

# 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**

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

may receive money from any source for the purposes described in subsection 2.

**§6810. Method of fishing**

**1. Authorized traps.** It is unlawful to fish for green crabs under a license issued pursuant to subsection 6808 with traps not authorized by the commissioner.

**2. Trap design; rules.** The commissioner shall establish authorized green crab trap designs by rule. Rules adopted by the commissioner pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

**Sec. 2. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
MARINE RESOURCES, DEPARTMENT OF		
Division of Administrative Services		
All Other	\$500	\$500
Provides initial allocations for the Green Crab Management Fund.		

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 2001.

Effective July 1, 2001.

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**CHAPTER 187**

**S.P. 394 - L.D. 1309**

**An Act to Amend the Laws  
Pertaining to the Harvest of Adult  
Eels**

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

**Sec. 1. 12 MRSA §6505-C, sub-§2,** as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

**2. Exemptions.** A person may fish for or take for personal use ~~an eel~~ eels in the coastal waters of the State by speargun, harpoon, trap or hook and line and may possess or transport ~~that eel~~ eels that person has taken pursuant to this subsection. The department shall adopt rules establishing a limit on the number of eels that a person may fish for, take, possess or transport pursuant to this subsection. Rules adopted

pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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**CHAPTER 188**

**H.P. 1266 - L.D. 1717**

**An Act to Amend the Laws  
Pertaining to Municipal Shellfish  
Management**

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

**Sec. 1. 12 MRSA §6671, sub-§2,** as amended by PL 1995, c. 531, §1, is further amended to read:

**2. Municipal program and ordinance.** Any municipality may, by vote of its legislative body, adopt, amend or repeal a shellfish conservation ordinance ~~regulating the possession of shellfish in any area of the municipality~~ as provided by this section. A municipality may establish a municipal shellfish management committee comprised of residents of that municipality may be established to administer a municipal program.

**Sec. 2. 12 MRSA §6671, sub-§3,** as amended by PL 1999, c. 255, §1 and affected by §8, is repealed and the following enacted in its place:

**3. Shellfish conservation ordinance.** The following provisions govern a shellfish conservation ordinance.

A. Within any area of the municipality, a shellfish conservation ordinance may:

- (1) Regulate or prohibit the possession of shellfish;
- (2) Fix the amount of shellfish that may be taken;
- (3) Provide for protection from shellfish predators; and
- (4) Authorize the municipal officials to open and close flats under specified conditions.

B. An ordinance must limit the size of soft-shell clams in accordance with article 5.

C. Except as provided in section 6621, subsection 3, paragraph C, a program or ordinance may not allow surveying, sampling or harvesting of