

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

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

Sec. 1. 26 MRSA §772, as amended by PL 1999, c. 30, §1, is repealed and the following enacted in its place:

§772. Minors under 18 years of age; hazardous employment

1. Prohibition against certain employment. A minor under 18 years of age may not be employed in any capacity that the director determines to be hazardous, dangerous to life or limbs or injurious to the minor's health or morals.

2. Rules; list of occupations. The director shall adopt rules to develop and maintain a list of occupations not suitable for employment of a minor. The rules must conform as far as practicable to the child labor provisions of the federal Fair Labor Standards Act of 1938, 29 United States Code, Section 212 and any associated regulations. The rules must also contain a provision prohibiting the employment of minors in places having nude entertainment.

3. Rules relating to confined spaces and height. The director shall adopt rules prohibiting a minor under 18 years of age from working in confined spaces or at a designated height when regulations of the federal Occupational Safety and Health Administration, adopted under the general industry standards, 29 Code of Federal Regulations, Part 1910, require special precautions or procedures for such work. The rules must provide exceptions to the prohibition in specific exceptional circumstances, such as work required for public safety.

4. Rules are routine technical. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

5. Application. This section does not apply to minors in public and approved private schools where mechanical equipment is installed and operated primarily for purposes of instruction.

See title page for effective date.

CHAPTER 60

S.P. 458 - L.D. 1388

An Act To Expand the Mission of the Marine Patrol

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

Whereas, since September 11, 2001, there has been a recognized need for increased homeland security, including improved protection of the nation's coasts; and

Whereas, it is in the best interest of the State to protect its ports, the flow of commerce and the marine transportation system from terrorism; and

Whereas, Maine's Marine Patrol is the only maritime resource available to assist the United States Coast Guard in providing safety and security services; 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 §6029-A is enacted to read:

§6029-A. Safety and security services

1. Enforcement of federal safety and security zones. At the request of and as expressly provided by the United States Coast Guard in accordance with federal law, marine patrol officers may assist the United States Coast Guard in the enforcement of safety and security zones established by the United States Coast Guard Captain of the Port for Maine. Marine patrol officers may take all action necessary to assist the United States Coast Guard in enforcing security and safety zones to the extent authorized by the United States Coast Guard.

2. Memorandum of agreement. Prior to engaging in the activities authorized under this section, the Bureau of Marine Patrol must enter into a memorandum of agreement with the United States Coast Guard that establishes the appropriate procedures and protocols for enforcement activities authorized under this section. Any funds received from the Federal Government for reimbursement to the State for activities authorized under this section must be deposited in the watercraft fund pursuant to section 7910, subsection 9, paragraph D.

Sec. 2. 12 MRSA §6052, sub-§3, as enacted by PL 1977, c. 661, §5, is amended to read:

3. Marketing. Serve as the primary state agency providing promotional and marketing assistance to the commercial fishing industries, including assisting in marketing seafood, stimulating of consumer interest in and consumption of seafood, increasing the sales of seafood domestically and abroad, supporting and

expanding existing markets and developing new markets for traditional and underutilized species; ~~and~~

Sec. 3. 12 MRSA §6052, sub-§4, ¶D, as enacted by PL 1991, c. 285, §3, is amended to read:

D. Establishing a marine research revolving fund for soliciting and receiving funds for conducting marine research. A marine research fund established under this paragraph may be used only for research purposes set forth under paragraphs A and B and may not be used for research specific to any one company; ~~and~~

Sec. 4. 12 MRSA §6052, sub-§5 is enacted to read:

5. Safety and security services. Provide safety and security services in the coastal waters of the State. The department shall coordinate with other local, state and federal agencies when the department provides such safety and security services.

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

Effective April 18, 2003.

CHAPTER 61

H.P. 61 - L.D. 53

An Act To Allow Experimentation in the Cultivation of Industrial Hemp

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

Sec. 1. 17-A MRSA §1101, sub-§22 is enacted to read:

22. "Industrial hemp" means any variety of Cannabis sativa L. with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and that is grown under a federal permit in compliance with the conditions of that permit.

Sec. 2. 17-A MRSA §1103, sub-§7 is enacted to read:

7. It is an affirmative defense to prosecution under this section that the substance trafficked in is industrial hemp.

Sec. 3. 17-A MRSA §1105-A, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under this section that the substance trafficked in is industrial hemp.

Sec. 4. 17-A MRSA §1105-C, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under this section that the substance furnished is industrial hemp.

Sec. 5. 17-A MRSA §1105-D, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under this section that the substance cultivated or grown is industrial hemp.

Sec. 6. 17-A MRSA §1106, sub-§6 is enacted to read:

6. It is an affirmative defense to prosecution under this section that the substance furnished is industrial hemp.

Sec. 7. 17-A MRSA §1107-A, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under this section that the substance possessed is industrial hemp.

Sec. 8. 17-A MRSA §1111-A, sub-§10 is enacted to read:

10. It is an affirmative defense to prosecution under this section that the drug paraphernalia used or possessed is used or possessed for the propagation, cultivation or processing of industrial hemp.

Sec. 9. 17-A MRSA §1117, sub-§3 is enacted to read:

3. It is an affirmative defense to prosecution under this section that the substance cultivated or grown is industrial hemp.

Sec. 10. Authorization for Maine Agricultural Experiment Station to study cultivation of industrial hemp. The Director of the Maine Agricultural Experiment Station may develop a study to explore the feasibility and desirability of industrial hemp production in this State. The study may include an analysis of required soils and growing conditions, seed availability and varieties, including in-the-ground seed variety trials, harvest methods, market economies and environmental benefits. Prior to undertaking a study and prior to importing any nonsterilized industrial hemp seeds capable of germination into the State, the director, in consultation with the Commissioner of Agriculture, Food and Rural Resources, shall obtain all federal permits needed to legally grow industrial hemp for fiber or seed production.

See title page for effective date.