

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

statement or other document required of a partnership must be signed by one or more partners. The appropriate return must be filed on or before the 15th day of the 4th month for partnerships or the 15th day of the 3rd month for S corporations following the close of each taxable year. For purposes of this section, "taxable year" means a year or period that would be a taxable year of the partnership or S corporation if it were subject to the tax under this Part. The assessor may elect to waive the requirement to file a Maine return as established in this section for a tax year and in its place require the partnership or S corporation to file a copy of its federal partnership or S corporation return. The requirement to file a return as established in this section does not apply to any partnership or S corporation that is subject to tax under chapter 819.

Sec. 24. Retroactive application. This Act applies to tax years beginning on or after January 1, 1997.

See title page for effective date.

CHAPTER 747

H.P. 1597 - L.D. 2226

An Act to Limit New Lobster and Crab Fishing Licenses

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

Sec. 1. 12 MRSA §6421-A is enacted to read:

§6421-A. Moratorium on new licenses

1. Moratorium. Notwithstanding section 6421, subsection 5, the commissioner may not issue a Class I, Class II or Class III lobster and crab fishing license to a person between the effective date of this section and December 31, 1999 unless that person:

A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year;

B. Possessed an apprentice lobster and crab fishing license issued prior to February 13, 1998 and meets the requirements of the apprentice program under section 6422; or

C. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included that previous calendar year.

2. Repeal. This section is repealed January 1, 2000.

Sec. 2. Report. The Lobster Advisory Council shall by January 1, 1999 submit to the joint standing committee of the Legislature having jurisdiction over marine resources matters a report, including recommended legislation, regarding limited entry into lobster management zones created under the Maine Revised Statutes, Title 12, section 6446. The council must examine methods to limit entry in individual lobster management zones for the purpose of conserving the lobster resource; assess the potential impact of those methods; and explore limitations on the use of lobster trap tags as a method to reduce fishing effort in the lobster fishery. In the course of its study, the council must, to the extent accurate information is available, compare the number of lobster licenses sold to the number of lobster license holders who harvest lobsters. Any recommendation for a system of limited entry must include a process under which a resident denied entry into the lobster fishery may appeal that denial to the Commissioner of Marine Resources. The council may also study any aspect of limited entry into the lobster fishery that is of interest to the council and the report may include recommended legislation. The joint standing committee of the Legislature having jurisdiction over marine resources matters may report out legislation during the First Regular Session of the 119th Legislature regarding limited entry into the lobster fishery.

See title page for effective date.

CHAPTER 748

H.P. 1635 - L.D. 2265

An Act to Reduce Nonpoint Source Pollution from Existing Sources, Amend the Shoreland Zoning Laws and Amend the Site Location of Development Laws

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

Sec. 1. 38 MRSA §420-C, as amended by PL 1997, c. 502, §1, is further amended by inserting after the first paragraph a new paragraph to read:

A person who owns property that is subject to erosion because of a human activity before July 1, 1997 involving filling, displacing or exposing soil or other earthen materials shall take measures in accordance with the dates established under this paragraph to prevent unreasonable erosion of soil or sediment into a protected natural resource as defined in section 480-B, subsection 8. Adequate and timely