

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

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

holder fails to report the information required pursuant to this subsection.

5. Exemption. Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport shrimp only for personal use.

6. Eligibility. A commercial shrimp license may be issued only to an individual.

7. Fees. Fees for the commercial shrimp license are as follows:

A. Thirty-three dollars for a resident license that authorizes the license holder to engage in the licensed activities under subsection 2;

B. Eighty-nine dollars for a resident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2; and

C. Three hundred and thirty-four dollars for a nonresident license that authorizes the license holder and crew members to engage in the licensed activities under subsection 2.

8. Disposition of fees. All fees for commercial shrimp licenses must be deposited in the Shrimp Management Fund established in section 6805.

§6805. Shrimp Management Fund

1. Fund established. The Shrimp Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department.

2. Purposes of fund. The commissioner shall use the fund for research and assessment related to management of the shrimp fishery.

3. Source of revenue. In addition to the fees derived from the commercial shrimp license, the fund may receive money from any source for the purposes described in subsection 2.

Sec. 6. 12 MRSA §6851, as amended by PL 1997, c. 19, §§8 and 9, is further amended to read:

§6851. Wholesale seafood license; wholesale seafood license with lobster permit; wholesale seafood license with urchin permit; wholesale seafood license with shrimp permit

1. License required. It is unlawful for any person to engage in the activities authorized by this license under this section without a current wholesale seafood license or other license issued under this Part authorizing the activities.

2. License activities. The holder of a wholesale seafood license may, in the wholesale or retail trade:

A. Within or beyond the state limits, buy, sell, process, ship or transport any marine species or their parts, except lobsters ~~and~~, sea urchins and shrimp;

B. Within or beyond the state limits, buy, sell, shuck, pack, ship or, within the state limits, transport fresh or frozen shellfish, except lobsters, to the extent these activities are expressly authorized by a shellfish certificate issued under section 6856; or

D. Buy, sell, process, ship or, within the state limits, transport crayfish.

2-A. Wholesale seafood license with lobster permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit. A person holding a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process, ship or transport lobster or properly permitted or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a permit under section 6857 is held.

2-B. Wholesale seafood license with a sea urchin buyer's permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a sea urchin buyer's permit. A person holding a wholesale seafood license with a sea urchin buyer's permit may engage in all the activities in subsection 2 and may buy, sell, ship or transport whole sea urchins. A license under this subsection does not authorize a person to engage in the processing of sea urchins or to buy, sell, ship or transport sea urchin parts.

2-C. Wholesale seafood license with a sea urchin processor's permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a sea urchin processor's permit. A person holding a wholesale seafood license with a sea urchin processor's permit may engage in all the activities in subsection 2 and may buy, sell, process, ship or transport whole sea urchins or sea urchin parts.

2-D. Wholesale seafood license with shrimp permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a shrimp permit. A person holding a wholesale seafood license with a shrimp permit may engage in all of the activities in subsection 2 and may buy, sell, ship or transport shrimp.

The commissioner shall adopt rules regarding data that the holder of a wholesale seafood license with a shrimp permit must submit to the department. The commissioner may deny an application for the renewal of a wholesale seafood license with a shrimp permit if the license holder fails to report the information required pursuant to this subsection.

3. Exceptions. This section does not apply to smoked herring or alewives.

4. License limited. A license under this section only authorizes activities at one establishment or with one vehicle, but not on a vessel rigged to fish, provided that this license also authorizes the sale and transportation of scallops from any vessel.

5. Supplemental license. A supplemental license must be obtained for each additional establishment or vehicle.

6. Fees. The fees are as follows:

A. Two hundred seventeen dollars for a wholesale seafood license or a wholesale seafood license with a lobster permit, sea urchin buyer's permit, shrimp permit or sea urchin processor's permit; and

B. Forty-three dollars for each supplemental license.

Sec. 7. Rulemaking. Rules adopted by the Commissioner of Marine Resources in accordance with the Maine Revised Statutes, Title 12, section 6804, subsection 4 and section 6851, subsection 2-D are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

2000-01

**MARINE RESOURCES,
DEPARTMENT OF**

**Division of Administrative
Services**

All Other	\$46,895
Allocates funds necessary for costs related to the management of the shrimp fishery.	

Sec. 9. Effective dates. Those sections of this Act that amend the Maine Revised Statutes, Title 12, section 6302-A and enact Title 12, section 6804 take

effect on January 1, 2000. Those sections of this Act that amend Title 12, sections 6301 and 6851 take effect on April 1, 2000.

See title page for effective date, unless otherwise indicated.

CHAPTER 492

H.P. 381 - L.D. 512

An Act to Increase the Length of Probation for a Person Convicted of Domestic Violence

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

Sec. 1. 17-A MRSA §1202, sub-§1-B is enacted to read:

1-B. Notwithstanding subsection 1, the period of probation for a person convicted of a Class D or Class E crime involving domestic violence must be 2 years, except that the term of probation must be terminated at the time the probationer completes a certified batterers' intervention program as defined in Title 19-A, section 4014.

See title page for effective date.

CHAPTER 493

H.P. 978 - L.D. 1376

An Act to Expand the Uniform 1998 Special Retirement Plan to Include Baxter State Park Authority Rangers, Fire Marshals and Certain Additional Correctional Employees

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

Sec. 1. 5 MRSA §17851, sub-§11, ¶B, as amended by PL 1991, c. 857, §2, is further amended to read:

B. Was employed in one of those capacities after August 31, 1984 and before January 1, 2000 and completed 25 years of creditable service in one or more of those capacities.

Sec. 2. 5 MRSA §17851, sub-§12, as enacted by PL 1995, c. 466, Pt. C, §2, is amended to read:

12. Baxter State Park Authority rangers; option. ~~A-~~ Except as provided in section 17851-A, a