

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.

J.S. McCarthy Company
Augusta, Maine
1999

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

See title page for effective date.

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.

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

natural gas consumer in this State to provide natural gas supply service.

2. Required information. A gas marketer registering under this section shall provide:

A. The name, mailing address and phone number of the gas marketer; and

B. The name, mailing address and phone number of a contact person who is knowledgeable regarding the gas marketer's activities in the State.

A gas marketer registered under this section shall promptly provide the commission with any additional relevant information requested by the commission, including, but not limited to, copies of any residential contracts for retail natural gas supply service. The commission shall provide through the issuance of protective orders pursuant to section 1311 for appropriate confidentiality protection as necessary for any information provided under this section.

3. Contracts void. Any contract for retail natural gas supply service entered into after the effective date of this section by a gas marketer that is not registered with the commission under this section is deemed void.

§4709. Natural gas unbundling

1. Commission rulemaking. In order to foster the unbundling of natural gas services and the development of a competitive natural gas supply market in the State, the commission shall consider the need for and may adopt rules in the following areas:

A. The need to license gas marketers;

B. The need for a code of conduct governing the relationship between a gas utility and an affiliated gas marketer to prevent the affiliated gas marketer's exercise of market power and to ensure fair competition among all gas marketers;

C. The need for regulations to protect consumers from abusive practices by gas marketers; and

D. Any other subject of natural gas unbundling that requires additional regulation.

2. Major substantive rules. Rules adopted under this section are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 144

H.P. 321 - L.D. 437

An Act to Clarify the Law Regarding Executive Sessions of Public Bodies

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

Sec. 1. 1 MRSA §405, sub-§6, ¶D, as enacted by PL 1975, c. 758, is repealed and the following enacted in its place:

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

See title page for effective date.

CHAPTER 145

S.P. 45 - L.D. 116

An Act to Protect Consumers in Real Estate Mortgage Transactions

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

Sec. 1. 33 MRSA c. 9, sub-c. I-A is enacted to read:

SUBCHAPTER I-A

FUNDED SETTLEMENT ACT

§521. Short title

This subchapter may be known and cited as the "Funded Settlement Act".

§522. Definitions

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

1. Disbursement of loan funds. "Disbursement of loan funds" means the delivery of the loan funds by the lender to the settlement agent in one or more of the following forms:

A. Cash;

B. Wired funds or electronic transfer;