

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

CHAPTER 234

H.P. 1035 - L.D. 1409

An Act Concerning the Labeling of Maine Shellfish Products

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

Whereas, it is legal to bring shellfish into Maine from outside the State, clean it, shuck it or just store it and then sell it as a product of Maine; and

Whereas, the State must reserve its brand for shellfish native to this State, thereby protecting the brand; and

Whereas, the assurance that only Maine shellfish are labeled as Maine shellfish is crucial to the economy of this State; and

Whereas, it is vital that this legislation take effect before the summer tourist season, when shellfish sales are at their highest; 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 §6005 is enacted to read:

§6005. Labeling shellfish

A person who is authorized to hold or possess shellfish under chapter 623 may not label shellfish sold alive using the words "product of Maine" or any other similar words or terms that misleadingly suggest the shellfish was taken from the waters of this State unless the shellfish was in fact taken from the waters of the State.

The sale of shellfish labeled in violation of this section is a deceptive business practice in violation of Title 17-A, section 901. A violation of this section that results in a conviction under Title 17-A, section 901 is considered a conviction for a violation of a marine resources law under section 6351, subsection 1, paragraph A.

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

Effective June 6, 2011.

CHAPTER 235

H.P. 1074 - L.D. 1459

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2011-12

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2011-12 is as follows:

Table with 2 columns: Agency Name and Amount. Includes rows for Audit - Fiscal Administration (\$201,875), Education (12,229,974), Forest Fire Protection (95,385), Human Services - General Assistance (58,000), Property Tax Assessment - Operations (837,923), Maine Land Use Regulation Commission - Operations (534,156), TOTAL STATE AGENCIES (\$13,957,313), and County Reimbursements for Services (Aroostook \$953,164, Franklin 806,073, Hancock 155,005, Kennebec 4,125).

Oxford	762,168
Penobscot	931,781
Piscataquis	966,856
Somerset	1,140,379
Washington	808,442
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TOTAL COUNTY SERVICES	\$6,527,993
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TOTAL REQUIREMENTS	\$20,485,306
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COMPUTATION OF ASSESSMENT	
Requirements	\$20,485,306
Less Deductions:	
General -	
State Revenue Sharing	\$175,000
Homestead Reimbursement	96,000
Miscellaneous Revenues	100,000
Transfer from undesignated fund balance	2,000,000
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TOTAL	\$2,371,000
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Educational -	
Land Reserved Trust	\$57,854
Tuition/Travel	193,000
Miscellaneous	5,000
Special - Teacher Retirement	218,508
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TOTAL	\$474,362
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TOTAL DEDUCTIONS	\$2,845,362
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TAX ASSESSMENT	\$17,639,944

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

Effective June 6, 2011.

**CHAPTER 236  
H.P. 164 - L.D. 187**

**An Act To Amend the Laws  
Regulating Dealers of  
Agricultural, Industrial,  
Construction and Forestry  
Equipment**

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

**Sec. 1. 10 MRSA §1285, sub-§2**, as enacted by PL 1995, c. 462, Pt. A, §22 and affected by §23, is amended to read:

**2. Dealer.** "Dealer" means a person, corporation or partnership primarily engaged in the business of retail sales of farm and utility tractors, forestry equipment, industrial equipment, construction equipment, farm implements, farm machinery, yard and garden equipment, attachments, accessories and repair parts. ~~"Dealer" does not include a person, corporation or partnership primarily engaged in the business of retail sales of heavy construction, industrial and utility equipment, attachments, accessories and repair parts.~~ "Dealer" does not include a person, corporation or partnership primarily engaged in the retail sale of all-terrain vehicles or motorcycles. "Dealer" does not include a single-line dealer as defined in subsection 5-A.

**Sec. 2. 10 MRSA §1285, sub-§4**, as enacted by PL 1995, c. 462, Pt. A, §22 and affected by §23, is amended to read:

**4. Inventory.** "Inventory" means farm, forestry, utility or industrial equipment, construction equipment, implements, machinery, yard and garden equipment, attachments or repair parts. ~~These terms do not include heavy construction equipment.~~

**Sec. 3. 10 MRSA §1285, sub-§5-A** is enacted to read:

**5-A. Single-line dealer.** "Single-line dealer" means a person, corporation or partnership engaged in retail sales that:

A. Has purchased 75% or more of total new product inventory from a single supplier; and

B. Has a total annual average sales volume for the previous 3 years in excess of \$100,000,000 for the entire territory subject to the agreement with the supplier.

**Sec. 4. 10 MRSA §1286**, as amended by PL 2009, c. 325, Pt. B, §1 and affected by §27, is further amended to read: