

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

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

Effective March 28, 2002.

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**CHAPTER 580**

**S.P. 183 - L.D. 611**

**An Act to Aid Implementation of the  
Maine Medical Marijuana Act of  
1998**

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

**Sec. 1. 22 MRSA §2383-B, sub-§3, ¶A-1,** as enacted by IB 1999, c. 1, §7, is amended to read:

A-1. "Designated care giver" means a person over 18 years of age who:

(1) Is a family member or other person who has consistently assumed responsibility for ~~a person's~~ the housing, health or safety of a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B or who is a member of the same household as a person authorized to possess marijuana for medical use pursuant to subsection 5, paragraph A or B; and

(2) Is named in a written individual instruction or power of attorney for health care as defined in Title 18-A, section 5-801 by, or is the parent or legal guardian of, a person authorized to possess marijuana for medical use pursuant to subsection 5.

**Sec. 2. 22 MRSA §2383-B, sub-§3, ¶E,** as enacted by IB 1999, c. 1, §9, is amended to read:

E. "Usable amount of marijuana for medical use" means ~~4-4/4~~ 2 1/2 ounces or less of harvested marijuana and a total of 6 plants, of which no more than 3 may be mature, flowering plants.

**Sec. 3. 22 MRSA §2383-B, sub-§5, ¶¶G and H** are enacted to read:

G. It is an affirmative defense to prosecution for possession, use or cultivation of a usable amount of marijuana under section 2383, Title 15, section 3103 or Title 17-A, chapter 45 that the defendant was an eligible patient under this subsection.

H. It is an affirmative defense to prosecution for possession, possession with the intent to furnish,

furnishing or cultivation of a usable amount of marijuana under section 2383, Title 15, section 3103 or Title 17-A, chapter 45 that the defendant was a designated care giver under this subsection if the person to whom the marijuana was to be furnished or for whom it was cultivated was an eligible patient.

See title page for effective date.

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**CHAPTER 581**

**H.P. 1493 - L.D. 1996**

**An Act to Establish Educational  
Requirements for Granting  
Noncommercial Lobster Licenses**

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

**Sec. 1. 12 MRSA §6421, sub-§5-B** is enacted to read:

**5-B. Noncommercial lobster and crab fishing license eligibility.** Beginning with license year 2003, a noncommercial lobster and crab fishing license may be issued only to a person who has:

A. Successfully completed a lobster and crab fishing written examination, as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

Once a person successfully completes the examination, that person need not repeat the examination to renew the license.

**Sec. 2. 12 MRSA §6423** is enacted to read:

**§6423. Lobster and crab fishing education program**

The commissioner shall establish an education program in accordance with this section for training applicants for noncommercial lobster and crab fishing licenses.

**1. Pamphlet.** The department shall issue a pamphlet of all the laws and rules relating to a noncommercial lobster and crab fishing license to each applicant for a noncommercial lobster and crab fishing license who has not successfully completed a written examination pursuant to subsection 2 or met the requirements of section 6421, subsection 5-B, paragraph B.

**2. Examination.** A written examination is required for any person who applies for a noncommercial lobster and crab fishing license who has not successfully completed a written examination under this subsection or met the requirements of section 6421, subsection 5-B, paragraph B. The commissioner shall determine the form and content of the written examination. The written examination must be provided to an applicant with the pamphlet required under subsection 1. The applicant must return the completed written examination to the department and receive a passing grade on the written examination prior to receiving a noncommercial license.

**3. Surcharge; credit to Lobster Management Fund.** The commissioner shall set a surcharge, not to exceed \$15, sufficient to recover the costs incurred by the department in providing the program under this section. A person who successfully completes the program and pays the surcharge may not be charged the surcharge to renew the license. The commissioner may provide copies of the education materials developed under this section to an applicant for another lobster and crab fishing license upon receipt of the surcharge. Surcharges collected under this subsection must be credited to the Lobster Management Fund established in section 6431-C.

**Sec. 3. 12 MRSA §6431-C, sub-§2,** as amended by PL 2001, c. 93, §2, is further amended to read:

**2. Purpose.** All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B, the costs associated with lobster management policy councils and referenda pursuant to section 6447, costs associated with the Lobster Advisory Council not supported by the General Fund ~~and~~ the costs associated with determining eligibility for lobster and crab fishing licenses and eligibility to fish for or take lobsters from a vessel and the costs associated with the provision of educational programs, for which a surcharge is collected from the enrollee, pursuant to section 6423.

**Sec. 4. License year for noncommercial lobster and crab fishing license.** Notwithstanding the Maine Revised Statutes, Title 12, chapter 619, for 2003, the license year for noncommercial lobster and crab fishing licenses issued pursuant to Title 12, section 6421 begins May 1, 2003 and ends December 31, 2003.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF  
Division of Administrative Services

Initiative: Allocates funds for the costs of certain educational materials.

Other Special Revenue Funds	2001-02	2002-03
All Other	\$0	\$28,950

See title page for effective date.

**CHAPTER 582**

**S.P. 753 - L.D. 2090**

**An Act to Clarify the Law Governing Unlawful Solicitation to Benefit Law Enforcement Agencies**

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

**Sec. 1. 25 MRSA §3701, sub-§6** is enacted to read:

**6. Solicitation agent.** "Solicitation agent" means a person or entity that receives payment for or retains any portion of the proceeds from soliciting. "Solicitation agent" includes, but is not limited to, a person or entity that receives or retains reimbursement for expenses related to soliciting.

This subsection is repealed February 1, 2004.

**Sec. 2. 25 MRSA §3702-A,** as enacted by PL 1991, c. 510, §2, is amended to read:

**§3702-A. Solicitation unlawful**

A ~~person~~ law enforcement agency, law enforcement association, law enforcement officer or solicitation agent may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act. This section is repealed February 1, 2004.

**Sec. 3. 25 MRSA §3702-B** is enacted to read:

**§3702-B. Solicitation unlawful**

A person may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. A violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act. This section takes effect February 1, 2004.