

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

development matters concerning the need for extending authorization of the fund.

**Sec. 17. 5 MRSA §13092-A**, as enacted by PL 1989, c. 553, §1 and amended by c. 700, Pt. A, §21 and repealed by c. 875, Pt. M, §§8 and 13, is repealed.

See title page for effective date.

## CHAPTER 199

S.P. 482 - L.D. 1450

### An Act Regarding Railroad Police Training

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

**Sec. 1. 23 MRSA §6072, sub-§1**, as enacted by PL 1987, c. 141, Pt. A, §4, is amended to read:

**1. Qualified person.** "Qualified person" means a person who:

A. Has met all the education and training requirements as outlined under ~~Mandatory Training Law~~, former Title 25, section 2805, first paragraph or Title 25, sections 2804-B and 2804-C; and

A-1. Continues to meet all the in-service training requirements pursuant to Title 25, section 2804-E; and

B. Is of good moral character and has no record of conviction of a serious crime.

The qualification ~~and in-service training~~ requirements of paragraph A do not apply to any individual who was employed on a full-time basis by a railroad as a police officer on October 24, 1977.

See title page for effective date.

## CHAPTER 200

S.P. 483 - L.D. 1451

### An Act To Manage the Sea Urchin Fishery

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

**Whereas**, the sea urchin population along the coast of Maine has dramatically declined over the last decade and increased conservation efforts are needed to maintain a viable sea urchin fishery; and

**Whereas**, the sea urchin fishing season will begin on August 31st and this legislation will affect that fishing season; 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 §6404-E** is enacted to read:

#### §6404-E. Suspension based on 3 or more convictions of possessing small sea urchins

The commissioner shall suspend the sea urchin fishing license of any license holder convicted in court of a 3rd or subsequent offense of possessing sea urchins smaller than the minimum size established pursuant to section 6749-A. The suspension must be for at least one year from the date of conviction and may be up to 3 years. Any conviction occurring more than 5 years before the last conviction may not be counted in determining the suspension.

**Sec. 2. 12 MRSA §6749-A**, as amended by PL 2001, c. 327, §9, is repealed and the following enacted in its place:

#### §6749-A. Minimum size

**1. Zone 1 prohibition.** Except as provided in this subsection, a person may not take, possess, ship, transport, buy or sell a sea urchin having shell measurements less than the minimum size established by rule for Zone 1.

A. A person holding a dragging license may take a sea urchin that measures less than the minimum size established by rule for Zone 1 if that sea urchin is harvested by dragging and is immediately culled on board and liberated alive into the marine waters.

B. A person who holds a hand-fishing license may take a sea urchin that measures less than the minimum size established by rule for Zone 1 as provided by the commissioner.

**2. Zone 2 prohibition.** A person may not take, possess, ship, transport, buy or sell a sea urchin having shell measurements less than the minimum size established by rule for Zone 2. A person may take a sea urchin that measures less than the minimum size established by rule for Zone 2 if that sea urchin is culled on board immediately after harvesting and is liberated alive into the marine waters.

**3. Rules.** The commissioner may adopt rules to carry out the purposes of this section and to provide for increases in the minimum shell size of sea urchins after consultation with the Sea Urchin Zone Council. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Penalties.** The following penalties apply to violations of this section.

A. A person who violates this section commits a Class D crime for which a fine of not less than \$500 may be adjudged.

B. A person who violates this section after having previously violated this section commits a Class D crime for which a fine of not less than \$1,000 may be adjudged.

Fines imposed under this subsection may not be suspended.

**Sec. 3. 12 MRSA §6749-O, sub-§5** is enacted to read:

**5. Protection from depletion.** The commission may adopt rules for sea urchin license limited entry system to prohibit a new entry in a year when it is necessary to protect or conserve the urchin fishery from imminent depletion.

**Sec. 4. 12 MRSA §6749-R, sub-§1,** as amended by PL 2001, c. 327, §15, is further amended to read:

**1. Uses of fund.** The commissioner shall use the fund for research directly related to sea urchin fishery management information needs and for reporting to licensed sea urchin harvesters, boat tenders, processors and buyers on the results of research and the use of fund revenues. The purpose of that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery. The commissioner shall consult with the Sea Urchin Zone Council under section 6749-X before deciding upon research projects and awarding grants from the fund. The fund may be used to provide for safety education and training requirements for the sea urchin fishery and to administer management measures for the fishery. The commissioner shall consult with the Sea Urchin Zone Council on the expenditure of funds for these purposes. The fund may also be used to cover the costs associated with determining eligibility for licenses under this subchapter, for law enforcement and support for the Sea Urchin Zone Council, including reimbursement for travel expenses.

Up to 30% of allotted revenues may be used for law enforcement purposes.

**Sec. 5. Report.** The Department of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation of this Act no later than January 1, 2005.

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

Effective May 16, 2003.

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## CHAPTER 201

S.P. 495 - L.D. 1489

### An Act To Update and Amend the Revised Maine Securities Act

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

**Sec. 1. 32 MRSA §10302, sub-§2, ¶B,** as enacted by PL 1985, c. 400, §2, is amended to read:

B. A ~~sales representative~~ bona fide officer, director, partner or member of the issuer, or an individual occupying a similar status or performing similar functions, or a bona fide employee of the issuer who is acting for an issuer in effecting transactions in a security exempt by one or more paragraphs of section 10502, subsection 1, except paragraphs E, F, G, H, I and J;

**Sec. 2. 32 MRSA §10302, sub-§2, ¶C,** as amended by PL 1999, c. 279, §1, is further amended to read:

C. A ~~sales representative~~ bona fide officer, director, partner or member of the issuer, or an individual occupying a similar status or performing similar functions, or a bona fide employee of the issuer who is acting for an issuer effecting offers or sales of securities in transactions exempt by one or more paragraphs of section 10502, subsection 2, except paragraph S;

**Sec. 3. 32 MRSA §10302, sub-§2, ¶D,** as amended by PL 1991, c. 82, §1, is further amended to read:

D. A ~~sales representative~~ bona fide officer, director, partner or member of the issuer, or an individual occupying a similar status or performing similar functions, or a bona fide employee of the issuer who is acting for an issuer effecting transactions with existing employees, partners, offi-