

# 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

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. Purpose and findings.** The Legislature finds that there is current uncertainty as to the effect and effective dates of the county and municipal laws as contained in the Maine Revised Statutes, Title 30 and as contained in Public Law 1987, chapter 737, which had been scheduled to take effect on March 1, 1989. The Legislature further finds that this uncertainty is detrimental to the economic and social well-being of the citizens of the State and that it is necessary to remove any reasonable question as to the effect of these provisions. The purposes of this Act are to clarify the applicability and effective dates of these provisions, to ensure the continuity of the county and municipal laws and to clarify the validity of actions taken pursuant to them.

**Sec. 2. PL 1987, c. 737, Pt. C, §106,** as amended by PL 1989, c. 6, is further amended to read:

**Sec. 106. Retroactivity and effective date.** This Act shall take effect on ~~April 15~~ February 28, 1989 and shall be retroactive to that date.

**Sec. 3. Transition and savings clause.** The following provisions apply to the transition from the Maine Revised Statutes, Title 30 to Title 30-A, and to the transition between Public Law 1989, chapter 6 and this Act.

**1. Personnel.** This Act does not affect the term or appointment of any officer, official, employee or other personnel of any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board governed by the Maine Revised Statutes, Titles 30 and 30-A.

**2. Agreements, leases, contracts, authorizations or bonds.** All agreements, leases, contracts, authorizations, notes or bonds issued under the Maine Revised Statutes, Titles 30 and 30-A, before the effective date of this Act shall continue to be valid under the terms of issuance until they expire or are rescinded, amended or revoked.

**3. Ordinances, rules and regulations.** All ordinances, rules and regulations enacted or adopted by any county, municipality, plantation, village, quasi-municipal corporation or any state agency, department or board under the authority of the Maine Revised Statutes, Titles 30 or 30-A shall continue in force until they are repealed, rescinded, amended or revoked.

**4. Dedicated revenues.** This Act shall not be construed to change the status of any dedicated revenues. All dedicated revenues existing prior to this Act shall not lapse because of this Act, but shall be transferred to the funds of the same name which are created by this Act.

**5. Ratification.** All acts of any state, county or municipal officer or official and of any governmental, municipal or quasi-municipal entity taken in compliance with the Maine Revised Statutes, Titles 30 and 30-A, between February 28, 1989, and the effective date of this Act are ratified and validated.

**Sec. 4. Legislative intent.** It is the intent of the Legislature that this Act shall be considered a revision of certain laws concerning state and local government and shall not in any way be considered to change or revise the meaning or intent of those laws. It is the further intent of the Legislature that this Act shall be liberally construed to effectuate the purposes set forth in section 1 of this Act.

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

Effective March 16, 1989.

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## CHAPTER 10

H.P. 51 - L.D. 72

### An Act to Extend the Reporting Deadline on the Casco Bay Ferry Service Study

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

Whereas, it is necessary that this legislation be enacted as an emergency measure in order that the study may be completed in a competent and timely manner and include an adequate opportunity for comments for interested and affected parties; and

Whereas, since information vital to the study was not available until a month before the current reporting deadline; 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:**

PL 1987, c. 475, §5, first ¶ is amended to read:

The Department of Transportation, in cooperation with the Public Utilities Commission and the Public Advocate, shall undertake a study of ferry service in Casco Bay and provide to the Governor and Legislature by ~~January 1~~ March 9, 1989, their report presenting joint conclusions and recommendations, including legislative recommendations.