

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

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NON-EMERGENCY LAWS IS
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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
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- B. Felony murder;
- C. Manslaughter;
- D. Aggravated assault;
- D-1. Elevated aggravated assault;
- E. Gross sexual assault, including that formerly denominated as gross sexual misconduct;
- E-1. Rape;
- F. Sexual abuse of a minor;
- G. Unlawful sexual contact;
- G-1. Visual sexual aggression against a child;
- G-2. Sexual misconduct with a child under 14 years of age;
- H. Kidnapping;
- I. Criminal restraint;
- J. Burglary;
- K. Robbery;
- L. Arson;
- M. Aggravated criminal mischief; or
- N. Any lesser included offense of any crime identified in paragraphs A to M if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A.

Sec. 5. 25 MRSA §1574, sub-§5 is enacted to read:

5. Applicable offenses effective October 1, 2001. This section applies to a person convicted after October 1, 2001 of one or more of the following offenses or an attempt of one or more of the following offenses:

- A. Murder;
- B. A Class A, B or C crime;
- C. Sexual abuse of a minor;
- D. Unlawful sexual contact;
- E. Visual sexual aggression against a child;
- F. Sexual contact with a child under 14 years of age;
- G. Solicitation of a child by a computer to commit a prohibited act; or

H. Any lesser included offense of any crime identified in paragraphs A to G if the greater offense is initially charged. "Lesser included offense" has the same meaning as in Title 17-A, section 13-A.

See title page for effective date.

CHAPTER 326

H.P. 1163 - L.D. 1563

An Act to Amend School Immunizations Requirements

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

Sec. 1. 20-A MRSA §6353, sub-§3, as enacted by PL 1983, c. 661, §8, is amended to read:

3. Disease. "Disease" means ~~diphtheria, measles, mumps, pertussis, poliomyelitis, rubella and tetanus~~ those conditions that are preventable by immunizing agent, as specified in rules.

Sec. 2. 20-A MRSA §6355, as enacted by PL 1983, c. 661, §8, is amended to read:

§6355. Enrollment in school

~~No~~ A superintendent may not permit any child to be enrolled in or to attend school without a certificate of immunization for each disease or other acceptable evidence of required immunization or immunity against the disease, except as follows.

1. Written assurance. The parent provides a written assurance the child will be immunized within 90 days by private effort or provides, where applicable, a written consent to the child's immunization by a health officer, physician, nurse or other authorized person in public or private employ.

2. Medical exemption. The parent or the child provides a physician's written statement that immunization against one or more of the diseases may be medically inadvisable.

3. Philosophical or religious exemption. The parent states in writing a sincere religious belief ~~which~~ that is contrary to the immunization requirement of this subchapter or an opposition to the immunization for ~~moral, philosophical or other personal~~ reasons.

Sec. 3. 20-A MRSA §6358, sub-§1, as enacted by PL 1983, c. 661, §8, is amended to read:

1. Rules authorized. The commissioner and the Director of the Bureau of Health, Department of Human Services, shall jointly issue rules necessary for

the effective implementation of this subchapter, including, but not limited to, rules specifying those diseases for which immunization is required and establishing immunization requirements for each disease, school record keeping and reporting requirements or guidelines and procedures for the exclusion of nonimmunized children from school. Rules adopted pursuant to this subchapter specifying the diseases for which immunization is required are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 4. 20-A MRSA §6359, sub-§1, ¶C, as amended by PL 1991, c. 146, §1, is further amended to read:

C. "Disease" means ~~diphtheria, measles, mumps, rubella and tetanus~~ those conditions that are preventable by immunizing agent, as specified in rules.

Sec. 5. 20-A MRSA §6359, sub-§2, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

2. Immunization. Except as otherwise provided under this section, every student shall have administered an adequate dosage of an immunizing agent against each disease as specified by rule.

Any such immunizing agent shall meet standards for the biological products, approved by the United States Public Health Service and the dosage requirement specified by the Department of Human Services.

Sec. 6. 20-A MRSA §6359, sub-§3, ¶B, as enacted by PL 1985, c. 771, §§2 and 7, is amended to read:

B. The student or the parent, if the student is a minor, states in writing a sincere religious belief, which is contrary to the immunization requirement of this subchapter or an opposition to the immunization for ~~moral, philosophical or other personal~~ reasons.

See title page for effective date.

CHAPTER 327

S.P. 299 - L.D. 1010

An Act to Manage the Sea Urchin Fishery

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

Sec. 1. 5 MRSA §12004-I, sub-§57-B, as enacted by PL 1995, c. 595, §1, is amended to read:

57-B. Sea Urchin ~~None~~ 12 MRSA
Marine Zone Expenses §6749-X
Resources: Council Only
Zones

Sec. 2. 12 MRSA §6404-B, as enacted by PL 1999, c. 244, §1, is amended to read:

§6404-B. Suspension based on conviction of fishing on closed days for sea urchin fishing

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating section 6749-W or any rule adopted under section 6749. The suspension must be for one year from the date of conviction.

Sec. 3. 12 MRSA §6404-D is enacted to read:

§6404-D. Suspension based on conviction of sea urchin fishing in a closed area

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of violating section 6749-N. The suspension must be for one year from the date of conviction.

Sec. 4. 12 MRSA §6748, sub-§5 is enacted to read:

5. Rebuttable presumption. It is unlawful for an individual to dive from a vessel with sea urchins on board unless that individual is licensed under this section. It is a rebuttable presumption that an individual diving from a vessel with sea urchins on board at any time of the year is diving for the purpose of fishing for or taking sea urchins.

Sec. 5. 12 MRSA §6748-A, sub-§1, as amended by PL 1993, c. 740, §1, is repealed and the following enacted in its place:

1. License required. It is unlawful for a person to engage in the activities authorized under this section without a current sea urchin dragging license.

Sec. 6. 12 MRSA §6748-A, sub-§2, as enacted by PL 1993, c. 416, §2, is repealed and the following enacted in its place:

2. Licensed activity. The holder of a sea urchin dragging license may use the vessel named on the holder's license to drag for sea urchins. The license also authorizes the captain and crew members aboard the vessel named on the license to drag for and possess, ship, transport and sell sea urchins, except that the captain and crew members may not drag for sea urchins if the license holder is not aboard the vessel.