

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.

Penmor Lithographers
Lewiston, Maine
2003

that there are no other reasonable alternatives available. Discharges into waters of this classification licensed prior to January 1, 1986, are allowed to continue only until practical alternatives exist. ~~There may be no deposits of any material on the banks of these waters in any manner so that transfer of pollutants into the waters is likely.~~ This paragraph does not apply to the discharge of storm water.

Sec. 4. 38 MRSA §465, sub-§2, ¶¶D and E are enacted to read:

D. Storm water discharges to Class A waters must be in compliance with state and local requirements.

E. Material may not be deposited on the banks of Class A waters in any manner that makes transfer of pollutants into the waters likely.

Sec. 5. Report. By February 1, 2004, the Department of Environmental Protection shall report to the Joint Standing Committee on Natural Resources with recommendations for improving the effectiveness of storm water management in this State. These recommendations may include draft rules pursuant to the Maine Revised Statutes, Title 38, sections 413 and 420-D to regulate storm water discharges to impaired waters from existing development where necessary to allow restoration of water quality and from new development both during and after construction. The department may also make recommendations concerning other issues such as encouraging the creation of local or regional storm water utility districts and funding storm water management programs at the state and local level, including long-term efforts to inspect, maintain and upgrade or retrofit storm water management systems in impaired or at-risk watersheds or sensitive or threatened regions or watersheds.

The department shall consult with state and federal agencies as well as representatives of interested stakeholder groups, including business and environmental groups and the Maine Municipal Association, when developing these recommendations. The Joint Standing Committee on Natural Resources may report out legislation based on the recommendations related to storm water management to the Second Regular Session of the 121st Legislature.

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

Effective May 27, 2003.

CHAPTER 319

H.P. 1039 - L.D. 1416

An Act To Create the Scallop Advisory Council and the Scallop Research Fund

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

Sec. 1. 5 MRSA §12004-I, sub-§57-F is enacted to read:

<u>57-F.</u>	<u>Scallop</u>	<u>Expenses</u>	<u>12 MRSA</u>
<u>Marine</u>	<u>Advisory</u>	<u>Only</u>	<u>§6729-B</u>
<u>Resources</u>	<u>Council</u>		

Sec. 2. 12 MRSA c. 623, sub-c. 2, art. 3 is enacted to read:

Article 3

Scallop Research

§6729. License surcharges

1. License surcharges. The following surcharges are assessed on licenses issued by the department:

- A. For a hand fishing scallop license, \$100;
- B. For a scallop dragger license, \$100; and
- C. For a scallop diving tender license, \$50.

2. Deposit. The commissioner shall deposit surcharges assessed in this section in the Scallop Research Fund under section 6729-A.

§6729-A. Scallop Research Fund

The Scallop Research Fund, referred to in this section as "the fund," is established in the department. Balances in the fund may not lapse and must be carried forward to the next fiscal year.

1. Uses of fund. The commissioner shall use the fund for research directly related to scallop fishery management information needs and for reporting to licensed scallop harvesters on the results of research and the use of fund revenues. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of scallop resources. The commissioner shall consult with the Scallop Advisory Council under section 6729-B before deciding upon research projects and awarding grants from the fund. The fund may also be used for support of the Scallop Advisory Council, including reimbursement for travel expenses.

2. Sources of revenue. The fund is capitalized by surcharges assessed under section 6729. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

3. Scallop Advisory Council. The commissioner shall consult with the Scallop Advisory Council under section 6729-B on the expenditure of funds under this section.

§6729-B. Scallop Advisory Council

1. Appointment; composition. The Scallop Advisory Council, referred to in this section as "the council," established by Title 5, section 12004-I, subsection 57-F, consists of 13 members. The commissioner shall appoint the members as follows:

- A. Four scallop harvesters who hold current hand fishing scallop licenses;
- B. Four scallop harvesters who hold current scallop draggers licenses;
- C. Two wholesale seafood license holders who deal in scallops;
- D. Two scientists who have expertise in marine resources management; and
- E. One person who is a public member.

The commissioner shall ensure geographic representation in making appointments under paragraphs A and B.

2. Term. A member serves for a 2-year term, except that a vacancy must be filled by the commissioner for the unexpired portion of a term. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category of members listed in subsection 1 as the member who vacated the council. A member continues to serve until the member's successor is appointed.

3. Purpose. The council shall make recommendations to the commissioner concerning:

- A. Research projects and grants made by the Scallop Research Fund. The council may seek advice from scientists who have expertise in marine resources management in determining the research needs for the scallop fishery; and
- B. Other matters of interest to the scallop fishery.

4. Compensation. Members are entitled to expenses according to Title 5, chapter 379.

5. Chair and officers. The council shall choose annually one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

6. Meetings. The council shall meet at least once a year. It may also meet at other times at the call of the chair or the chair's designee or at the call of the commissioner or the commissioner's designee.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

MARINE RESOURCES, DEPARTMENT OF

Bureau of Resource Management

Initiative: Allocates funds for the Scallop Research Fund.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$75,375	\$100,500
Other Special		
Revenue Funds Total	\$75,375	\$100,500

See title page for effective date.

CHAPTER 320

H.P. 1035 - L.D. 1413

An Act To Clarify Maine Law Relating to Viatical Settlements

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

Sec. 1. 24-A MRSA §6809, sub-§4, as enacted by PL 1997, c. 430, §1 and affected by §2, is amended to read:

4. Transfer of insurance policy. Immediately upon receipt from the viator of documents to effect the transfer of the insurance policy, the viatical settlement provider shall pay the proceeds of the settlement to an escrow or trust account managed by an independent trustee or escrow agent in a state-chartered or federally chartered financial institution ~~that is a member of the federal reserve system,~~ whose deposits are insured by the Federal Deposit Insurance Corporation or its successor, pending acknowledgment of the transfer by the issuer of the policy. The trustee or escrow agent shall transfer the proceeds due to the viator or otherwise according to the viator's written instructions immediately upon receipt of acknowledgment of the transfer from the insurer.

Sec. 2. Review of life settlement contracts. The Superintendent of Insurance shall conduct the following review and submit legislation as follows.