

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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have a tremendous impact on outdoor recreation and tourism; 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 §7771, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. In the waters so set apart, the commissioner and persons acting under his authority in their respective fish culture and scientific work may take fish at any time or in any manner, and erect and maintain any fixtures necessary for these purposes. In no instance may the commissioner permit the taking of fish by explosive, poisonous or stupefying substances, except for the use of registered fish toxicants for reclamation purposes.

Sec. 2. 12 MRSA §7771, sub-§4 is enacted to read:

4. Gill nets. Department personnel may use gill nets under the following constraints.

A. Notwithstanding section 7621, the department may use gill nets in inland waters provided that:

(1) When requested by another agency to undertake a gill netting project, the department shall be reimbursed by that agency for all costs relating to the gill netting project;

(2) Both ends of the net are marked with buoys which are clearly visible from a distance of 300 feet and which identify the department; and

(3) The results of each netting are forwarded on a weekly basis to the office of the commissioner where records shall be available for public inspection.

B. Any person not complying with the restrictions set forth under this subsection shall be guilty of a prohibited act.

C. The department shall provide the Legislature with a report on the use of gill nets by department personnel and any violations of this subsection by March 1, 1989. This subsection is repealed on October 1, 1989.

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

Effective June 8, 1987.

CHAPTER 242

H.P. 1212 — L.D. 1654

AN ACT to Amend Certain Laws Relating to the Department of Environmental Protection.

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

38 MRSA §584-A, sub-§2, ¶A and B, as enacted by PL 1971, c. 570, are amended to read:

A. Sulfur dioxide concentration for any 3-hour period at any location shall not exceed 1150 micrograms per cubic meter, except once per year.

B. Sulfur dioxide concentration for any 24-hour period at any location shall not exceed 230 micrograms per cubic meter, except once per year.

Effective September 29, 1987.

CHAPTER 243

S.P. 487 — L.D. 1469

AN ACT to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control.

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

Sec. 1. 22 MRSA §1471-C, sub-§5, as amended by PL 1981, c. 374, §1, is further amended to read:

5. Commercial applicator. "Commercial applicator" means any person, except a government pesticide supervisor, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments. The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or non-powered equipment, provided that the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.

Sec. 2. 22 MRSA §1471-C, sub-§5-A, as enacted by PL 1977, c. 20, §2, is amended to read:

5-A. Custom application. "Custom application"