

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

6. Staffing. The Department of Marine Resources shall provide the task force with staffing and clerical support from within existing budgeted resources.

7. Budget. The Department of Marine Resources shall administer the task force's budget.

8. Report. The task force shall submit its findings and recommendations, together with any implementing legislation, to the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 1, 1999. The joint standing committee of the Legislature having jurisdiction over marine resources matters is authorized to report out legislation during the First Regular Session of the 119th Legislature regarding lobster management zones and subzones.

Sec. 7. Transition. The Commissioner of Marine Resources shall amend rules relating to the Monhegan Island Area Lobster Trap Regulation to make them conform to the requirements of this Act. Rules relating to the Monhegan Island Area Lobster Trap Regulation in effect on the effective date of this Act continue in effect until amended by the Commissioner of Marine Resources, except that any portion of those rules that are inconsistent with the provisions of this Act are void and of no effect. A person who holds a valid 1998 lobster and crab fishing license and who was registered to harvest lobsters in the Monhegan Island Conservation Area for the 1997-98 season but who is not deemed to be registered for Monhegan Lobster Conservation Area trap tags pursuant to the Maine Revised Statutes, Title 12, section 6474, subsection 3 may harvest lobsters under the person's 1998 license in waters other than those within the Monhegan Lobster Conservation Area in accordance with applicable laws and rules. Rulemaking under this section is routine technical rulemaking in accordance with Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 575

S.P. 736 - L.D. 2014

An Act Concerning Elver Fishing

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

Whereas, immediate conservation efforts are necessary to preserve the health of the elver fishery; 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 §6001, sub-§13-G, as amended by PL 1997, c. 91, §1, is further amended to read:

13-G. Elver fyke net. "Elver fyke net" means a fyke net that is 30 feet or less in length from cod end to either wing tip, is fitted with netting that measures ~~1/8 inch~~ 1/8-inch bar mesh or less ~~and that~~ contains a 1/2-inch or less bar mesh excluder panel that covers the entrance of the net, and consists of not more than one funnel end, one cod end and 2 wings.

Sec. 2. 12 MRSA §6505-B, sub-§2, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

2. Tags for elver fyke net and Sheldon eel trap. It is unlawful for a person to submerge an elver fyke net or Sheldon eel trap in the coastal waters of the State to fish for or take elvers unless a tag issued by the department is affixed to the shoreside wing of the net or trap and is clearly visible. The department may issue a replacement tag when an owner issued a tag documents that a net or trap has been damaged or lost.

Sec. 3. 12 MRSA §6575-A, as enacted by PL 1995, c. 536, Pt. A, §9 and affected by §13, is amended to read:

§6575-A. Closed period; elver harvesting

It is unlawful for a person to fish for or take elvers from noon ~~Saturday~~ Friday to noon Sunday. A person may leave an elver fyke net or a Sheldon eel trap in the coastal waters of the State during the closed period if the net or trap is left in a condition that prevents the capture of elvers.

Sec. 4. 12 MRSA §6575-B, sub-§5, as enacted by PL 1995, c. 536, Pt. A, §9, is amended to read:

5. Use of dip nets. It is unlawful for a person to use a dip net to fish for or take elvers while standing ~~in the water of a river, stream or brook within~~ the coastal waters of the State.

Sec. 5. 12 MRSA §6575-C, sub-§3, as amended by PL 1997, c. 91, §6, is further amended to read:

3. Portion of rivers, streams and brooks. It is unlawful for a person to fish for or take elvers at

any time within the middle 1/3 of a river, stream, brook or other watercourse, as measured at mean ~~low~~ high tide, within the coastal waters of the State. It is unlawful for a person to obstruct the middle 1/3 of any river, stream, brook or other watercourse within the coastal waters of the State, as measured at mean low tide.

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

Effective February 27, 1998.

CHAPTER 576

S.P. 681 - L.D. 1906

An Act Clarifying the Public Service Corporation Exception

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

Sec. 1. 32 MRSA §1102, sub-§1-A, as enacted by PL 1997, c. 119, §3, is amended to read:

1-A. Public service corporations. A public service corporation or an employee of a public service corporation making electrical installations in the course of the employee's employment, ~~but only to the extent the electrical installations are made in the course of rendering a service subject to regulation by the Public Utilities Commission or the Federal Communications Commission~~ including installations of conductors and equipment that are not under the exclusive control of the electric utilities and are used to connect the electric utility supply system to the service entrance conductors of the premises served, including such installations of conductors and equipment that are outside a building or terminate immediately inside a building. This exception does not apply to the installation of mobile home service equipment;

See title page for effective date.

CHAPTER 577

S.P. 688 - L.D. 1924

An Act to Permit the Consideration of Any Location in the State for the Location of the New Criminal Justice Academy

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

Sec. 1. 25 MRSA §2801, first ¶, as amended by PL 1989, c. 503, Pt. B, §105, is further amended to read:

There is created within the Department of Public Safety a law enforcement and criminal justice training facility to be known as the "Maine Criminal Justice Academy," as authorized by Title 5, section 12004-C, subsection 5, which shall be established ~~at some convenient and suitable place in the Augusta area~~ in the State.

See title page for effective date.

CHAPTER 578

H.P. 1364 - L.D. 1914

An Act Regarding the Possession of Tobacco Products by a Juvenile

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

Sec. 1. 22 MRSA §1555-B, sub-§5, as amended by PL 1997, c. 562, Pt. D, §3 and affected by §11, is further amended to read:

5. Possession and use of cigarettes, cigarette papers or tobacco products; use of false identification by minors prohibited. ~~—A Except as provided in paragraph A,~~ a person under 18 years of age may not purchase, possess or use cigarettes, cigarette paper or any tobacco product or offer false identification in an attempt to purchase any tobacco products or to purchase, possess or use cigarettes, cigarette paper or any other tobacco product.

A. A person under 18 years of age may transport or permit to be transported in a motor vehicle cigarettes, cigarette paper or tobacco products in the original, sealed package in which they were placed by the manufacturer if the transportation is in the scope of that person's employment.

See title page for effective date.

CHAPTER 579

H.P. 1376 - L.D. 1929

An Act Concerning Notices Given in Connection with Mortgage Foreclosures

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