

# 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**

30 days after filing with the Secretary of State or at a later date specified by the agency.

Sec. 9. 5 MRSA §8072, sub-§10 is enacted to read:

10. Rules submitted outside legislative rule acceptance period. The Legislature may act or decline to act upon any rules submitted outside the legislative rule acceptance period.

Sec. 10. 5 MRSA §8072, sub-§11 is enacted to read:

11. Prohibited final adoption. A provisionally adopted rule or part of a provisionally adopted rule may not be finally adopted by an agency unless:

A. Legislation authorizing adoption of the rule or part of the rule is enacted into law; or

B. The agency submits the rule or part of the rule in accordance with this section during the legislative rule acceptance period and the Legislature fails to act on the rule or part of the rule.

For purposes of this subsection, the Legislature fails to act on a rule or part of a rule if the Legislature fails to enact legislation authorizing adoption or disapproving adoption of the rule or part of the rule during the legislative review session or during any subsequent session to which a legislative instrument expressly providing for approval or disapproval of the rule or part of the rule is carried over. Nothing in this section requires the Legislature to use the legislative instrument produced pursuant to subsection 3 to approve or disapprove of a rule or part of a rule.

See title page for effective date.

**CHAPTER 245**

**S.P. 447 - L.D. 1460**

**An Act Concerning the Recording of Plans for Subdivisions**

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

Sec. 1. 30-A MRSA §4408 is enacted to read:  
**§4408. Recording upon approval**

Upon approval of a subdivision plan, plat or document under section 4403, subsection 5, a municipality may not require less than 90 days for the subdivision plan, plat or document to be recorded in the registry of deeds.

See title page for effective date.

**CHAPTER 246  
H.P. 1123 - L.D. 1529**

**An Act Honoring Gold Star Families through Special Registration Plates**

**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 important to recognize that the families who have borne the solemn burden of losing a loved one in the cause of freedom rightfully hold a special place among us; and

**Whereas,** the gold star family registration plates established in this legislation will help to show the gratitude and sympathy of the people of the State of Maine as the families continue to live their lives in quiet dignity; and

**Whereas,** recognizing the service of men and women in defense of their nation is long overdue; 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. 29-A MRSA §524-B is enacted to read:

**§524-B. Gold star family registration plates**

1. Eligibility. Notwithstanding the requirements in section 468-A, the Secretary of State, upon application and upon evidence of payment of the excise tax required by Title 36, section 1482 and the annual motor vehicle registration fee required by section 501, shall issue a registration certificate and a set of gold star family registration plates, to be used in lieu of regular registration plates, to:

A. A person who is eligible to receive a gold star lapel button under 10 United States Code, Section 1126 (2010); and

B. A grandparent of a member of the United States Armed Forces, if that member dies after March 28, 1973 as a result of:

- (1) An international terrorist attack against the United States or a foreign nation friendly to the United States, recognized as such an attack by the United States Secretary of Defense; or

(2) Military operations while serving outside the United States, including the commonwealths, territories and possessions of the United States, as a part of a peacekeeping force.

**2. Application.** An application for gold star family registration plates must be accompanied by proof that the applicant is eligible for the gold star lapel button. The Secretary of State, in consultation with the Department of Defense, Veterans and Emergency Management, shall verify the documentation presented by the applicant. Misrepresentation of documents is in violation of section 2103, subsection 5.

The Secretary of State may issue gold star family registration plates for display only on an automobile or pickup truck. An applicant may be issued gold star family registration plates for no more than one vehicle.

**3. Design.** The Secretary of State shall determine the design of the gold star family registration plate.

A person who does not operate a motor vehicle or register a motor vehicle and who otherwise qualifies for the issuance of gold star family registration plates may apply to the Secretary of State for a special single plate recognizing that award. The Secretary of State shall design and identify these special single plates for recognition purposes only. Special single plates may not be attached to a motor vehicle. Only one special single plate may be issued to each recipient at no fee.

The Secretary of State shall begin issuing gold star family registration plates in accordance with this section no later than October 1, 2011.

**Sec. 2. Donations for gold star family registration plates.** Any donations from any public or private source received by the Department of the Secretary of State for gold star family registration plates must be deposited into the Specialty License Plate Fund established in the Maine Revised Statutes, Title 29-A, section 469.

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

Effective June 7, 2011.

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**CHAPTER 247**

**S.P. 494 - L.D. 1547**

**An Act To Allow Certain Wholesale Seafood Dealers To Process Imported Lobsters**

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

**Whereas,** the Maine lobster processing season begins on or about May 1st; and

**Whereas,** that Maine wholesale seafood licensees with lobster permits are currently not allowed to perform certain activities puts them at a competitive disadvantage in relation to Canadian lobster processors and impairs their ability to open new markets for Maine lobster and to create new job opportunities for Maine workers; and

**Whereas,** this legislation eliminates the restrictions and it is important that this legislation take effect immediately so that business in this State is improved in the upcoming lobster 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 §6431, sub-§6,** as repealed and replaced by PL 1987, c. 513, §4, is amended to read:

**6. Exception; wholesale seafood dealer with lobster permit; rules.** This section ~~shall~~ does not apply to live lobsters imported ~~intact in the original crates~~ by a holder of a wholesale seafood license with a lobster permit to another wholesale seafood license holder with a lobster permit if the ~~crates~~ containers are sealed in accordance with ~~regulations~~ rules adopted by the commissioner; or to imported lobsters being shipped or transported out-of-state if they are in containers sealed in accordance with ~~regulations~~ rules adopted by the commissioner. The commissioner may adopt or amend ~~regulations~~ rules to prescribe the time, manner and method of sealing ~~crates~~ containers for the effective operation of this subsection. The ~~regulations~~ rules may contain a requirement for a special permit and provisions for inspection of the ~~crates~~ containers, contents and seals. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

**Sec. 2. 12 MRSA §6431, sub-§6-B** is enacted to read:

**6-B. Exception; lobster processing; rules.** A person who holds both a wholesale seafood license with a lobster permit and a lobster processor license and who possesses lobster in accordance with subsection 6 may process those imported lobsters in accordance with rules adopted by the commissioner, as long as the following criteria are met:

A. The lobsters are not harvested or landed in this State;