

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

"Development" does not include borrow pits regulated under article 7.

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

Effective April 14, 1994.

CHAPTER 681

S.P. 710 - L.D. 1918

An Act to Prohibit the Use of Gill Nets in the Kennebec and Androscoggin Rivers

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

Whereas, the lower Kennebec and Androscoggin Rivers once supported abundant runs of striped bass that spawned in the rivers in spring and provided a significant commercial fishery; and

Whereas, the construction of dams and the pollution from mills and cities that poured into these 2 great rivers eventually wiped out the native striper population around 1930; and

Whereas, as river water quality began to improve in the late 1970s the Department of Marine Resources was urged to reintroduce stripers to this river system; and

Whereas, starting in 1982 and continuing until 1989 the Kennebec and Androscoggin estuaries were stocked with a total of almost 200,000 young striped bass; and

Whereas, beginning in 1987, annual samplings of the Kennebec estuary resulted in the capture of small numbers of striped bass young-of-the-year each year and in late November 1993 several hundred 5-inch long young-of-the-year were captured in a fyke net just upstream from the Bath bridge in the Kennebec River; and

Whereas, the estuaries of both the Kennebec and Androscoggin Rivers and their tributaries are presently open to commercial fishing with gill nets, which kill all the fish they catch, and there is a significant danger that gillnetting after ice-out in 1994 for alewives, shad or other species will result in large numbers of these small, native stripers being killed in gill nets; and

Whereas, the restoration of a natural, native population of striped bass in the estuaries of the

Kennebec and Androscoggin Rivers and their tidewater tributaries is a priority issue for the State's fishery management program; and

Whereas, the risk of killing large numbers of the young-of-the-year nucleus of a native striped bass population in the estuaries of the Kennebec and Androscoggin Rivers presently exists; 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 §6553-B is enacted to read:

§6553-B. Fixed gill nets; limited prohibition

A person may not use a gill net that is fixed or anchored to the bottom or shore in any tidal waters of the Kennebec River or the Androscoggin River or their tidal tributaries, including those tidal waters of Phippsburg, West Bath, Bath, Bowdoinham, Topsham, Dresden, Woolwich, Arrowsic and Georgetown that are connected to the Kennebec River upstream from Fort Popham, unless that fixed gill net is tended continuously, hauled back and emptied at least once every 2 hours and is affixed with a floating marker that includes the name and address of the owner of the net. Notwithstanding section 6204, a violation of this section is a civil violation for which a forfeiture of not more than \$500 may be adjudged.

This section is repealed July 1, 1996.

Sec. 2. Monitoring and report. To the extent that resources are available, the Department of Marine Resources shall cooperate with the Maine Chapter of the New England Coast Conservation Association, anglers and others engaged in recreational striped bass fishing on the tidal waters of the Kennebec River and the Androscoggin River to develop a program to record the catches of striped bass in those waters. The program may utilize "catch and release" sampling methods to assist with any efforts to determine the striped bass population in those waters. The Commissioner of Marine Resources, the New England Coast Conservation Association, anglers and others involved in the data collection efforts shall report their results to the joint standing committee of the Legislature having jurisdiction over marine resource matters by December 1, 1996.

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

Effective April 14, 1994.

CHAPTER 682

H.P. 1454 - L.D. 1982

**An Act Regarding the Department
of Corrections**

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

Sec. 1. 34-A MRSA §1403, sub-§10 is enacted to read:

10. Inmate benefit welfare account. The commissioner shall provide an accounting of all inmate benefit welfare accounts and of the student welfare fund at the Maine Youth Center each fiscal year to the joint select committee of the Legislature having jurisdiction over corrections matters. The annual accounting must include total income for the year, total expenditures for the year, anticipated capital and operating expenditures from these accounts in the next fiscal year and balances in the accounts. Nothing in this subsection may change the nature of these accounts as internal management tools.

Sec. 2. 34-A MRSA §3047, sub-§2, as corrected by RR 1991, c. 1, §48, is amended to read:

2. Money. May give the prisoner an amount equal to the net salary of a single wage earner with no more than dependents for 40 hours of work at the state minimum wage less all applicable state and federal deductions provided that any amount in excess of \$50 may not be provided by the General Fund, except that the commissioner may not give money to a prisoner who:

A. Has, within the 6 months prior to the date of parole or discharge, transferred from the clients' account to any person more than \$500, excluding any money transferred for the support of dependents; or

B. Has, on the date of parole or discharge, more than \$500 in personal assets;

See title page for effective date.

CHAPTER 683

S.P. 277 - L.D. 841

**An Act to Revise and Recodify the
Maine Revised Statutes, Title 29**

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

PART A

Sec. A-1. 29 MRSA, as amended, is repealed.

Sec. A-2. 29-A MRSA is enacted to read:

TITLE 29-A

MOTOR VEHICLES

CHAPTER 1

GENERAL PROVISIONS

§101. Definitions

As used in this Title, unless the context otherwise indicates, the following terms have the following meanings.

1. Adjudication. "Adjudication" means a finding by a court that a person has committed a traffic infraction and includes the acceptance by the clerk of the violations bureau or any judicial division of an answer of not contested.

2. Altered vehicle. "Altered vehicle" means a motor vehicle with a gross vehicle weight rating of 10,000 pounds or less that is modified so that the distance from the ground to the lowermost point on any part of the frame or body is different from the manufacturer's specifications, unless that difference is caused by:

A. The use of tires that are no more than 2 sizes larger than the manufacturer's recommended size;

B. The installation of a heavy duty suspension, including shock absorbers and overload springs; or

C. Normal wear of the suspension system that does not affect control of the vehicle.

3. Antique auto. "Antique auto" means an automobile manufactured in or after model year 1916 that is:

A. More than 25 years old;