

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

of the State Police. This paragraph is repealed July 30, 2002.

See title page for effective date.

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## CHAPTER 654

H.P. 1767 - L.D. 2480

### An Act to Allow Police Assistance in Emergency Situations

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

**Sec. 1. 30-A MRSA §2674**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by adding a new 3rd paragraph to read:

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality and when delay may cause further jeopardy to life or property, the police chief of any municipality or the chief's designee may request assistance from or provide assistance to another municipality whether or not an agreement between the 2 municipalities exists. Each police department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

See title page for effective date.

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## CHAPTER 655

S.P. 924 - L.D. 2375

### An Act to Rid Maine's Waters of Ocean Vessel Sewage

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

#### PART A

**Sec. A-1. Determination and plan regarding state marine sanitation device pump-out station needs and extent of no-discharge zone.** The Department of Environmental Protection shall:

1. Review the number and location of all operational pump-out stations and waste reception facilities at public and private marinas and other boating access facilities within the coastal zone of the State;

2. Apply for grant money under the federal Clean Vessel Act of 1992, 106 Stat. 5086-5091 to construct, renovate, operate and maintain pump-out facilities and to conduct a program to educate vessel owners and operators about the problems caused by the discharge of sanitary waste from vessels;

3. Develop a plan for the construction, renovation or maintenance of pump-out facilities that are necessary to ensure that such facilities are adequate to meet the needs of watercraft using the coastal waters of the State and submit a report on the plan no later than January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

4. Develop a program to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and inform them of the location of pump-out facilities;

5. No later than January 15, 2004, report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of implementing the plan developed pursuant to subsection 3, the adequacy of facilities for the safe and sanitary removal of sanitary waste from watercraft using significant harbors and bays in the State and plans for enforcement of no-discharge zones in the State;

6. No later than January 15, 2005, apply to the United States Environmental Protection Agency for designation of up to 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as "no-discharge zones" pursuant to 33 United States Code, Section 1322. In identifying significant harbors and bays, the commissioner shall give priority to areas that are potentially commercially significant shellfish harvesting resources and areas that have significant boat traffic; and

7. No later than January 15, 2005, report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the feasibility of implementing a no-discharge zone for all the territorial waters of the State.

#### PART B

**Sec. B-1. 38 MRSA §423-B**, as enacted by PL 1989, c. 433, §2, is repealed and the following enacted in its place:

**§423-B. Watercraft sanitary waste pump-out facilities at marinas**

**1. Definitions.** For the purposes of this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Marina" means a facility that provides supplies or services and has the capacity to provide any combination of slip space or mooring for 18 or more vessels that exceed 24 feet in length.

B. "Pump-out facility" means a facility that pumps or receives sanitary wastes out of marine sanitation devices that are specifically designed to receive, retain and discharge sanitary wastes and that are installed on board watercraft. "Pump-out facility" includes a stationary pump-out station, a portable marine toilet dump station and a mobile pump-out vessel.

**2. Pump-out facilities required.** A marina serving coastal waters shall provide a pump-out facility or provide through a written contractual agreement approved by the commissioner a facility to remove sanitary waste from the holding tanks of watercraft.

**3. Exception.** A marina is not required to meet the requirements in subsection 2 until a grant for the construction or renovation of a pump-out facility or the initial cost of a contractual agreement is offered to that marina pursuant to subsection 4.

**4. Cost share.** Subject to the availability of funds, the commissioner shall award grants using a combination of federal and state funds for the costs of constructing, renovating, operating and maintaining pump-out facilities and providing facilities through contractual agreements according to the following schedule:

A. The commissioner shall pay 90% of these costs incurred by municipal marinas; and

B. The commissioner shall pay up to 75% of these costs incurred by marinas other than municipal marinas.

When awarding grants, the commissioner shall give priority to a pump-out facility over a contractual agreement and shall give priority to a pump-out facility that the Commissioner of Marine Resources certifies is likely to result in the opening of a shellfish harvesting area that is closed under Title 12, section 6172.

See title page for effective date.

**CHAPTER 656**

**S.P. 1007 - L.D. 2574**

**An Act to Harmonize State Financial Services Laws with Federal Law**

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

**Whereas,** the federal Financial Services Modernization Act of 1999 provides that if state law does not allow a mutual insurance company to reorganize as a stock insurer within a mutual holding company structure, a mutual insurance company may transfer its domicile to any state that has such a law without submitting a withdrawal plan to the Superintendent of Insurance; and

**Whereas,** Maine law does not currently allow a mutual insurance company to reorganize as a stock insurer within a mutual holding company structure; and

**Whereas,** this Act authorizes a mutual insurance company to reorganize as a stock insurer within a mutual holding company structure; 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. 9 MRSA §5007,** as amended by PL 1981, c. 456, Pt. A, §31, is further amended by adding at the end a new paragraph to read:

This section does not apply to a national bank, a federal savings bank, a subsidiary of a national bank or federal savings bank or any other financial institution or credit union chartered under the laws of the United States or any state and subject to supervision and regulation by a federal financial regulatory agency.

**Sec. 2. 9 MRSA §5008, sub-§4** is enacted to read:

**4. Exemption.** This section does not apply to a national bank, a federal savings bank, a subsidiary of a national bank or federal savings bank or any other financial institution or credit union chartered under the laws of the United States or any state and subject to supervision and regulation by a federal financial regulatory agency.