

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

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

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

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**Whereas**, the biological health and economic sustainability of the American lobster fishery require a uniform minimum lobster size throughout the fishery; and

**Whereas**, the biological health and economic sustainability of the American lobster fishery require that increases in the minimum lobster size be implemented uniformly throughout the fishery and only when such increases are necessary to sustain the biological health of the lobster fishery and the productivity of the lobster industry; and

**Whereas**, that uniformity and coordination does not now exist; and

**Whereas**, Maine lobster landings account for more than 40% of the total annual United States lobster landings; 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**Sec. 1. 12 MRSA §6431, sub-§1**, as repealed and replaced by PL 1985, c. 677, §§2, 6 and 7, is repealed and the following enacted in its place:

**1. Minimum and maximum length.** A person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection or more than 5 inches in length, as determined by the state double gauge lobster measure. Except as provided in this subsection, the minimum lobster size is 3 8/32 inches.

A. Upon written certification by the Attorney General under paragraph B, the minimum lobster size increases as follows:

(1) On March 1st of the year after the year in which the Attorney General issues the certification, the minimum size is 3 9/32 inches; and

(2) On March 1st of the following year, the minimum size is 3 10/32 inches.

B. The Attorney General shall notify the Governor and the Legislature in writing immediately upon certifying that the following conditions have been met:

(1) The United States Secretary of Commerce has amended the Lobster Fisheries Management Measures, as set forth in 50 Code of Federal Regulations, Part 649, Subpart B, so that the minimum federal legal lobster size and sched-

ule of increases in the federal minimum lobster size conform to those established in this subsection; and

(2) The minimum lobster size and schedule of increases in the minimum lobster size in Connecticut, Massachusetts, New Hampshire and Rhode Island conform to those established in this subsection.

A schedule of increases adopted by the Secretary of Commerce or a state conforms to this subsection if the increases are scheduled to occur within 90 days of the increases implemented under paragraph A.

After the Attorney General certifies that the conditions of this paragraph have been met, but prior to the effective date of any increase in the minimum size under this subsection, the Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the biological and economic effects of the scheduled increase in the minimum lobster size on the lobster fishery and the Maine lobster industry. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall hold a public hearing on the commissioner's report during the legislative session and prior to the effective date of any increase in the minimum lobster size.

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 1991.

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

Effective April 9, 1991.

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## CHAPTER 32

H.P. 186 - L.D. 279

### An Act to Allow Minors to Make Anatomical Gifts

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

**Sec. 1. 22 MRSA §2902, sub-§1**, as enacted by PL 1969, c. 193, is amended to read:

**1. Individuals.** Any individual of sound mind and at least 16 years of legal age may give all or any part of his that individual's body for any purposes specified in section 2903, the gift to take effect upon death.

**Sec. 2. 29 MRSA §540, 4th ¶**, as repealed and replaced by PL 1981, c. 639, §2, is amended to read:

The Secretary of State shall provide, on each license to operate motor vehicles or motorcycles issued to a person ~~18~~ 16 years of age or older at time of issuance, a statement indicating a willingness to make an anatomical gift under Title 22, chapter 710.

**Sec. 3. 29 MRSA §540, 6th ¶**, as enacted by PL 1981, c. 639, §2, is amended to read:

At the time of issuance of a first license or renewal to any person ~~18~~ 16 years of age or older, the Secretary of State shall make available a decal indicating "organ donor," which may be affixed to the license by the licensee to indicate a willingness to make an anatomical gift under Title 22, chapter 710.

See title page for effective date.

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## CHAPTER 33

### H.P. 8 - L.D. 11

#### **An Act to Conform the Maine Income Tax Law for 1990 with the United States Internal Revenue Code**

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

**Whereas**, the 90-day period would delay the processing of the 1990 income tax returns; and

**Whereas**, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A**, as amended by PL 1989, c. 635, §1 and affected by §2, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1989~~ 1990.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 1990.

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

Effective April 9, 1991.

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## CHAPTER 34

### S.P. 188 - L.D. 497

#### **An Act to Enhance the Supervisory Powers in the Maine Banking Code**

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

**Whereas**, present volatile economic conditions in Maine and across the nation adversely impact the financial industry and may warrant responsive action by the Superintendent of Banking; and

**Whereas**, the federal regulatory agencies have the flexibility in statute to address problematic situations and the Superintendent of Banking should have similar powers to act in the best interest of the State; 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. 9-B MRSA §312-A** is enacted to read:

#### **§312-A. Authority for expedited charter**

Notwithstanding any other provision of law, the superintendent may grant a charter to organize a stock financial institution effective immediately if the superintendent determines that such action is necessary for the protection of depositors, shareholders or the public. This action may be taken only in conjunction with transactions processed under section 354-A or 355-A.

**Sec. 2. 9-B MRSA §342, sub-§1**, as amended by PL 1983, c. 600, §2, is further amended to read:

**1. Federal savings bank or savings and loan to state thrift institution.** Any federal association or federal savings bank may convert to a savings bank or savings and loan association organized under the laws of this State in the following manner.

**A.** At an annual meeting or a special meeting called for that purpose, 51% or more of the members or share-