

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

be modified or whether the defendant should be committed without bail pending the bail revocation hearing. A copy of the motion for revocation must be furnished to the defendant prior to the hearing on the alleged violation, unless the hearing must be conducted in the absence of the defendant.

**Sec. 23. 15 MRSA §1097, sub-§§1 and 2,** as enacted by PL 1995, c. 356, §19, are repealed and the following enacted in their place:

**1. New criminal conduct.** If the judge or justice finds that there are conditions of release that will reasonably ensure that the defendant will not continue to commit new crimes while out on bail, the judge or justice shall issue an order under section 1026. If the judicial finding is otherwise, the judge or justice shall issue an order denying bail.

**2. Appearance of the defendant; ensuring the integrity of the judicial process.** If the judge or justice finds that there are conditions of release that will reasonably ensure the defendant's appearance when required and will otherwise ensure the integrity of the judicial process, the judge or justice shall issue an order under section 1026. If the judicial finding is otherwise, the judge or justice shall issue an order denying bail.

See title page for effective date.

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**CHAPTER 544**

**H.P. 920 - L.D. 1263**

**An Act to Eliminate the Need for a Retail Seafood License to Sell Prepared Seafood**

**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 take effect before the summer begins so that retailers may take full advantage of this legislation; 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 §6302,** as enacted by PL 1977, c. 661, §5, is amended to read:

**§6302. General exceptions**

Notwithstanding any licensing provision, ~~no~~ a license or certificate ~~shall be~~ is not required for a person to:

**1. Personal use.** Possess or transport any marine organism ~~which~~ that has been lawfully acquired and is for personal use. A receipt or bill of sale ~~shall be~~ is required for lawful acquisition;

**2. Common carrier.** Carry any marine organism by a common carrier; ~~or~~

**3. Hermetically sealed containers.** Buy, sell, ship or transport within or beyond the state limits or possess any marine organism ~~which~~ that is in a ~~hermetically~~ hermetically sealed container; ~~or~~

**4. Retail sale of certain seafood products.** Sell at retail:

A. Shucked shellfish, if the shucked shellfish is purchased from a wholesale seafood license holder certified under section 6856; or

B. Lobster parts or meat, if they are purchased from a wholesale seafood license holder who possesses a lobster meat permit under section 6857 or if they have been lawfully imported.

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

Effective June 12, 1997.

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**CHAPTER 545**

**H.P. 551 - L.D. 742**

**An Act to Promote Wildlife Rehabilitation Centers**

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

**Sec. 1. 36 MRSA §1760, sub-§60,** as amended by PL 1993, c. 678, §4, is further amended to read:

**60. Sales to incorporated nonprofit animal shelters.** Sales to incorporated nonprofit animal shelters of tangible personal property used in the operation and maintenance of those shelters or in the maintenance and care of any animal, including wildlife, housed in those shelters.

See title page for effective date.