

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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

Effective March 8, 1989.

## CHAPTER 8

H.P. 105 - L.D. 142

### An Act to Amend the Membership of the Advisory Council to the Department of Marine Resources

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** implementation of Public Law 1987, chapter 694, section 1 has resulted in an imbalance in the statutorily required representational distribution of the membership of the advisory council to the Department of Marine Resources; 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 §6024, sub-§1,** as amended by PL 1987, c. 694, §1, is further amended to read:

**1. Appointment; composition; term; compensation.** The advisory council, established by Title 5, section ~~42004~~ 12004-I, subsection ~~40~~ 58, shall consist of 9 ~~10~~ members. One member, who shall be a nonvoting member, shall be the ~~chairman~~ chair of the Lobster Advisory Council, ex officio. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. ~~Seven~~ Eight of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources, and one of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall adequately represent the commercial fisheries' activities over which the department has jurisdiction and shall also reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original for the unexpired portion of the term. No member may serve more than 2 consecutive terms at any one time. Members shall serve until their successors are appointed. Members shall be compensated as provided in Title 5, chapter 379.

**Sec. 2. 12 MRSA §6024, sub-§1-A** is enacted to read:

**1-A. Appointment; composition; term; compensation.** The advisory council, established by Title 5, section 12004-I, subsection 58, shall consist of 9 members. The chair of the Lobster Advisory Council shall be an ex officio member of the council. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. Seven of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources. These 7 members shall be selected so as to adequately represent, together with the chair of the Lobster Advisory Council, the various aspects of commercial fisheries' activities over which the department has jurisdiction. One of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original member for the unexpired portion of the term. No appointed member may serve for more than 2 consecutive terms at any one time. Appointed members shall serve until their successors are appointed. The chair of the Lobster Advisory Council shall serve until a new chair of the Lobster Advisory Council is chosen. Members shall be compensated as provided in Title 5, chapter 379.

**Emergency clause.** In view of the emergency cited in the preamble, section 1 of this Act shall take effect when approved. Section 2 of this Act shall take effect November 6, 1989. The Maine Revised Statutes, Title 12, section 6024, subsection 1, as amended by this Act shall be repealed on November 6, 1989.

Effective March 8, 1989, except as otherwise indicated.

## CHAPTER 9

H.P. 564 - L.D. 768

### An Act Concerning the Effective Date of County and Municipal Laws

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the recodification of the county and municipal laws was to take effect on March 1, 1989; and

**Whereas,** while that date was extended by Public Law 1989, chapter 6, to April 15, 1989, that extension was not finalized until March 1, 1989; and

**Whereas,** that sequence of events has created technical questions as to the applicability and effective dates of the county and municipal laws; and

**Whereas,** it is vitally important that any uncertainty as to the applicability and effective dates of the county and municipal laws be immediately resolved; and