

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

as the board deems necessary and may reinstate a license when tests indicate compliance.

Effective August 4, 1988.

CHAPTER 689

S.P. 821 — L.D. 2143

AN ACT to Expand and Clarify the Jurisdiction of the Maine State Pilotage Commission.

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

Sec. 1. 38 MRSA §86-A, as enacted by PL 1985, c. 389, §33, is repealed and the following enacted in its place:

§86-A. Jurisdiction over coastal waters and rivers

This subchapter applies to all Maine coastal waters and navigable waters with the exception of:

1. Piscataqua River. The Piscataqua River;
2. Maine State Pilotage Commission. Those waters specifically exempted by the Maine State Pilotage Commission; or
3. Portland harbor. Those waters specifically governed by the Board of Harbor Commissioners for the Harbor of Portland.

Sec. 2. Report. The Maine State Pilotage Commission shall enter into discussions with the New Hampshire Port Authority, the United States Coast Guard and the United States Navy concerning the issues of assuring safe navigation of the Piscataqua River and licensing of Maine pilots. The commission shall submit a report to the Joint Standing Committee on Business Legislation of the First Regular Session of the 114th Legislature by March 1, 1989.

Effective August 4, 1988.

CHAPTER 690

H.P. 1567 — L.D. 2134

AN ACT to Clarify the Laws Relating to Atlantic Salmon Conservation.

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

Sec. 1. 12 MRSA §6001, sub-§§17-B and 48-A are enacted to read:

17-B. Fork length. "Fork length" means the greatest dimension between the most anteriorly project-

ing part of the head and the apex of the V formed by the caudal fin. The measurement is a straight line and is not taken over the curve of the body.

48-A. Total length. "Total length" means the greatest dimension between the most anteriorly projecting part of the head and the farthest tip of the caudal fin when the caudal rays are squeezed together. The measurement is a straight line and is not taken over the curve of the body.

Sec. 2. 12 MRSA §6255, sub-§5, as repealed and replaced by PL 1985, c. 703, §4, is amended to read:

5. Tags. Any Atlantic salmon taken from inland or coastal waters, designated in subsection 2, shall be immediately tagged with a tag bearing the license number of the person who caught the fish or shall be tagged as provided in section 6256, subsection 6. Five of these tags shall be issued with each Atlantic salmon license; except that only one tag shall be issued with a license issued under subsection 3, paragraph B, subparagraphs (2) and (3). It is unlawful for any person to possess, sell, give away, accept as a gift, offer for transportation or transport an Atlantic salmon which has not been lawfully tagged; while fishing in the waters described in subsection 2.

Sec. 3. 12 MRSA §6255, sub-§6, ¶B to D, as enacted by PL 1983, c. 680, §3, are amended to read:

B. Tagged with a New Brunswick, Quebec, Nova Scotia or Newfoundland-Labrador Atlantic salmon tag if imported from New Brunswick those Canadian provinces;

C. Identified by a sales receipt less than 24 hours old; or

D. For wholesale and retail seafood dealers, a bill of sale indicating numbers of fish purchased, dates of purchase and point of origin of all fish purchased; or

Sec. 4. 12 MRSA §6255, sub-§6, ¶E is enacted to read:

E. Tagged as provided in section 6256, subsection 6.

Sec. 5. 12 MRSA §6256, sub-§1, as enacted by PL 1985, c. 703, §5, is amended to read:

1. Time period. Within 12 hours, except as provided in subsection 4, the person who killed the salmon shall present the salmon for registration. The salmon shall be registered at the first open salmon registration station on the route taken by the person killing the fish.

Sec. 6. 12 MRSA §6256, sub-§4, ¶A, as enacted by PL 1985, c. 703, §5, is repealed.

Sec. 7. 12 MRSA §6256, sub-§5, as enacted by PL 1985, c. 703, §5, is repealed.

Sec. 8. 12 MRSA §6256, sub-§6, as enacted by PL 1985, c. 703, §5, is repealed and the following enacted in its place:

6. Recreational fishing provision. A person engaged in recreational fishing in the coastal waters, other than those identified in section 6255, subsection 2, who takes an Atlantic salmon, shall affix to each fish an identification tag designating the date, location and name of the person who caught the fish. The person shall notify the commission or its agents within 24 hours of that person's first landfall providing all information as the commission may require.

Sec. 9. 12 MRSA §6553, sub-§§1 to 3, as enacted by PL 1977, c. 661, §5, is amended to read:

1. Minimum length. It shall be unlawful to take or possess Atlantic salmon which are less than 14 inches total length.

2. Method of taking. From ~~July 16th~~ May 1st to October 15th, both days inclusive, it shall be unlawful to take Atlantic salmon from the coastal waters by means other than hook and line with a single hook. Any Atlantic salmon taken by any other means shall be immediately released.

3. Closed season. From October 16th to ~~March 31st~~ April 30th, both days inclusive, it shall be unlawful to take Atlantic salmon from the coastal waters by any means.

Sec. 10. 12 MRSA §6553, sub-§6, as amended by PL 1983, c. 680, §5, is further amended to read:

6. Bag limit. It is unlawful to take more than one Atlantic salmon in one day from inland waters or coastal waters ~~designated in section 6255, subsection 2.~~ No more than 5 Atlantic salmon per person may be taken annually from all waters of the State.

Sec. 11. 12 MRSA §6553, sub-§8 is enacted to read:

8. Disposition. It is unlawful to sell or offer for sale any Atlantic salmon taken from the inland or coastal waters of the State, except Atlantic salmon lawfully raised by means of aquaculture.

Effective August 4, 1988.

CHAPTER 691

H.P. 1793 — L.D. 2457

AN ACT to Replace the Abandoned Property Law.

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

Sec. 1. 14 MRSA §6013, first ¶, as repealed and replaced by PL 1981, c. 428, §7, is amended to read:

Any property with a total value of \$100 or more that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit shall be disposed of according to Title 33, chapter 27 37.

Sec. 2. 14 MRSA §6324, as amended by PL 1983, c. 447, §5, is further amended to read:

§6324. Proceeds of sale

After first deducting the expenses incurred in making the sale, the mortgagee shall disburse the remaining proceeds in accordance with the provisions of the judgment. The mortgagee shall file a report of the sale and the disbursement of the proceeds therefrom with the court and shall mail a copy to the mortgagor at his last known address. This report need not be accepted or approved by the court, provided that the mortgagor or any other party in interest may contest the accounting by motion filed within 30 days of receipt of the report, but any such challenge shall be for money only and shall not affect the title to the real estate purchased by the highest bidder at the public sale. Any deficiency shall be assessed against the mortgagor and an execution shall be issued by the court therefor. In the event the mortgagee has been the purchaser at the public sale, any deficiency shall be limited to the difference between the fair market value of the premises at the time of the public sale, as established by an independent appraisal, and the sum due the mortgagee as established by the court with interest plus the expenses incurred in making the sale. Any surplus shall be paid to the mortgagor, his successors, heirs or assigns in the proceeding. If the mortgagor has not appeared personally or by an attorney, the surplus shall be paid to the clerk of courts, who shall hold the surplus in escrow for 6 months for the benefit of the mortgagor, his successors, heirs or assigns and, if the surplus remains unclaimed after 6 months, the clerk shall pay the surplus to the Treasurer of State to be credited to the General Fund until it becomes abandoned under the Unclaimed Property Act, and report and pay it to the State in accordance with that Act.

Sec. 3. 33 MRSA c. 27, as amended, is repealed.

Sec. 4. 33 MRSA c. 37 is enacted to read:

CHAPTER 37

UNCLAIMED PROPERTY ACT

SUBCHAPTER I

GENERAL PROVISIONS AND TERMS OF ABANDONMENT

§1801. Short title; purpose

1. Short title. This chapter shall be known and may be cited as the "Unclaimed Property Act."

2. Purpose. The purpose of this chapter is to pro-