

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

Utilities installing facilities in accordance with these rules are not required to receive a separate written location permit as required by section 2501, subsection 2. Facilities installed in accordance with the rules are legal structures and are deemed installed pursuant to a written location permit.

See title page for effective date.

CHAPTER 541

H.P. 635 - L.D. 866

An Act to Allow the State to Enter into an Agreement with the State of South Carolina Concerning the Disposal of Low-level Radioactive Waste

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

Whereas, the State is currently engaged in negotiations with the State of South Carolina for an agreement to allow the transfer of low-level radioactive waste to that state on a short-term basis; and

Whereas, that agreement needs to be concluded as soon as possible and as voter ratification of that agreement would delay finalization of such an agreement and as that delay may preclude such an agreement entirely; and

Whereas, the ratification provisions of current law were enacted in contemplation of voter ratification of a long-term agreement and are inappropriate for short-term agreements; 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. 38 MRSA §1474, sub-§2, as enacted by PL 1985, c. 705, §3, is amended to read:

2. Ratification. ~~Any~~ Except for an agreement with the Southeast Compact Commission for acceptance through June 30, 1994 of low-level radioactive waste generated by and on the premises of any facility of the United States Navy in Kittery, Maine, any compact or agreement with any other state or states or the Federal Government for low-level waste disposal

must be ratified by legislative act and, in accordance with subchapter IV, by the voters of the State.

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

Effective March 30, 1994.

CHAPTER 542

S.P. 551 - L.D. 1575

An Act to Amend Certain Provisions of Law Pertaining to Brewers' Licenses

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

Sec. 1. 28-A MRSA §1355, sub-§1-A, ¶C, as repealed and replaced by PL 1987, c. 623, §15, is amended to read:

C. The holder of a brewery license may sell on the brewery premises during regular business hours to nonlicensees only a specialty package of malt liquor produced at the brewery, ~~the~~ The volume of ~~which is the specialty package may not to exceed one gallon, to~~ 5 liters and must be consumed off the premises.

Sec. 2. 28-A MRSA §1355, sub-§1-A, ¶E, as repealed and replaced by PL 1987, c. 623, §15, is amended to read:

E. The holder of a brewery license may be issued one license under chapter 43 per brewery location for the sale of liquor to be consumed on the premises ~~for a location other than~~ at the brewery.

(1) The retail license must be held exclusively by the holder of the brewery license.

(2) This retail license authorizes the sale of products of the brewery, other than the specialty package under paragraph C, in addition to other liquor permitted to be sold under the retail license, to be consumed on the premises.

(3) Notwithstanding section 1361, the brewery licensee may sell products of the brewery directly to the retail licensee under this paragraph without selling to a wholesale licensee. The brewery licensee shall keep and maintain complete records on all sales to the retail licensee.

(4) All records of the brewery licensee shall ~~must~~ be kept separate from the records of the retail licensee.

See title page for effective date.

CHAPTER 543

H.P. 1180 - L.D. 1578

An Act to Strengthen Penalties for the Unlawful Cutting of Lobster Traps

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

Whereas, lobster traps represent a significant capital investment for individuals who trap lobster; 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 §6402, as enacted by PL 1977, c. 661, §5, is amended to read:

§6402. Suspension based on conviction of molesting

The commissioner shall suspend the lobster and crab fishing license of ~~any~~ a license holder convicted in court of violating section 6434. This suspension shall be ~~is~~ for 3 years from the date of conviction.

1. Convictions for cutting lobster trap lines. A person convicted under section 6434 of molesting lobster gear by cutting a lobster trap line shall, upon making full payment as ordered by the court under section 6434, subsection 4, paragraph A, provide the commissioner with proof of that payment. If the commissioner does not receive that proof within 3 years after the date of conviction, the commissioner shall continue that license suspension until such time as that proof is received.

Sec. 2. 12 MRSA §6434, sub-§4 is enacted to read:

4. Additional penalty. If the holder of a lobster and crab fishing license violates this section by cutting a lobster trap line, the court shall:

A. Order that person to pay to the owner of the trap line that was cut an amount equal to twice the replacement value of all traps lost as a result of that cutting; and

B. Direct that person to provide proof of payment of that restitution to the Commissioner of Marine Resources as required by section 6402, subsection 1.

A penalty imposed under this subsection is in addition to any penalty imposed under section 6204.

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

Effective March 30, 1994.

CHAPTER 544

H.P. 1187 - L.D. 1584

An Act to Amend the Laws Governing Foreclosure of Mortgages

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

Sec. 1. 14 MRSA §6323, as amended by PL 1993, c. 373, §2, is repealed and the following enacted in its place:

§6323. Sale following expiration of period of redemption

1. Procedures for all civil actions. Upon expiration of the period of redemption, if the mortgagor, or the mortgagor's successors, heirs or assigns have not redeemed the mortgage, any remaining rights of the mortgagor to possession terminate, and the mortgagee shall cause notice of a public sale of the premises stating the time, place and terms of the sale to be published once in each of 3 successive weeks in a newspaper of general circulation in the county in which the premises are located; the first publication to be made not more than 90 days after the expiration of the period of redemption. The public sale must be held not less than 30 days nor more than 45 days after the first date of that publication and may be adjourned, for any time not exceeding 7 days and from time to time until a sale is made, by announcement to those present at each adjournment. The mortgagee, in its sole discretion, may allow the mortgagor to redeem or reinstate the loan after the expiration of the period of redemption but before the public sale. The mortgagee may convey the property to the mortgagor or execute a waiver of foreclosure and all other rights of all other parties remain as if no foreclosure had been commenced. The mortgagee shall