

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

## CHAPTER 184

## S.P. 68 - L.D. 264

**An Act Regarding the State's Land  
Use Mediation Program**

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

**Sec. 1. 2 MRSA §8**, as amended by PL 1997, c. 393, Pt. A, §1, is further amended to read:

**§8. Land use mediation; obligation to participate**

Agencies within the executive branch shall participate in mediation under Title 5, chapter 314, subchapter II, when requested to participate by the Court Alternative Dispute Resolution Service. ~~This section is repealed October 1, 2001.~~

**Sec. 2. 4 MRSA §18-B, sub-§10**, as enacted by PL 1997, c. 393, Pt. A, §5, is amended to read:

**10. Land use mediation.** The land use mediation program is a program within the Court Alternative Dispute Resolution Service.

A. The Director of the Court Alternative Dispute Resolution Service shall administer the land use mediation program established in Title 5, chapter 314, subchapter II.

B. A land use mediation fund is established as a nonlapsing, dedicated fund within the Administrative Office of the Courts. Fees collected for mediation services pursuant to Title 5, chapter 314, subchapter II must be deposited in the fund. The Administrative Office of the Courts shall use the resources in the fund to cover the costs of providing mediation services as required under Title 5, chapter 314, subchapter II.

~~This subsection is repealed October 1, 2001. Any balances remaining in the land use mediation fund must be transferred to a nonlapsing account within the Judicial Department to be used to defray mediation expenses.~~

**Sec. 3. 5 MRSA §3331, sub-§5**, as amended by PL 1997, c. 393, Pt. A, §10, is further amended to read:

**5. Reporting on the land use mediation program.** The council shall report by December 1, 1998 ~~and~~ December 1, 2000, December 1, 2003 and every 2 years thereafter to the Governor, the Administrative Office of the Courts, the Executive Director of the Legislative Council and the Director of the Court Alternative Dispute Resolution Service on the operation and effectiveness of the land use mediation

program established under subchapter II. The reports must list the number and type of mediation requests received, the number of mediation sessions conducted, the number of signed mediation agreements, a summary of the final disposition of mediation agreements, a narrative discussion of the effectiveness of the program as determined by the council, a summary of deposits and expenditures from the land use mediation fund created in Title 4, section 18-B, subsection 10 and any proposals by the council with respect to the operation, improvement or continuation of the mediation program. ~~This subsection is repealed October 1, 2001.~~

**Sec. 4. 5 MRSA §3341, sub-§14**, as enacted by PL 1995, c. 537, §5, is repealed.

See title page for effective date.

## CHAPTER 185

## H.P. 1044 - L.D. 1401

**An Act to Amend the Health Care  
Facility Immunization Laws**

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

**Sec. 1. 22 MRSA §802, sub-§4**, as amended by PL 1999, c. 378, §1, is repealed.

**Sec. 2. 22 MRSA §802, sub-§§4-A and 4-B** are enacted to read:

**4-A. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Designated health care facility" means a licensed nursing facility, residential care facility, intermediate care facility for the mentally retarded, multi-level health care facility, hospital or home health agency.

B. "Disease" means one of those conditions enumerated in rules adopted by the department that may be preventable by an immunizing agent.

C. "Employee" means any person who performs a service for wages or other remuneration for a designated health care facility.

D. "Immunizing agent" means a vaccine, anti-toxin or other substance used to increase an individual's immunity to a disease.

**4-B. Exemptions to immunization.** Employees are exempt from immunization otherwise required by this subchapter or by rules adopted by the department

pursuant to this section under the following circumstances.

A. A medical exemption is available to an employee who provides a physician's written statement that immunization against one or more diseases may be medically inadvisable.

B. A religious or philosophical exemption is available to an employee who states in writing a sincere religious or philosophical belief that is contrary to the immunization requirement of this subchapter.

C. An exemption is available to an individual who declines hepatitis B vaccine, as provided for by the relevant law and regulations of the federal Department of Labor, Occupational Health and Safety Administration.

**Sec. 3. Rulemaking.** Rules adopted by the Department of Human Services pursuant to this Act are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Rules adopted pursuant to this Act must be consistent with the requirements of the federal Department of Labor, Occupational Health and Safety Administration.

See title page for effective date.

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## CHAPTER 186

S.P. 526 - L.D. 1649

### An Act to Establish a Commercial Green Crab Fishing License

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

**Whereas,** green crabs are most active during the summer; and

**Whereas,** delay in the implementation of a green crab licensing requirement could potentially postpone any substantive management efforts for green crab control until the summer of 2002; 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 §§6808 to 6810** are enacted to read:

### **§6808. Commercial green crab only 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 green crab only license.

**2. Licensed activities.** The holder of a commercial green crab only license may fish for or take green crabs or possess, ship, transport or sell green crabs that the license holder has taken.

**3. Reporting; rules.** The commissioner shall adopt rules regarding data that the holder of a commercial green crab 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. Rules adopted by the commissioner pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**4. Exemption.** Notwithstanding subsection 1, a license is not required to fish for, take, possess or transport green crabs for personal use. A municipality that harvests green crabs under authorization from the department is not required to have a commercial green crab license as long as the harvesting of green crabs occurs under supervision of the municipality.

**5. Eligibility.** A commercial green crab only license may be issued only to an individual.

**6. Fees.** The fee for a commercial green crab only license is \$33 for a resident license and \$66 for a nonresident license, which authorizes the license holder to engage in the licensed activities under subsection 2.

**7. Disposition of fees.** All fees for commercial green crab only licenses must be deposited in the Green Crab Management Fund established in section 6809.

**8. Prohibition.** The holder of a commercial green crab only license may not have aboard a boat used for crab fishing any lobster or lobster parts.

### **§6809. Green Crab Management Fund**

**1. Fund established.** The Green Crab 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 management programs for the green crab fishery.

**3. Source of revenue.** In addition to the fees derived from the commercial green crab license, the fund