

# 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**

cover the cost of the trap tags and the costs of administering and enforcing the lobster trap tag system. Trap tag fees must be deposited in the Lobster Management Fund established under section 6431-C.

**5. Boat declaration.** The marine harvesting demonstration license holder shall declare the name of the vessel to be used for fishing under the license at the time of application for the license and may not change that vessel during the license year unless otherwise authorized by the department.

An individual who holds a marine harvesting demonstration license may assist another person who holds a marine harvesting demonstration license on that person's vessel without declaring the name of that vessel. The individual who assists another license holder must have written permission from that license holder before handling that person's demonstration lobster traps, warps or buoys.

**6. Demonstration vessel identification.** A vessel may not be used for the purposes of this section unless that vessel is clearly identified as provided by the commissioner under this subsection. The commissioner shall establish the type and specifications of vessel identification to be used for purposes of this section. The commissioner may impose an administrative fee to cover costs associated with implementing this subsection.

**7. Additional requirements for lobster and crab harvesting demonstrations.** A person may not demonstrate lobster or crab harvesting methods under this section unless that person holds a marine harvesting demonstration license and:

A. Has successfully completed a lobster and crab fishing written examination as provided in section 6423; or

B. Held a Class I, Class II or Class III lobster and crab fishing license and has landed lobster under that license.

An individual who successfully completes the examination under paragraph A is not required to repeat that examination to renew a marine harvesting demonstration license.

**8. Fee.** The fee for a marine harvesting demonstration license is \$25.

**9. Rules.** The commissioner may adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**10. Application of laws.** Except as provided in this section, licenses issued under this section are subject to applicable laws under this Part.

**11. Violation.** A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$1,000 may be adjudged.

**Sec. 2. Report on marine harvesting demonstration licenses.** The Commissioner of Marine Resources shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters on the implementation and effectiveness of marine harvesting demonstration licenses issued under the Maine Revised Statutes, Title 12, section 6810-A no later than January 1, 2006.

**Sec. 3. Effective date.** This Act takes effect January 1, 2004.

Effective January 1, 2004.

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## CHAPTER 170

S.P. 457 - L.D. 1387

### An Act Concerning the Renewal of Commercial Harvester and Dealer Licenses

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

**Sec. 1. 12 MRSA §6173,** as amended by PL 1985, c. 268, §2, is repealed and the following enacted in its place:

#### **§6173. Confidentiality of statistics**

**1. Collection and reporting of statistics.** The commissioner may, with the advice and consent of the advisory council, adopt rules to collect pertinent data with respect to the fisheries, including, but not limited to, information regarding the type and quantity of fishing gear used, catch by species in numbers of fish or weight, areas in which fishing was conducted, time of fishing, number of hauls and the estimated processing capacity of, and the actual processing capacity utilized by United States fish processors. The commissioner may collect statistics from any source and may require reporting of these statistics. The information collected by or reported to the commissioner is confidential and may not be disclosed in a manner or form that permits identification of any person or vessel, except when required by court order or when specifically permitted under this section. The commissioner may share data collected under this section with the National Marine Fisheries Service or successor organization for research or fisheries management purposes, provided that federal laws and

regulations protect the confidentiality of the shared data. The commissioner shall adopt rules to carry out the purposes of this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

2. **Renewal of licenses.** If a holder of a license issued under this Part fails to provide information required under this section, the commissioner may refuse to renew that holder's license until the holder complies with the requirements of this section.

**Sec. 2. 12 MRSA §6804, sub-§4**, as enacted by PL 1999, c. 491, §5 and affected by §9, is repealed.

**Sec. 3. 12 MRSA §6808, sub-§3**, as enacted by PL 2001, c. 186, §1, is repealed.

**Sec. 4. 12 MRSA §6851, sub-§2-D**, as enacted by PL 1999, c. 491, §6 and affected by §9, is amended to read:

**2-D. Wholesale seafood license with shrimp permit.** At the request of the applicant, the commissioner shall issue a wholesale seafood license with a shrimp permit. A person holding a wholesale seafood license with a shrimp permit may engage in all of the activities in subsection 2 and may buy, sell, ship or transport shrimp.

~~The commissioner shall adopt rules regarding data that the holder of a wholesale seafood license with a shrimp permit must submit to the department. The commissioner may deny an application for the renewal of a wholesale seafood license with a shrimp permit if the license holder fails to report the information required pursuant to this subsection.~~

**Sec. 5. 12 MRSA §6864, sub-§6**, as enacted by PL 1999, c. 7, §15, is repealed.

See title page for effective date.

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## CHAPTER 171

S.P. 496 - L.D. 1490

### An Act To Update and Clarify the Law Regarding the Conversion of a Nonprofit Hospital and Medical Service Organization to a Domestic Stock Insurer

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

**Sec. 1. 5 MRSA §194, sub-§1**, as enacted by PL 2001, c. 550, Pt. A, §1, is amended to read:

**1. Definition.** As used in this section and sections 194-A to 194-H and section 194-K, "public

charity" means an entity formed primarily for charitable purposes, including but not limited to:

A. A corporation formed under Title 13 or Title 13-B primarily for charitable purposes; and

B. A charitable trust.

**Sec. 2. 5 MRSA §194-A, sub-§1, ¶I**, as enacted by PL 1997, c. 344, §1, is amended to read:

I. "Materially changes its form" or "material change in form" means any transaction that the superintendent or Attorney General determines has transferred control of the organization to a ~~noncharitable organization~~ person other than a public charity as defined in section 194, substantially changed the organization's legal or regulatory status or substantially changed the organization's purposes, including, but not limited to, conversion, dissolution, merger, division, consolidation, amalgamation, disposition of substantially all of an organization's business, line of business or assets, lease, exchange, restructuring or bulk reinsurance transfer.

**Sec. 3. 5 MRSA §194-A, sub-§2**, as enacted by PL 1997, c. 344, §1 and affected by §10, is amended to read:

**2. Charitable status of organization.** Any nonprofit hospital and medical service organization is a charitable and benevolent institution and a public charity and its assets are held for the purpose of fulfilling the charitable purposes of the organization. The charitable purposes may include, but are not limited to, the following: providing access to medical care through affordable health insurance and affordable managed care products for persons of all incomes; identifying and addressing the State's unmet health care needs, particularly with regard to medically uninsured and underserved populations; making services and care available through participating providers; and improving the quality of care for medically uninsured and underserved populations. ~~The following ownership interests apply in any proceeding in court or before the superintendent in which the ownership of the organization is at issue or is relevant.~~

A. If the organization materially changes its form ~~on or before December 31, 2000 and the ownership of an organization is at issue or is relevant in any proceeding in court or before the superintendent~~, then 100% of the fair market value of the organization as of the date of the material change in form is must be owned by the charitable trust upon the approval or approval with modifications of the charitable trust plan or modified charitable trust plan by the court pursu-