

# 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.**

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**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