

# 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**

**§1357. Expiration and renewals**

Certificates of registration expire on the last day of December of odd-numbered years following their issuance or renewal and become invalid on that date unless renewed. ~~It is the duty of the secretary of the board to~~ The board shall notify every person registered under this chapter of the date of the expiration of that person's certificate and the amount of the fee that is required for its renewal for a 2-year period, except when the applicant has become registered during the first year of the 2-year period, then the renewal fee is for the remaining one year of that 2-year period. The notice must be mailed at least one month in advance of the date of the expiration of the certificate. Renewal may be effected at any time after receipt of notice by the payment of a fee established by the board, according to its rules which may not exceed \$50 annually. Registration may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the registration renewal date is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 3 years from the date of the expiration.

**Sec. 11. 32 MRSA §1359**, as amended by PL 1983, c. 413, §51, is repealed.

**Sec. 12. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

**1999-00**

**PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF**

**Office of Licensing and Registration**

All Other \$1,000

Provides funds for the costs associated with adopting rules on behalf of the State Board of Registration for Professional Engineers.

See title page for effective date.

**CHAPTER 187**

**S.P. 452 - L.D. 1327**

**An Act to Strengthen Enforcement of Lobster Trap Limits**

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

**Whereas**, it is imperative that this Act take effect as soon as possible so that lobster trap limits may be enforced; 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 §6431-A**, as amended by PL 1997, c. 19, §1, is repealed and the following enacted in its place:

**§6431-A. Trap limit**

**1. Limit.** Before March 1, 2000, the holder of a Class I, Class II or Class III license issued under section 6421 may not submerge more than 1,000 traps. After February 29, 2000, the holder of a Class I, Class II or Class III license issued under section 6421 may not submerge more than 800 traps. If a lower trap limit is adopted by rule for a zone pursuant to section 6446, a license holder who fishes in that zone may not submerge a number of traps that exceeds the lower limit.

The number of traps fished from a vessel may not exceed the applicable trap limit established in this subsection, regardless of the number of license holders fishing from that vessel.

**Sec. 2. 12 MRSA §6431-D**, as amended by PL 1997, c. 19, §3, is repealed.

**Sec. 3. 12 MRSA §6447, sub-§5**, as amended by PL 1995, c. 568, §7, is further amended to read:

**5. Council authority.** Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, provided the proposed limitations are equal to or

stricter than the limitations under section 6431-A, ~~6431-D~~, 6439, 6439-A or 6440:

- A. The number of lobster traps fished and the time periods allowed for complying with that number;
- B. The number of lobster traps allowed on a trawl; and
- C. The time of day when lobster fishing may occur.

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

Effective May 17, 1999.

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## CHAPTER 188

S.P. 570 - L.D. 1637

### An Act Regarding the Boundaries of State and State Aid Highways

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

**Sec. 1. 23 MRSA §653**, as amended by PL 1971, c. 593, §22, is repealed and the following enacted in its place:

**§653. Highway boundaries**

**1. Authority.** The department may establish the boundary lines, limits or locations of any or all state highways and state aid highways and cause durable monuments to be erected at the angles thereof.

**2. Reestablishment of lost or doubtful boundaries.** Whenever in the opinion of the department the boundary lines, limits or location of any state highway or state aid highway or any part thereof are lost, uncertain or doubtful, the department may reestablish those lines, limits or location; land lying within those lines is a part of the highway right-of-way. The department shall file with the town clerk of the town in which the highway is located and with the registry of deeds in the county in which the highway is located maps showing the boundary lines, limits or location of such a reestablished highway, and those lines, boundaries, limits and location are those of the reestablished highway. The department shall post descriptions of those parts of such highways that lie within towns in one conspicuous place in those towns and at 2 points along the highway, and it shall publish a description of those parts of highways that lie within any county in a newspaper, if any, in that county.

In the absence of record, plan or layout sufficient to reestablish the boundary lines, limits or location of a state highway or state aid highway, the width of a state highway or state aid highway is deemed to extend to and include the area lying outside the shoulders and ditch lines and within any landmarks or historic features such as fences, fence posts, tree rows, stone walls, corner stones or other monuments indicating the boundary line.

In the absence of record, plan or layout or any landmarks or historic features that evidence the location of the boundaries of the right-of-way, the width of a state highway or state aid highway is deemed to extend to and include the sidewalks, shoulders and ditch lines adjacent to that highway and to the top of cuts or toe of fills where they exist.

Any person aggrieved by the reestablishment of boundary lines, limits and location of a reestablished highway may file a complaint for the assessment of damages to the Superior Court in the county where the reestablished highway is located within 60 days from the filing of maps with the registry of deeds, and not thereafter, and the court shall assess the damages, if any, by jury, as long as the reestablished boundary lines, limits or location are not the same as originally established. The department shall pay from its funds all expenses incurred and the amount of final judgment and costs if damages are awarded, except that the amount of the final judgment and costs must be paid by the plaintiff if the plaintiff fails to recover any damages.

**Sec. 2. 23 MRSA §2060**, as amended by PL 1975, c. 711, §4, is repealed and the following enacted in its place:

**§2060. Discontinuance where new state highway**

**1. General procedures.** When the Department of Transportation has constructed a highway over substantially the same route as that of a county or town way and has recorded the plans of that highway in the registry of deeds, the county commissioners or municipal officers may, on their own motion, after notice and hearing, proceed to alter or discontinue the portion of that way not within the limits of the highway. The county commissioners or municipal officers shall give notice and proceed as provided in this chapter or chapter 304, as applicable, including serving any public utility having facilities located in that portion to be discontinued. Notice to abutters must include notice that all or a portion of the discontinued roadway may pass to the abutters unless an exception in the plans and order of discontinuance is requested. Any aggrieved person may appeal as provided in the applicable chapter. The plans prepared by the department and recorded in the registry of deeds must be referred to in describing those portions