

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

**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**  
**2019**

department at its own discretion may conduct, an audit of the records of ~~shippers a shipper or processors a processor~~ for the purpose of ascertaining compliance with this section. The ~~commissioner~~ Commissioner of Agriculture, Conservation and Forestry, or a duly authorized agent, has free access, during normal business hours, to all records required to be kept by shippers or processors pursuant to this section and also to shippers' or processors' accounts payable, accounts receivable, records of inventories, actual inventories, records of shipments and such other business records as are needed to ascertain compliance with this section. Any documents inspected or taken by the department in furtherance of the audit functions or any other information collected by the department pursuant to the audit must be kept confidential notwithstanding any provision to the contrary contained in Title 1, chapter 13, subchapter 1. This confidential status does not apply to any documents, records or information that is needed as evidence in any civil or criminal proceeding to enforce any law under this chapter or any other criminal law.

**Sec. 7. Effective date.** This Act takes effect January 1, 2020.

Effective January 1, 2020.

**CHAPTER 223**

**H.P. 1110 - L.D. 1517**

**An Act To Facilitate the  
Deployment of Small Wireless  
Facilities in Maine**

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

**Sec. 1. 30-A MRSA §4362** is enacted to read:

**§4362. Small wireless facilities**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Small wireless facility" means a wireless facility each antenna of which could fit within an enclosure of no more than 3 cubic feet and of which all associated wireless equipment other than antennas, electric meters and concealment elements has a cumulative volume of no more than 28 cubic feet.

B. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including equipment associated with wireless communications; radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies and rectifiers; and comparable

equipment, regardless of technological configuration. "Wireless facility" includes a small wireless facility. "Wireless facility" does not include the structure or improvements on, under, within or adjacent to which the equipment is colocated or coaxial or fiber-optic cable that is between wireless support structures or poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

**2. Small wireless facilities.** Notwithstanding any zoning or land use ordinance to the contrary, a small wireless facility must be a permitted use within the public right-of-way, subject to permitting requirements and duly adopted, nondiscriminatory conditions otherwise applicable to permitted uses within the municipality and consistent with state and federal law, including, without limitation, any permitting requirements in Title 35-A, chapter 25. This section does not affect or alter the rights and responsibilities of a cable television company under the franchise agreement executed pursuant to section 3008, subsection 5.

See title page for effective date.

**CHAPTER 224**

**H.P. 1126 - L.D. 1551**

**An Act To Clarify Fishing  
Laws between the Department  
of Inland Fisheries and  
Wildlife and the Department of  
Marine Resources as They  
Relate to Striped Bass in  
Inland Waters**

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

**Sec. 1. 12 MRSA §12602, sub-§2,** as amended by PL 2017, c. 150, §5, is further amended to read:

**2. Possess fish in violation of certain rules.** Possess fish in violation of the number, amount, weight or size limits established by rules adopted by the commissioner; ~~or~~

**Sec. 2. 12 MRSA §12602, sub-§3,** as enacted by PL 2017, c. 150, §5, is amended to read:

**3. Alter fish from their natural state prior to measuring for bag limit.** When rules adopted by the commissioner limit the volume of fish that may be taken, alter those fish from or possess fish altered from their natural state prior to their being measured for compliance with the volume limit; ~~or~~

**Sec. 3. 12 MRSA §12602, sub-§4** is enacted to read: