

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

Provides funds for the cost of adopting rules on behalf of the State Board of Funeral Service.

See title page for effective date.

## CHAPTER 283

S.P. 204 - L.D. 593

### **An Act to Promote the Recycling of Fish Scales as Agricultural Fertilizer**

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

**Whereas,** the use of fish scales as a crop nutrient supplement is vital to many farms in this State; and

**Whereas,** this legislation simplifies the process for the use of fish scales as a crop nutrient supplement, while maintaining standards to ensure protection of the State's ground and surface water; and

**Whereas,** it is critical to enact the new standards with regard to the use of fish scales to ensure the safe and efficient use of fish scales for this growing 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.** 38 MRSA §1304, sub-§13-D is enacted to read:

**13-D. Use of fish scales as crop nutrient supplements.** A person may use fish scales as a crop nutrient supplement without a license issued pursuant to this chapter as long as:

A. The department has reviewed the process by which the waste fish scales are generated and has approved the use of the scales as a soil amendment on crop farms;

B. The farm using fish scales as a supplement has developed and implemented a nutrient management plan in accordance with the provisions of Title 7, chapter 747 and in accordance with the Department of Agriculture, Food and Rural Resources' rules concerning nutrient management planning; and

C. The person supplying the fish scales provides the following information to the department within 7 days of shipping the fish scales with respect to each person receiving the scales:

(1) The name of the person receiving the fish scales;

(2) The location or locations where the fish scales will be used; and

(3) The quantity of fish scales shipped.

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

Effective May 21, 1999.

## CHAPTER 284

H.P. 832 - L.D. 1155

### **An Act to Amend the Laws Regarding Abandoned Property**

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

**Sec. 1.** 33 MRSA §1953, sub-§1, ¶E, as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

E. A demand, savings or time deposit, including a deposit that is automatically renewable, 5 years after the earlier of maturity or the date of the last indication by the owner of interest in the property; but a deposit that is automatically renewable is deemed matured for purposes of this section upon its initial date of maturity, unless the owner has consented to a renewal at or about the time of the renewal and the consent is in writing or is evidenced by a memorandum or other record on file with the holder; In the case of certain types of deposits, the following rules apply:

(1) In the case of a time deposit that is automatically renewable and whose term is longer than one year, at the date of maturity following the 5th renewal of the deposit after the last indication of interest by the owner; and

(2) In the case of a deposit for the benefit of a minor, the later of 5 years after the last indication of interest by the owner or the date on which the minor reaches 18 years of age;

**Sec. 2. 33 MRSA §1953, sub-§1, ¶¶N and O,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

N. Property in an individual retirement account, defined benefit plan or other account or plan that is qualified for tax deferral under the income tax laws of the United States, including property described in this subsection, 3 years after the earliest of the date of the distribution or attempted distribution of the property, the date of the required distribution as stated in the plan or trust agreement governing the plan or the date, if determinable by the holder, specified in the income tax laws of the United States by which distribution of the property must begin in order to avoid a tax penalty; ~~and~~

O. All other property, 5 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs; and

**Sec. 3. 33 MRSA §1953, sub-§1, ¶P** is enacted to read:

P. Notwithstanding paragraph E, property contained in a prearranged funeral or burial plan described in Title 32, section 1401, including deposits containing funds from such a plan, 3 years after the death of the person on whose behalf funds were paid into the plan.

**Sec. 4. 33 MRSA §1953, sub-§4, ¶¶C and D,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

C. The making of a deposit to or withdrawal from a bank account; ~~and~~

D. The payment of a premium with respect to a property interest in an insurance policy; but the application of an automatic premium loan provision or other nonforfeiture provision contained in an insurance policy does not prevent a policy from maturing or terminating if the insured has died or the insured or the beneficiary of the policy has otherwise become entitled to the proceeds before the depletion of the cash surrender value of a policy by the application of those provisions; and

**Sec. 5. 33 MRSA §1953, sub-§4, ¶E** is enacted to read:

E. For deposits in which the apparent owner has another relationship or account with the holder:

(1) The fact that the apparent owner has indicated an interest with respect to the other relationships or accounts; or

(2) The fact that there is a memorandum or other record on file prepared by the holder indicating that the holder has communicated in writing with the apparent owner with regard to the deposit at the address to which communication regarding the other relationships or deposits are regularly sent.

**Sec. 6. 33 MRSA §1956,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

**§1956. Dormancy charge**

A holder may deduct from property presumed abandoned a charge imposed by reason of the owner's failure to claim the property within a specified time only if there is a valid and enforceable written contract between the holder and the owner under which the holder may impose the charge and the holder regularly imposes the charge, which is not regularly reversed or otherwise canceled. The amount of the deduction is limited to an amount that is not unconscionable. Nothing in this section prevents the holder from deducting fees or charges in lieu of those fees or charges related to the owner's failure to claim the property within a specified period of time when such fees or charges are deducted from the property before the date the property is presumed abandoned.

See title page for effective date.

**CHAPTER 285**

**S.P. 380 - L.D. 1081**

**An Act to Enact the Uniform Foreign Money-judgments Recognition Act**

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

**Sec. 1. 14 MRSA c. 753** is enacted to read:

**CHAPTER 753**

**UNIFORM FOREIGN MONEY-JUDGMENTS RECOGNITION ACT**

**§8501. Short title**

This Act may be cited as the Uniform Foreign Money-judgments Recognition Act.

**§8502. Definitions**

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