

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

## CHAPTER 140

H.P. 536 - L.D. 743

**An Act to Make Confidential Certain Information Collected from Maine Farmers and Agricultural Business****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 7 MRSA §20** is enacted to read:**§20. Confidential information**

**1. Types of information.** Information provided to the department voluntarily or to fulfill reporting requirements is designated as confidential for the purposes of Title 1, section 402, subsection 3, paragraph A if:

A. The person to whom the information belongs or pertains has requested that it be designated as confidential; and

B. The department has determined that failure to designate the information as confidential would provide competitors an opportunity to obtain business or competitive advantage over the person to whom the information belongs or pertains or would result in loss or other significant detriment to that person.

Summary reports of information designated as confidential may be published using aggregate data that does not reveal the activities of an individual person or firm.

See title page for effective date.

## CHAPTER 141

S.P. 83 - L.D. 186

**An Act to Allow Any-deer Permits to be Transferred to Junior Hunters and Hunters 65 Years of Age or Older****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 12 MRSA §7457, sub-§1, ¶H,** as amended by PL 1997, c. 225, §1, is further amended to read:

H. The commissioner may regulate the taking of antlerless deer within any area of the State, as necessary, to maintain deer populations in bal-

ance with available habitat if the following conditions are met.

(1) The demarcation of each area must follow recognizable physical boundaries such as rivers, roads and railroad rights-of-way.

(2) The determination must be made and published prior to August 1st of each year.

(3) The application fee for a permit to take an antlerless deer may not exceed \$1. The application must include a detachable portion on which the applicant shall write the applicant's name and address and to which the applicant shall affix a stamp of adequate postage. The department shall return this portion of the application to the applicant in acknowledgement of the department's receipt of the application.

(4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this subsection, except that there may not be an antlerless deer permit system unless otherwise specified in this paragraph.

(5) An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subparagraph.

A junior hunter or a person 65 years of age or older may take an antlerless deer, if an adult who holds a valid antlerless deer permit transfers the permit to the junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record the transfer and return the permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee to take an antlerless deer. If the adult transfers the permit to the junior hunter or person

65 years of age or older, that adult is prohibited from taking an antlerless deer.

See title page for effective date.

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## CHAPTER 142

H.P. 1139 - L.D. 1624

### An Act to Amend the Lobster Trap Escape Vent Laws

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

**Whereas,** certain federal requirements mandate a change in the lobster trap escape vent in the spring of 1999; and

**Whereas,** this legislation should coincide with those federal changes; 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 §6433, sub-§1,** as amended by PL 1987, c. 217, is further amended to read:

**1. Vent required.** It ~~shall be~~ is unlawful to fish for or to take lobsters unless the lobster trap is equipped with unobstructed vents or gaps in the parlor section ~~which are~~ as follows:

A. A rectangular or oblong escape vent not less than 1 3/4 inches (44.5 mm.) by 5.75 inches (146 mm.) located next to the bottom edge or on the top if the escape vent is placed over the head of an end parlor section;

B. Two circular escape vents not less than 2 1/4 inches (57.2 mm.) in diameter located next to the bottom edge;

C. A gap caused by raising, modifying or separating horizontal laths to comply with paragraph A or B;

D. A gap caused by separating or modifying vertical laths to comply with paragraph A;

E. A gap caused by separating both ends of 2 laths 1 3/4 inches (44.5 mm.) on the top of the

parlor section next to the middle bow or supporting frame and over the parlor head; or

F. In a wire or plastic trap, by a gap created by cutting vents in the side or end to comply with paragraph A or B.

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

Effective May 7, 1999.

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## CHAPTER 143

S.P. 239 - L.D. 661

### An Act Regarding the Unbundling of Natural Gas Services

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

**Sec. 1. 35-A MRSA §102, sub-§7-A** is enacted to read:

**7-A. Gas marketer.** "Gas marketer" means an entity that sells natural gas to retail consumers in the State.

**Sec. 2. 35-A MRSA §102, sub-§8,** as amended by PL 1993, c. 178, §1, is further amended to read:

**8. Gas utility.** "Gas utility" includes every person, that person's lessees, trustees, receivers or trustees appointed by any court owning, controlling, operating or managing any gas plant for compensation within this State, except when gas is made or produced on and distributed by the maker or producer through private property alone solely for its own tenants and not for sale to others, or when the gas is sold solely for use in vehicles fueled by natural gas or when the gas is sold in liquid form in individual containers or is delivered in bulk in liquid form to a central tank that serves less fewer than 10 customers and no portion of which is located in a public place. "Gas utility" does not include a gas marketer whose business in the State is restricted to selling natural gas to retail consumers and who does not provide natural gas transmission or distribution service.

**Sec. 3. 35-A MRSA §§4708 and 4709** are enacted to read:

#### **§4708. Gas marketer registration**

**1. Registration required.** Unless registered with the commission under this section, a gas marketer may not contract or attempt to contract with any retail