

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

for specially adapted housing units, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean Campaign, the Vietnam War and the Persian Gulf War, and who are paraplegic veterans, so-called, within the meaning of the United States Code, Title 38, Chapter 21, Section ~~804~~ 2101, and who received a grant from the United States Government for the specially adapted housing, or of the unmarried widows of the veterans. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964 and before May 7, 1975, unless the veteran died in service or was discharged for a service-connected disability after that date. "Vietnam War" means the period between August 5, 1964 and May 7, 1975. "Persian Gulf War" means service on active duty between August 7, 1990 and April 11, 1991. The exemption provided in this paragraph ~~shall apply~~ applies to the property of the veteran including property held in joint tenancy with that veteran's spouse.

Sec. 3. 36 MRSA §653, sub-§1, ¶E, as repealed and replaced by PL 1993, c. 395, §11 and c. 427, §7, is repealed and the following enacted in its place:

E. The word "veteran" as used in this subsection means any person, male or female, who was in active service in the Armed Forces of the United States and who, if discharged, retired or separated from the Armed Forces, was discharged, retired or separated under other than dishonorable conditions.

See title page for effective date.

CHAPTER 740

H.P. 1459 - L.D. 1984

An Act to Conserve Sea Urchin Resources

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

Sec. 1. 12 MRSA §6748-A, as enacted by PL 1993, c. 416, §2, is amended to read:

§6748-A. Sea urchin dragger's 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~~ dragging 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~~ dragging license may be issued only to an individual and is a resident license.

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

Sec. 2. 12 MRSA §6748-C is enacted to read:

§6748-C. Drags

Except as provided in this section, it is unlawful for any person to fish for or take sea urchins using a drag, or any combination of drags, in any coastal waters of the State.

1. Exception. The commissioner may adopt rules that allow the use of a drag that is designed to minimize impact on the benthic environment and harvested resources. Rules adopted by the commissioner under this section must describe the type of drag that may be used, including any limitations on type or size of drag components or limitations on the length or width of the drag.

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

ARTICLE 3

EMERGENCY LIMITATIONS; SEA URCHIN FISHERY

§6749-N. Closed areas; 1995 to 1998

Notwithstanding section 6749, in calendar years 1995, 1996, 1997 and 1998, it is unlawful for a person to fish for or take sea urchins from:

1. Zone 1. Zone 1, from April 1st to August 15th. For the purposes of this article, "Zone 1" means all coastal waters west of a line beginning at the easternmost point of Fort Point State Park on Cape Jellison then running southwesterly to channel marker #1 south of Sears Island, then running southwesterly to channel marker W2 located between Marshall's Point and Bayside in the Town of Northport, then running southwesterly to channel marker #9 east of Great Spruce Head located in the Town of Northport, then running southerly to Graves channel marker northeast of the Town of Camden, then running southeasterly to the Penobscot Bay Buoy east of Rockland harbor, then running southerly to the TBI whistle southwest of Junken Ledge, then running

southeasterly to Red Nun #10 buoy at Foster Ledges, then running due south to the boundary of the State's coastal waters; and

2. Zone 2. Zone 2, from May 15th to October 1st. For the purpose of this article, "Zone 2" means all coastal waters east of that line established in subsection 1, including all coastal waters of the Penobscot River north of Fort Point State Park.

The commissioner shall report annually to the joint standing committee of the Legislature having jurisdiction over marine resource matters on the quantity and type of sea urchin licenses sold in each zone in each year.

§6749-O. Limited entry

The commissioner may not issue a handfishing sea urchin license or a sea urchin dragging license for calendar years 1994, 1995, 1996, 1997 or 1998 to any person unless that person possessed that license in the previous calendar year.

§6749-P. Licenses by zone

For calendar years 1995, 1996, 1997 and 1998, a person eligible to purchase a license under section 6749-O, may purchase those licenses only for Zone 1 or Zone 2. All of those licenses issued to any one person in any one year must be for the same zone. A sea urchin dragging license must list the documentation or registration number of the vessel to be used by that licensee when dragging. A vessel documentation number or registration number may not be listed on more than one sea urchin boat license.

§6749-Q. License surcharges

The following surcharges are assessed on licenses sold for calendar years 1995, 1996 and 1997:

1. Hand fishing sea urchin license. One hundred and sixty dollars on a sea urchin hand harvesting license;

2. Sea urchin dragging license. One hundred and sixty dollars on a sea urchin dragging license;

3. Sea urchin boat tender's license. Thirty-five dollars on a sea urchin boat tender's license;

4. Wholesale seafood license with a sea urchin buyer's permit. Five hundred dollars on a wholesale seafood license with a sea urchin buyer's permit; and

5. Wholesale seafood license with a sea urchin processor's permit. Two thousand five hundred dollars on a wholesale seafood license with a sea urchin processor's permit.

The commissioner shall deposit all surcharges assessed in this section in the Sea Urchin Research Fund established in section 6749-R.

§6749-R. Sea Urchin Research Fund

The Sea Urchin Research Fund, referred to in this article as the "fund," is established in the department. Balances in the fund may not lapse and must be carried forward and used for the purposes of this section.

1. Uses of the fund. The commissioner shall use the fund for research directly related to sea urchin fishery management information needs. The purpose of that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery.

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6749-Q. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private. All money in the fund must be used for the purposes set forth in this section.

3. Reports. The commissioner shall submit an interim and a final report on expenditures from the fund and research findings to the joint standing committee of the Legislature having jurisdiction over marine resource matters. An interim report must be submitted by July 1, 1996. A final report must be submitted by January 1, 1998.

§6749-S. Log books for sea urchin buyers and processors

The commissioner shall adopt rules requiring any person holding a wholesale seafood license with a sea urchin buyer's permit or a wholesale seafood license with a sea urchin processor's permit to maintain a log book. The rules must indicate the type of data that must be recorded in the log book, the manner for producing the log books and the method for analyzing data from the log books. The commissioner shall charge a fee for the log book that is sufficient to recover all costs associated with the production of the log book and analysis of the data, except that any personnel and operating costs associated with the log book must be paid from allocations from the Sea Urchin Research Fund. Fees received by the department from the sale of log books are dedicated revenue and must be used by the department for the purposes of this section. The log book and data analysis may be produced and conducted by the department or may be produced and conducted by a public or private entity under contract with the de-

partment. Disclosure of any data collected under this section is subject to the confidentiality provisions of section 6173.

§6749-T. Repeal

This article is repealed on January 1, 1999.

Sec. 4. 12 MRSA §6851, sub-§§2-B and 2-C are enacted to read:

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.

Sec. 5. 12 MRSA §6851, sub-§6, ¶A, as repealed and replaced by PL 1991, c. 784, §8, is amended to read:

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

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

**MARINE RESOURCES,
DEPARTMENT OF**

Bureau of Marine Science

Positions	(0.5)
Personal Services	\$17,315
All Other	350,305
Capital Expenditures	30,000
TOTAL	\$397,620

Provides for the allocation of funds from the Sea Urchin Research Fund to cover the costs of research directly related to sea urchin fishery management information needs and the costs of one half-time Marine Resources Specialist I position and general operating costs necessary to administer the various sea urchin logbook requirements.

Bureau of Marine Science

All Other \$5,000

Provides for the allocation of funds to cover the costs of developing sea urchin logbooks.

**DEPARTMENT OF MARINE
RESOURCES**

TOTAL \$402,620

See title page for effective date.

CHAPTER 741

S.P. 767 - L.D. 1987

An Act to Amend the Date of Repeal of State Increment Financing Districts and to Allow the Finance Authority of Maine to Issue Revenue Refunding Securities

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

Whereas, the Maine Revised Statutes, Title 30-A, section 5254-A regarding state tax increment financing has been in effect since 1991; and

Whereas, implementing legislation have not yet been adopted; and

Whereas, Title 30-A, section 5254-A has not been utilized due to the lack of implementing legislation; and

Whereas, legislation is in the process of being adopted so that the statutory provisions can be utilized as originally intended; and