

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

**Sec. 1. 12 MRSA §6071**, as amended by PL 1995, c. 406, §§4 and 5, is further amended to read:

**§6071. Importing of certain marine organisms**

**1. Live importing for introduction into coastal waters.** Except for Atlantic salmon imported by the Atlantic Salmon Authority under Part 12, it is unlawful to ~~introduce or import for introduction, possess for purposes of introduction or introduce into any coastal waters any a live marine organism or to possess any of those introduced or imported organisms without a permit issued by the commissioner pursuant to subsection 2.~~

**2. Permits and regulations on importing for introduction.** The commissioner may grant ~~permits a permit to possess, import and import for introduction,~~ possess for purposes of introduction or introduce ~~an organism to the coastal waters a live marine organism if those actions the introduction, importation or possession will not endanger the indigenous marine life or its environment. Prior to granting a permit to introduce a nonindigenous organism, which that has not been previously introduced under a permit, the commissioner shall hold a hearing. The commissioner may adopt or amend regulations rules governing the importing and introduction of organisms to the coastal waters and the issuing of permits, to the extent required to prevent the introduction of bacteria, fungus, virus or any other infectious or contagious disease or parasite, predator or other organism that may be dangerous to indigenous marine life or its environment.~~

**2-A. Restricting importation of organism.** The commissioner may restrict the importation of a marine organism from a particular location when the commissioner determines that an organism from that location is or may be diseased or infected in any manner. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**3. Organism and products embargoed and condemned.** The commissioner or the commissioner's agent may indefinitely embargo, condemn or order to be destroyed ~~any a marine organisms organism or marine organism product either indigenous or imported and introduced to coastal waters in violation of this section whenever it is determined that the product is of unsound quality; contains any filthy, decomposed or putrid substance; may be poisonous or deleterious to health; or is otherwise unsafe. The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy. if:~~

A. The organism or product is introduced to coastal waters in violation of this section and the commissioner determines that the organism or product is of unsound quality, contains any filthy, decomposed or putrid substance, may be poisonous or deleterious to health or is otherwise unsafe;

B. The organism or product is intended for introduction to coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment; or

C. Handling of the organism or product could result in the introduction of that organism or product to the coastal waters and the commissioner determines the organism or product is diseased or otherwise in a condition that if introduced to coastal waters could endanger indigenous marine life or its environment.

The commissioner shall cooperate with those state and federal agencies having similar responsibility in the protection of public health and in enforcing the order to embargo, condemn or destroy.

If any marine organisms or marine organism product is embargoed, condemned or ordered destroyed, the commissioner or the commissioner's agent shall, as soon as practical, notify the owner in writing of the amount and kind of marine organisms or marine organism product embargoed, condemned or destroyed.

**4. Salmon imports prohibited.** Except as provided in this subsection and section 9906, it is unlawful to import for introduction into any waters of the State any Atlantic salmon, live or as eggs, that originate in any Icelandic or European territorial waters or any other species of salmon, exclusive of rainbow trout, originating west of the North America continental divide. The commissioner may grant an exemption from the provisions of this subsection for a term not to exceed 2 years, renewable upon application, for legitimate aquacultural projects.

See title page for effective date.

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**CHAPTER 154**

**S.P. 233 - L.D. 802**

**An Act to Clarify Liability Coverage**

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

**Sec. 1. 34-B MRSA §3861, sub-§2**, as corrected by RR 1993, c. 2, §36, is amended to read:

**2. State mental health institute.** The chief administrative officer of a state mental health institute:

A. May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3831 or 3863; and

B. May receive for observation, diagnosis, care and treatment in the hospital any person whose admission is applied for under section 3864 or is ordered by a court.

~~Any business entity contracting with the department for psychiatric physician services or any person contracting with a state mental health institute when admitting, treating or discharging a patient, within the state institute, under the provisions of sections 3863 and 3864 under a contract with the department for purposes of civil liability is deemed to be an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741 or the department to provide services pertaining to the admission, treatment or discharge of patients under sections 3863 and 3864 within a state institute or any person contracting with a business entity to provide those services within a state institute is deemed to be a governmental entity or an employee of a governmental entity for purposes of civil liability under the Maine Tort Claims Act, Title 14, chapter 741, with respect to the admission, treatment or discharge of patients within a state institute under sections 3863 and 3864.~~

See title page for effective date.

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## CHAPTER 155

H.P. 618 - L.D. 843

### An Act to Regulate Money Transmitters and Amend Consumer Credit Laws

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

#### PART A

**Sec. A-1. 32 MRSA c. 13, sub-c. VI**, as amended, is repealed.

**Sec. A-2. 32 MRSA c. 80** is enacted to read:

## CHAPTER 80

### MONEY TRANSMITTERS AND CHECK CASHERS

#### SUBCHAPTER I

### MONEY TRANSMITTERS

#### §6101. Short title

This subchapter may be known and cited as the "Money Transmitters Act."

#### §6102. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Administrator.** "Administrator" means the Director of the Office of Consumer Credit Regulation within the Department of Professional and Financial Regulation.

**2. Applicant.** "Applicant" means a person filing an application for a license under this subchapter.

**3. Authorized delegate.** "Authorized delegate" means an entity designated by the licensee under the provisions of this subchapter to engage in the business of selling or issuing payment instruments or to engage in the business of transmitting money on behalf of a licensee.

**4. Control.** "Control" means ownership of, or the power to vote, 25% or more of the outstanding voting securities of a licensee or controlling person. For purposes of determining the percentage of a licensee controlled by any person, the person's interest may be aggregated with the interest of any other person controlled by the person or by any spouse, parent, or child of the person.

**5. Controlling person.** "Controlling person" means any person in control of a licensee.

**6. Executive officer.** "Executive officer" means a licensee's president, senior officer responsible for the licensee's business, chief financial officer or any other person who performs similar functions.

**7. Key shareholder.** "Key shareholder" means a person or group of persons acting in concert that is the owner of 25% or more of any voting class of an applicant's stock.

**8. Licensee.** "Licensee" means a person licensed under this subchapter.

**9. Material litigation.** "Material litigation" means any litigation that, according to generally