

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

I. The chief executive officer or designee of the private entity under contract as the network manager who serves as a nonvoting member; and

**Sec. 3. 1 MRSA §534, sub-§1, ¶J** is enacted to read:

J. The Chief Information Officer of the Department of Administrative and Financial Services or the Chief Information Officer's designee.

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

Effective March 18, 2005.

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## CHAPTER 6

S.P. 120 - L.D. 373

### An Act To Achieve Compliance with the Interstate Lobster Fishery Management Plan

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

**Whereas,** the Atlantic States Marine Fisheries Commission has voted to find Maine in noncompliance with the Interstate Lobster Fishery Management Plan if the State does not change its lobster laws by March 2005; and

**Whereas,** this legislation needs to be an emergency so that Maine can be in compliance before the March deadline; 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**Sec. 1. 12 MRSA §6431, sub-§1,** as repealed and replaced by PL 1991, c. 31, §1 and affected by §2, is amended to read:

**1. Minimum and maximum length.** A person may not buy, sell, give away, transport, ship or possess any lobster that is less than the minimum size established in this subsection or more than 5 inches in length, as determined by the state double gauge lobster measure. Except as provided in ~~this~~ subsection 1-A, the minimum lobster size is 3 8/32 inches.

~~A. Upon written certification by the Attorney General under paragraph B, the minimum lobster size increases as follows:~~

~~(1) On March 1st of the year after the year in which the Attorney General issues the certification, the minimum size is 3 9/32 inches; and~~

~~(2) On March 1st of the following year, the minimum size is 3 10/32 inches.~~

~~B. The Attorney General shall notify the Governor and the Legislature in writing immediately upon certifying that the following conditions have been met:~~

~~(1) The United States Secretary of Commerce has amended the Lobster Fisheries Management Measures, as set forth in 50 Code of Federal Regulations, Part 649, Subpart B, so that the minimum federal legal lobster size and schedule of increases in the federal minimum lobster size conform to those established in this subsection; and~~

~~(2) The minimum lobster size and schedule of increases in the minimum lobster size in Connecticut, Massachusetts, New Hampshire and Rhode Island conform to those established in this subsection.~~

~~A schedule of increases adopted by the Secretary of Commerce or a state conforms to this subsection if the increases are scheduled to occur within 90 days of the increases implemented under paragraph A.~~

~~After the Attorney General certifies that the conditions of this paragraph have been met, but prior to the effective date of any increase in the minimum size under this subsection, the Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the biological and economic effects of the scheduled increase in the minimum lobster size on the lobster fishery and the Maine lobster industry. The joint standing committee of the Legislature having jurisdiction over marine resource matters shall hold a public hearing on the commissioner's report during the legislative session and prior to the effective date of any increase in the minimum lobster size.~~

**Sec. 2. 12 MRSA §6431, sub-§1-A** is enacted to read:

**1-A. Most restrictive minimum size.** A person possessing a valid lobster and crab fishing license and who also owns or is incorporated or partnered in a

vessel holding a federal limited access lobster permit must comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the federal permit, as contained in the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster, wherever the fishing activity occurs.

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

Effective March 18, 2005.

**CHAPTER 7**

**H.P. 183 - L.D. 244**

**An Act To Standardize Water Lien Provisions**

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

**Sec. 1. 35-A MRSA §6111**, as corrected by RR 1991, c. 1, §49, is repealed.

**Sec. 2. 35-A MRSA §6111-A** is enacted to read:

**§6111-A. Liens for unpaid rates; multiunit residential rental property**

**1. Liens for unpaid rates; consumer-owned water utilities.** A consumer-owned water utility has a lien on real estate served by that consumer-owned water utility to secure the payment of unpaid rates.

**2. Rental property; water utilities.** Notwithstanding section 706, when a landlord has applied for and is granted water utility service to a multiunit residential rental property, the water utility has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property with costs and with interest at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

**3. Method and procedure.** The method for obtaining, enforcing and receiving payment on a lien created under this section must be performed in the same manner and has the same effect and creates the same rights as provided in Title 38, section 1208 pertaining to the collection of unpaid rates by a sanitary district, except that a sanitary district lien created under Title 38, section 1208 continues with priority over a lien created under this section. The notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE  
(insert name of water utility)  
NOTICE OF IMPENDING AUTOMATIC  
FORECLOSURE WATER LIEN  
Title 35-A M.R.S.A., section 6111-A

IMPORTANT: DO NOT DISREGARD THIS  
NOTICE  
YOU WILL LOSE YOUR  
PROPERTY UNLESS YOU PAY THE  
CHARGES, COSTS AND INTEREST FOR  
WHICH A LIEN ON YOUR PROPERTY HAS  
BEEN CREATED BY THE  
(insert name of water utility)

TO: .....

You are the party named on the Water Lien Certificate filed on ....., 20.. and recorded in Book ....., Page ... in the ..... County Registry of Deeds. This (insert name of water utility) filing created a lien mortgage on the real estate described in the Water Lien Certificate.

On ....., 20.., the water lien mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the charges and interest of the (insert name of water utility) that are owed will expire.

IF THE LIEN FORECLOSES,  
THE (insert name of water utility) WILL OWN  
YOUR PROPERTY, SUBJECT ONLY TO  
SANITARY DISTRICT AND MUNICIPAL TAX  
LIENS.

If you cannot pay the outstanding charges, costs and interest that are the subject of this notice or the subject of installment payment arrangements that you have made with the (insert name of water utility), please contact me immediately to discuss this notice.

.....  
(insert name of water utility) Treasurer

**Sec. 3. 35-A MRSA §6414-A**, as enacted by PL 2003, c. 147, §4, is amended to read:

**§6414-A. Water utilities; rate collection and liens**

All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of any water district the rates established pursuant to chapter 61 for the water service used with respect to their real estate.

~~There is a lien on real estate served by a water district to secure the payment of unpaid rates. The method for obtaining, enforcing and receiving payment on the lien must be in the same manner and has the same effect and creates the same rights as~~