under the Maine Administrative Procedure Act and section 6191 in the following manner.

A. In an emergency adoption or amendment of regulations rules relating to the public health and safety, including regulations rules authorized under section 6172, prior public notice and hearing shall not be required.

B. In an emergency adoption or amendment of regulations rules relating to the general welfare, as authorized by section 6171, the regulation rule shall be effective immediately, as provided in subsection 4, ~~but~~ a. A public hearing shall be held in the affected area immediately thereafter if requested of the commissioner in writing by 5 persons. The hearing shall be held within 30 days of the commissioner receiving the written request. Notice of that hearing shall be published once, not less than 5 days prior to the hearing, in a newspaper of general circulation in the affected area.

C. In an emergency adoption or amendment of rules relating to gear conflicts, as authorized by section 6171-A, the regulation shall be effective immediately, as provided in subsection 4. Prior public notice and hearing shall not be required. Notwithstanding any other provisions of law, a public hearing shall be held in the affected area immediately if requested of the commissioner in writing by 5 persons. The hearing shall be held within 30 days of the commissioner receiving the written request. Notice of that hearing shall be published once, not less than 5 days prior to the hearing, in a newspaper of general circulation in the affected area. The commissioner shall decide within 5 business days after the hearing whether to continue or repeal the emergency closure. His findings of fact must include the justification for the repeal or continuance of the closure, an analysis of the objections expressed at the public hearing and the date for the end of the closure. Emergency regulations under this paragraph may be repealed by the advisory council.

Effective September 29, 1987.

## CHAPTER 101

H.P. 322 — L.D. 421

### AN ACT Relating to Lobster Trap Vents.

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

12 MRSA §6433, sub-§1, ¶A, as repealed and replaced by PL 1979, c. 353, §1, is amended to read:

A. A rectangular or oblong escape vent not less than 1 3/4 inches (44.5 mm.) by ~~6 inches (152.5 mm.)~~ 5.75 inches (146 mm.) located next to the bottom edge;

Effective September 29, 1987.