

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

A. The need to develop improved methods of drug testing and oversight of drug use in the industry, including possible roles for the University of Maine;

B. The role of the Attorney General in regulating the industry;

C. The establishment of racing date schedules for more than one year at a time;

D. The disbursement of pari-mutuel pools under existing law;

E. The regulation of qualifying times; and

F. The adequacy of current fee structures in the industry.

Sec. B-5. Report. The commission shall complete its meetings by October 1, 1990, and submit its report, together with any necessary implementing legislation, to the First Regular Session of the 115th Legislature by November 1, 1990.

Sec. B-6. Staff assistance. The commission shall request from the Legislative Council sufficient staff assistance to carry out these duties. The Attorney General shall provide assistance as requested by the commission.

Sec. B-7. Reimbursement. Legislative members of the commission are entitled to per diem and expenses. Nonlegislative members are entitled to reimbursement for expenses upon application to the Legislative Council.

Sec. B-8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1989-90

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Commission to Study the Harness Racing Industry

Personal Services	\$2,640
All Other	7,500

Provides funds for travel, printing and related expenses of the Commission to Study the Harness Racing Industry.

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TOTAL	\$10,140
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 6, 1990.

CHAPTER 788

H.P. 1664 - L.D. 2304

An Act to Amend Certain Provisions in Marine Resources Laws

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

Whereas, provisions of the marine resources laws regulating the possession and packing of lobster tails were repealed by a sunset provision on March 1, 1989; and

Whereas, these activities are continuing without authorized oversight, and statutory authority is immediately required to continue oversight; 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-A, as enacted by PL 1989, c. 8, §2; and as amended by PL 1989, c. 503, Pt. B, §§61 and 62, is further amended to read:

1-A. Appointment; composition; term; compensation. The ~~advisory council~~ Marine Resources Advisory Council, established by Title 5, section 12004-G, subsection 27, shall consist of 9 members. The ~~chair~~ 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~~ 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~~ Chair of the Lobster Advisory Council shall serve until a new ~~chair~~ Chair of the Lobster Advisory Council is chosen. Members shall be compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6555, 2nd ¶, as repealed and replaced by PL 1987, c. 622, §1, is repealed.

Sec. 3. 12 MRSA §6556, 2nd ¶, as repealed and replaced by PL 1987, c. 622, §2, is repealed.

Sec. 4. 12 MRSA §6556-A, as enacted by PL 1987, c. 622, §3, is repealed.

Sec. 5. 12 MRSA §6862, sub-§§1 to 4, as repealed by 12 MRSA §6862, sub-§5, are reenacted to read:

1. Current lobster tail permit. It is unlawful for any person to engage in the activities authorized by a permit issued under this section without a current lobster tail permit.

2. Permitted activity. A lobster tail permit authorizes a wholesale seafood license holder to remove lobster tails in the shell from lobster under the following conditions.

A. The lobster tails shall only be processed at the establishment named in the permit.

B. The tails shall only come from legal sized lobsters, as defined in section 6431.

C. All containers in which lobster tails are packed to be sold, shipped or transported shall be clearly labeled with the name, address and permit number of the packer.

3. Permit limitation. A permit shall only authorize these activities at one location or place of business.

4. Regulations. The commissioner in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, may adopt such regulations as are deemed necessary for implementation and enforcement of this section. These regulations may include provisions for determining that lobster tails processed under this section were removed from legal sized lobsters and other provisions as may be deemed necessary.

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

Effective April 6, 1990.

CHAPTER 789

H.P. 1663 - L.D. 2303

An Act Requiring Notice by Water Utilities Proposing to Initiate Condemnation Proceedings for Land for Water Treatment Facilities

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

Whereas; the completion of a proceeding to take land by eminent domain results in a final transfer of the property; and

Whereas, this legislation alters the procedures for water utilities to take property for the construction of water treatment facilities; and

Whereas, these new procedures must be applicable as soon as possible to pertinent condemnation proceedings before properties are finally transferred; 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:

35-A MRSA §6704-A is enacted to read:

§6704-A. Notice requirements for taking of land for water treatment facilities

A water utility that proposes to initiate condemnation proceedings for the purpose of acquiring land for the construction of a water treatment facility shall:

1. Notice to public. No less than 90 days prior to the initiation of condemnation proceedings, provide notice to the public stating that the construction of a water treatment facility is being considered and identifying the area or areas that are being considered for that construction by publication in a newspaper of general circulation in the county and affected area in which the property is located;

2. Notice to municipal officers. No less than 60 days prior to the initiation of condemnation proceedings, provide written notice to the municipal officers of each municipality in which the land proposed to be taken by eminent domain is located. This notice must state clearly that the construction of a water treatment facility is being considered and identify the area or areas that are being considered for that construction; and

3. Notice to landowners. No less than 60 days prior to the initiation of condemnation proceedings, provide written notice to each owner and all abutters of land proposed to be taken by eminent domain. This notice must state that the construction of a water treatment facility is being considered and identify the area or areas that are being considered for that construction. This notice must also state clearly in nontechnical language the rights of each landowner in the proposed condemnation proceedings, including any rights of appeal, and provide the name, address and telephone number of the appropriate state agency to assist the landowner in the proceedings.