

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
December 3, 1986 to June 30, 1987
Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

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3. Training to begin within 2 years. To be entitled for assistance under this Act, an employee must begin his course of training within 2 years following his separation from railroad employment as a result of acquisition of a railroad described in section 2072.

4. Benefit amounts. Affected employees shall be entitled to the following benefits for retraining according to their years of service on the affected railroad:

- A. 0 — 5 years of service up to \$3,000;
- B. 5 — 10 years of service up to \$6,000;
- C. 10 — 15 years of service up to \$9,000;
- D. 15 — 20 years of service . . . up to \$12,000; and
- E. 20 years of service and over . . . up to \$15,000.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 15, 1987.

CHAPTER 328

H.P. 979 — L.D. 1326

AN ACT Concerning Mussel Harvesting.

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

Sec. 1. 12 MRSA §6601, sub-§6, as repealed and replaced by PL 1981, c. 297, §3, is amended to read:

6. Definition. For the purposes of this subchapter, "shellfish" means clams, quahogs other than mahogany quahogs, oysters ~~and mussels~~ and includes shellstock and shucked shellfish.

Sec. 2. 12 MRSA §6651, sub-§§1 and 2, as amended by PL 1983, c. 838, §1, are further amended to read:

1. Fees to be paid into fund. Fifty-three percent of all fees from shellfish licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses shall be paid into the Shellfish Fund.

2. Uses of fund. The commissioner may expend the money in the Shellfish Fund for management, enforcement, restoration, development and conservation of shellfish and mussels in the intertidal zone or coastal waters.

Sec. 3. 12 MRSA c. 623, sub-c. II-B is enacted to read:

SUBCHAPTER II-B

MUSSELS

§6745. Hand-raking mussel license

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

2. Licensed activity. The holder of a hand-raking mussel license may take mussels by hand raking or possess, ship, transport or sell mussels he has taken.

3. Eligibility. A hand-raking mussel license shall only be issued to an individual and shall be a resident license.

4. Exception. In any one day, any person may take or possess not more than 2 bushels of shell mussels or 4 quarts of shucked mussels for personal use without a mussel license.

5. Fee. The fee for a hand-raking mussel license shall be \$13.

§6746. Mussel boat license

1. License required. It is unlawful for any person to use a boat for dragging for mussels unless that boat carries a current mussel boat license issued by the commissioner.

2. Licensed activity. A boat license under this section may be used for dragging for mussels. The license shall also authorize the captain and up to 2 crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities.

3. Eligibility. A mussel boat license shall only be issued to an individual who is a resident.

4. Exception. In any one day, any person may take or possess not more than 2 bushels of shell mussel or 4 quarts of shucked mussels for personal use without a mussel license.

5. Fee. The fee for a mussel boat license is \$53.

§6747. Closed areas

1. Taking from closed areas. It is unlawful to fish for or take mussels from any area closed by regulation or to possess, ship, transport or sell mussels so taken.

2. Washing or holding in closed areas. It is unlawful to wash, hold or keep mussels in any area closed by regulation or to possess, ship, transport or sell mussels so washed, held or kept.

3. Exception. This section shall not apply to:

- A. The taking of mussels under the authority of section 6856; or

B. Mussels kept or washed in waters sterilized with a system that has been approved in writing by the commissioner, provided that the waters are also approved for that use.

Effective September 29, 1987.

CHAPTER 329

S.P. 437 — L.D. 1317

AN ACT to Modify Certain Sections of the Medical Examiner Act to Control Public Dissemination of Information Placed on the Death Certificate by the Medical Examiner in Cases under Investigation by the Attorney General's Office.

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

Sec. 1. 22 MRSA §2842, sub-§3, as amended by PL 1985, c. 611, §2, is further amended to read:

3. Medical certificate by medical examiner. When a death occurs under circumstances which make it a medical examiner case as defined in section 3025, or when inquiry as to the cause of death is required by law, the medical examiner shall complete and sign the medical certification within 24 hours of the time he is notified of the death, unless the remains must be held longer before release to complete studies or investigation. A certification need not be completed before the remains are ready for release.

The medical examiner shall be responsible for the identity of the deceased and the time, date, place, cause, manner and circumstances of death on the death certificate. Entries may be left "pending" if further study is needed; or, at the specific direction of the Attorney General relative to cases under investigation by his office, entries shall be left "withheld" until such time as the Attorney General, in his sole discretion, determines that any criminal investigation and prosecution will not be harmed by public disclosure of such information. Notwithstanding section 2706, subsection 4, unless directed otherwise by the Attorney General as specified in this subsection, this information for which the medical examiner is responsible may be made available to the general public by the Office of the Chief Medical Examiner.

Sec. 2. 22 MRSA §3022, as repealed and replaced by PL 1985, c. 611, §4 and as amended by PL 1985, c. 785, Pt. B, §90, is repealed and the following enacted in its place:

§3022. Office of Chief Medical Examiner

1. Appointment and qualifications of the Chief Medical Examiner. There is created, in the Department of the Attorney General, the Office of Chief Medical Ex-

aminer for the State. The Chief Medical Examiner shall be appointed by the Governor for a term of 7 years and until his successor is appointed and qualified. The Chief Medical Examiner shall possess a degree of doctor of medicine or doctor of osteopathy, be licensed to practice in the State and be expert in the specialty of forensic pathology. Expertise in the specialty of forensic pathology may be established either by certification in forensic pathology by the American Board of Pathology or the American Osteopathic Board of Pathology or by successful completion of an examination to test expertise in forensic pathology designed for the State by acknowledged experts in the field selected by the Governor. Any vacancy in the Office of Chief Medical Examiner shall be filled by appointment by the Governor for a full term of 7 years. The Chief Medical Examiner may hire, subject to the Civil Service Law, necessary office and laboratory personnel to carry out the proper functioning of his office.

2. Appointment and qualifications of the Deputy Chief Medical Examiner. The Chief Medical Examiner may select one or more of the medical examiners to serve as deputy chief medical examiners. The Deputy Chief Medical Examiner shall serve at the pleasure of the Chief Medical Examiner and, if salaried, shall be unclassified. In the event of his temporary absence, the Chief Medical Examiner or, if he is unavailable, the Attorney General may designate one of the deputy chief medical examiners to serve as acting Chief Medical Examiner. The acting Chief Medical Examiner shall have all of the powers and responsibilities of the Chief Medical Examiner.

3. Certification and completion of reports of deaths. The Office of Chief Medical Examiner shall be responsible for certification and completion of reports of deaths identified as medical examiner cases by section 3025. This shall be accomplished by examination of bodies and useful objects and by investigation and inquiry into the circumstances surrounding the deaths. The Office of Chief Medical Examiner may compile and preserve records and data relating to criminal prosecution, public health, public safety and vital statistics, as these relate to his responsibilities.

4. Judgments of the medical examiners. Judgments of the medical examiners as to the identity of the deceased and the cause, manner, date, time and place of death shall be made with reasonable care based on a preponderance of the evidence.

5. Custodian of records. The Chief Medical Examiner shall be the custodian of the records of the Office of Chief Medical Examiner. Copies of those records not declared confidential in subsection 8 shall be available upon written request.

6. Certificate as evidence. Notwithstanding any other provision of law or rule of evidence, the certificate of the Chief Medical Examiner, under seal of the State, shall be received in any court as prima facie evidence