

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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to additional savings from the 70% retirement incentive option in this Part and the continuation until December 31, 1994 of the 80% retirement incentive option pursuant to the Maine Revised Statutes, Title 5, former section 17858.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	(75,000)	(50,000)
SECTION I-5		
TOTAL APPROPRIATIONS	(\$75,000)	(\$50,000)

**PART M**

**Sec. M-1. Carrying balance.** Any balance remaining on June 30, 1994 in the General Fund "Public Improvements - Planning - Construction - Administration" program in the Department of Administrative and Financial Services may not lapse but must be carried forward to June 30, 1995 to be used for the same purposes.

**Sec. M-2. Transfer to Rainy Day Fund.** Notwithstanding the Maine Revised Statutes, Title 5, section 1513, subsection 1, after the State Controller officially closes the financial accounts of the State for the fiscal year ending June 30, 1993, an amount not to exceed \$5,377,287 must be transferred to the Rainy Day Fund from the available balance remaining in the General Fund after the deduction of all appropriations, financial commitments or other designated funds.

**PART N**

**Sec. N-1. Transfer of funds.** Notwithstanding any other provision of law, the State Controller shall deposit to the General Fund as undedicated revenue \$1,500,000 of the scheduled June 1994 payment to Blue Cross and Blue Shield of Maine prior to June 30, 1994.

**Sec. N-2. Transfer of funds.** Notwithstanding any other provision of law, the State Controller is authorized to transfer \$1,500,000 from General Fund undedicated revenue no later than July 5, 1994 to make the balance of the scheduled June 1994 payment to Blue Cross and Blue Shield of Maine.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1993.

Effective July 1, 1993.

**CHAPTER 416**

**H.P. 98 - L.D. 140**

**An Act Concerning the Taking of Sea Urchins**

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

**Whereas,** more than 25,000,000 pounds of sea urchins having a landed value of nearly \$15,000,000 were harvested in coastal waters during 1992; and

**Whereas,** the weight and value of the State's sea urchin harvest has increased dramatically since 1987; and

**Whereas,** sea urchins are now one of the 4 highest valued fisheries in the State; and

**Whereas,** the health of a fishery and the maintenance of sustainable yields are primary goals of fisheries management; 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 §§6704 and 6705,** as enacted by PL 1991, c. 591, Pt. T, §8, are repealed.

**Sec. 2. 12 MRSA c. 623, sub-c. II-C** is enacted to read:

**SUBCHAPTER II-C**

**SEA URCHINS**

**Article 1**

**Licenses**

**§6748. Handfishing sea urchin license**

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

**2. Licensed activity.** The holder of a handfishing sea urchin license may take sea urchins by hand or possess, ship, transport or sell sea urchins taken by that license.

**3. Eligibility.** A handfishing sea urchin license may be issued only to an individual and is a resident license.

**4. Fee.** The fee for a handfishing sea urchin license is \$89.

**§6748-A. Sea urchin boat license**

**1. License required.** It is unlawful for a person to use a boat for dragging for sea urchins unless that boat carries a sea urchin boat license issued by the commissioner.

**2. Licensed activity.** A boat licensed under this section may be used for dragging for sea urchins. The license also authorizes the captain and crew members aboard the licensed boat to drag for and possess, ship, transport and sell sea urchins.

**3. Eligibility.** A sea urchin boat license may be issued only to an individual and is a resident license.

**4. Fee.** The fee for a sea urchin boat license is \$89.

**§6748-B. Sea urchin boat tender license**

**1. License required.** It is unlawful for a person to operate a boat as a platform for harvesting of sea urchins by hand unless that person is licensed under this section or section 6748.

**2. Licensed activity.** A person licensed under this section may operate a boat as a platform for the harvesting of sea urchins by hand. A sea urchin boat tender license does not authorize the holder to harvest sea urchins.

**3. Eligibility.** A sea urchin boat tender license may be issued only to an individual and is a resident license.

**4. Fee.** The fee for a sea urchin boat tender license is \$89.

**Article 2****Limits on Fishing****§6749. Sea urchin harvesting season**

It is unlawful for a person to fish for or take sea urchins from May 15th to August 15th, both days inclusive.

**§6749-A. Minimum size**

It is unlawful for a person to take, possess, ship, transport, buy or sell a sea urchin having a shell measuring less than 2 inches in the longest diameter, exclusive of spines. A violation of this section does not occur if a harvested sea urchin measuring less than 2 inches in the longest diameter is culled on board immediately after harvesting and is liberated alive into the marine waters.

**§6749-B. Sea urchins and lobsters; simultaneous possession or transport prohibited**

A person licensed under section 6748 to take sea urchins by hand may not simultaneously possess or transport sea urchins and lobsters aboard a registered vessel.

**§6749-C. Rules**

**1. Importation and processing.** The commissioner may adopt rules under this subchapter that require a sea urchins processor to maintain records sufficient to identify the point of origin of sea urchins received by that processor.

**2. Fisheries management.** The commissioner may adopt rules under chapter 607, subchapter I to promote the conservation and propagation of sea urchins. Those rules may include, but are not limited to, limits on size of drags used to take sea urchins, limits on the nighttime dragging of sea urchins and tolerance allowance for the harvesting of sea urchins less than 2 inches in the longest diameter.

**3. Minimum size.** Before January 1, 1994, the commissioner shall adopt rules establishing the method for determining whether a sea urchin measures less than 2 inches in the longest diameter. If necessary, the commissioner may use emergency rule-making authority under chapter 607, subchapter II to adopt rules under this subsection.

**Sec. 3. Limited closure in 1993.** Notwithstanding the Maine Revised Statutes, Title 12, section 6749, the closed sea urchin harvesting season in 1993 starts on June 6, 1993 or 7 calendar days after the effective date of this Act, whichever is later, and ends on August 7, 1993, both days inclusive. The closed sea urchin harvesting season for 1994 and subsequent years is that season established in the Maine Revised Statutes, Title 12, section 6749.

**Sec. 4. Application; resident licenses.** The provision in the Maine Revised Statutes, Title 12, section 6748, establishing a handfishing sea urchin license as a resident license is applicable only to handfishing sea urchin licenses issued for calendar year 1994 and later. The residency provision in Title 12, section 6748, subsection 3 does not void any handfishing sea urchin license issued for calendar year 1993 under Title 12, former section 6704.

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

Effective July 2, 1993.