

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

any person does not by itself make this Act applicable to that person.

Sec. 20. Expenditures in excess of allocations. Expenditures of funds required by this Act other than the General Fund and the Highway Fund are authorized to exceed legislative allocations during the current biennium ending June 30, 2001. Appropriate adjustments to basic work programs facilitating these expenditures in excess of allocations must be recommended by the State Budget Officer and approved by the Governor.

Sec. 21. Transfer to Maine State Retirement System. Notwithstanding the Maine Revised Statutes, Title 5, section 1517, after the State Controller closes the financial accounts of the State for the fiscal year ending June 30, 1999, an amount not to exceed \$2,308,986 must be transferred to the Maine State Retirement System, Retirement Allowance Fund from the funds that would otherwise be payable to the Retirement Allowance Fund pursuant to Title 5, section 1517, to be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor for the implementation of 5-year vesting for state employees and teachers. The transferred amount represents the actuarial cost plus interest in the amount of \$1,482,000 for state employees and teachers and the increased normal costs in the amounts of \$402,102 in fiscal year 1999-00 and \$424,884 in fiscal year 2000-01 for teachers. Any funds remaining not needed to meet the requirements of this section must be transferred to the Retirement Allowance Fund for the purposes described in Title 5, section 1517.

Sec. 22. Employer retirement rates. The State Budget Officer shall adjust the normal cost component of the employer retirement rates for state employees beginning with the payroll paid closest to but prior to October 1, 1999 based on the actuarial rates provided by the Maine State Retirement System so that the actual employer retirement contribution for the normal cost component in each state department and state agency account affected by this Act meets the actuarially determined normal retirement cost requirement each fiscal year.

See title page for effective date.

CHAPTER 490

H.P. 948 - L.D. 1345

An Act to Allow Student License Holders to Become Eligible for Commercial Lobster and Crab Fishing Licenses

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

Sec. 1. 12 MRSA §6421, sub-§3-A, ¶¶D and E, as amended by PL 1995, c. 568, §1, are further amended to read:

D. An apprentice lobster and crab fishing license authorizes the apprentice so licensed to engage in the licensed activities under subsection 2 on that apprentice's sponsor's vessel when the apprentice's sponsor is on board the vessel. A person who holds an apprentice lobster and crab fishing license may not tend any traps unless the traps are fished by the sponsor of the apprentice so licensed. An applicant for an apprentice lobster and crab fishing license may designate up to 3 sponsors. For the purpose of this paragraph, "apprentice's sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A person issued a student license may not submerge at any one time more than 150 lobster traps in the coastal waters of the State. An applicant for a student license shall designate a sponsor. A person issued a student license is enrolled in the apprentice program under section 6422. For the purpose of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

Sec. 2. 12 MRSA §6422, sub-§1, as amended by PL 1995, c. 568, §2, is further amended to read:

1. Program established; experience component. By July 1, 1996, the commissioner shall establish by rule an apprentice program for entry into the lobster fishery. The program must include practical lobster fishing experience. A person must hold an apprentice lobster and crab fishing license or a student lobster and crab fishing license under section 6421 to enter the program.

Sec. 3. 12 MRSA §6422, sub-§4, ¶B, as amended by PL 1997, c. 574, §2, is further amended to read:

B. Documents to the commissioner that the person obtained practical lobster fishing experience as a holder of a student license issued under section 6421. This paragraph is repealed on December 31, 2001; or

Sec. 4. Educational brochure for student license holders. The Department of Marine Resources shall develop an educational brochure for

student lobster and crab fishing license holders that provides a general overview of the laws related to fishing for lobsters. The department shall provide the brochure to the sponsor identified on an application for a student license and request that the sponsor review the brochure with the student license holder.

See title page for effective date.

CHAPTER 491

S.P. 649 - L.D. 1829

An Act to Establish a License for the Marine Shrimp Fishery

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

Sec. 1. 12 MRSA §6301, sub-§2, ¶¶P and Q, as enacted by PL 1995, c. 492, §3 and affected by §5, are amended to read:

P. A lobster transportation license issued under section 6854 expires on March 31st of each year; ~~and~~

Q. A lobster transportation supplemental license issued under section 6854 expires on March 31st of each year; ~~and~~

Sec. 2. 12 MRSA §6301, sub-§2, ¶R is enacted to read:

R. A wholesale seafood license with a shrimp permit issued under section 6851 expires on March 31st of each year.

Sec. 3. 12 MRSA §6302-A, sub-§1, as enacted by PL 1997, c. 708, §1 and affected by §3, is amended to read:

1. Tribal exemption; commercial harvesting licenses. A member of the Passamaquoddy Tribe who is a resident of the State is not required to hold a state license or permit issued under section 6421, 6501, 6505-A, 6505-C, 6535, 6536, 6601, 6701, 6702, 6703, 6731, 6745, 6746, 6748, 6748-A, 6748-D, 6751 ~~or~~ 6803 ~~or~~ 6804 to conduct activities authorized under the state license or permit if that member holds a valid license issued by the tribe to conduct the activities authorized under the state license or permit. A member of the Passamaquoddy Tribe issued a tribal license pursuant to this subsection to conduct activities is subject to all laws and rules applicable to a person who holds a state license or permit to conduct those activities and to all the provisions of chapter 625, except that the member of the tribe:

A. May utilize lobster traps tagged with trap tags issued by the tribe in a manner consistent with trap tags issued pursuant to section 6431-B. A member of the tribe is not required to pay trap tag fees under section 6431-B if the tribe issues that member trap tags;

B. May utilize elver fishing gear tagged with elver gear tags issued by the tribe in a manner consistent with tags issued pursuant to 6505-B. A member of the tribe is not required to pay elver fishing gear fees under section 6505-B if the tribe issues that member elver fishing gear tags; and

C. Is not required to hold a state shellfish license issued under section 6601 to obtain a municipal shellfish license pursuant to section 6671.

Sec. 4. 12 MRSA §6501, sub-§6, as amended by PL 1997, c. 19, §5, is further amended to read:

6. Definition. For the purposes of this chapter, "fish" means all marine finfish; ~~and squid and shrimp~~ or other marine animals, except lobsters, crabs, sea urchins, shellfish, scallops, marine worms, elvers ~~or~~ eels ~~or shrimp~~.

Sec. 5. 12 MRSA §§6804 and 6805 are enacted to read:

§6804. Commercial shrimp license

1. License required. It is unlawful for a person to engage in the activities authorized by this license under this section without a current commercial shrimp license.

2. Licensed activities. The holder of a commercial shrimp license may fish for or take shrimp or possess, ship, transport or sell shrimp that the license holder has taken. A license issued under subsection 7, paragraph B or C also authorizes unlicensed crew members aboard the vessel declared by the license holder to engage in these activities.

3. Boat declaration. The license holder shall declare the name of the vessel to be used for fishing under the commercial shrimp license at the time of application for the license and may not change that declaration during the license year unless the original vessel is sold and replaced, has been damaged and will be under repair for not less than one month or has been destroyed or lost.

4. Reporting. The commissioner shall adopt rules regarding data that the holder of a commercial shrimp license must submit to the department. The commissioner may deny an application for the renewal of a license issued under this section if the license