

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

CHAPTER 123

H.P. 490 - L.D. 630

**An Act Concerning Closed Periods
for Lobstering**

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

Whereas, this legislation clarifies certain limitations involving lobster fishing; and

Whereas, this legislation needs to be enacted in a timely manner due to the upcoming lobster harvesting season; 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 §6440, as amended by PL 1999, c. 790, Pt. E, §1, is further amended to read:

§6440. Closed periods

It is unlawful to raise, ~~or haul or transfer~~ any lobster trap:

1. Summer. During the period 1/2 hour after sunset until 1/2 hour before sunrise from June 1st to October 31st, both days inclusive; and

2. Weekends. During the period from 4 p.m., Eastern Daylight Savings Time, Saturday, to 1/2 hour before sunrise the following Monday morning from June 1st to August 31st, both days inclusive, except that it is lawful to raise, ~~or haul or transfer~~ traps during this period if a hurricane warning issued by the National Weather Service is in effect for any coastal waters of the State.

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

Effective May 9, 2001.

CHAPTER 124

S.P. 190 - L.D. 662

**An Act to Remove Barriers to
Providing Natural Gas Services**

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

Sec. 1. 35-A MRSA §2104, as amended by PL 1997, c. 707, §3, is repealed and the following enacted in its place:

**§2104. Commission approval for gas companies to
furnish service**

1. Approval of commission required; generally. Except as provided in subsection 2, a gas utility may not furnish its service in or to any municipality within the State without the approval of the commission.

2. Approval not required; no other utility serving. Notwithstanding section 2102 or 2105, a gas utility authorized to furnish service and serving customers within the State is not required to obtain the approval of the commission to serve in any municipality in which no other gas utility is furnishing similar service unless the commission, in an order issued pursuant to subsection 3, specifically provides otherwise.

3. Limited grant of authority. The commission, in an order granting authorization to a person to operate, manage or control a gas utility in any municipality in this State, may expressly limit the area in which the gas utility may provide service without further approval of the commission only if:

A. The commission finds that the financial and technical capacity of the gas utility is limited in a manner that public convenience and necessity require such limited authorization; or

B. The person seeking authorization requests that the authorization be limited to a particular area.

See title page for effective date.

CHAPTER 125

S.P. 451 - L.D. 1505

**An Act to Streamline the
Administration of the Potato
Marketing Improvement Fund**

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

Whereas, the efficient administration of the Potato Marketing Improvement Fund enhances the benefits of the program; and