

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

(b) A description of the procedures for reporting possible fraudulent viatical or life settlement acts to the superintendent;

(c) A description of the plan for anti-fraud education and training of underwriters and other personnel; and

(d) A description or chart outlining the organizational arrangement of the antifraud personnel who are responsible for the investigation and reporting of possible fraudulent viatical or life settlement acts and investigating unresolved material inconsistencies between medical records and insurance applications.

C. Antifraud plans submitted to the superintendent are privileged and confidential and are not a public record under Title 1, chapter 13 or subject to discovery or subpoena in a civil or criminal action.

**§6819. Civil remedies; individual remedy**

1. Civil remedies and enforcement. In addition to the penalties available pursuant to section 6814, the superintendent may assess fines or take any other enforcement action permitted under section 12-A against any person who violates any provision of this chapter.

2. Superior Court action. Any person who is injured by any action of a person in violation of this chapter may bring an action in Superior Court. The requirements for notice and filing of a cause of action under this subsection are governed by the Maine Rules of Civil Procedure. The person may recover damages, together with costs and disbursements.

3. No private right of action. Except as specifically provided in subsection 2, this chapter provides no express or implied private right of action.

**Sec. 19. Bureau of Insurance report.** The Superintendent of Insurance shall prepare a report that addresses the market conditions for life settlements in this State and identifies any problem areas or issues within the market for life settlements, including any consumer complaints received by the Bureau of Insurance. The superintendent shall submit the report no later than February 1, 2006 to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters. The committee may report out legislation to the Second Regular Session of the 122nd Legislature to make any changes to the laws regulating life settlements.

See title page for effective date.

**CHAPTER 637**

**S.P. 705 - L.D. 1858**

**An Act To Change the Point System for Clearing Vegetation Adjacent to Protected Natural Resources**

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

**Sec. 1. 38 MRSA §480-Q, sub-§23,** as enacted by PL 2001, c. 618, §5, is amended to read:

**23. Cutting or clearing subject to mandatory shoreland zoning laws.** Cutting or clearing of upland vegetation adjacent to those protected natural resources listed in section 480-C, subsection 1, paragraph A or B for a purpose other than forest management as long as:

A. The cutting or clearing is subject to the jurisdiction of a municipality pursuant to chapter 3, subchapter ~~1~~ 1, article 2-B; or

B. If the cutting or clearing is not subject to the jurisdiction of a municipality pursuant to chapter 3, subchapter ~~1~~ 1, article 2-B, vegetation within the adjacent area is maintained as follows:

(1) There is no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown, except that a footpath may be ~~constructed~~ established for the purpose of access to water if it does not exceed 6 feet in width as measured between tree trunks and has at least one bend in its path to divert channelized runoff;

(2) Any selective cutting of trees within the buffer strip leaves a well-distributed stand of trees and other natural vegetation.

(a) For the purposes of this subparagraph, a "well-distributed stand of trees ~~and other natural vegetation~~" is defined as maintaining a rating score of ~~8~~ 16 or more points in a 25-foot by ~~25-foot square~~ 50-foot rectangular area as determined by the following rating system.

(i) A tree with a diameter at 4 1/2 feet above ground level of ~~2 to 4~~ 2.0 to less than 4.0 inches has a point value of one.

(ii) A tree with a diameter at 4 1/2 feet above ground level of ~~more than 4 inches and up to and~~

~~including 12 4.0 inches to less than 8.0 inches~~ has a point value of 2.

(iii) A tree with a diameter at 4 1/2 feet above ground level of ~~more than 12 8.0 inches to less than 12.0 inches~~ has a point value of 4.

(iv) A tree with a diameter at 4 1/2 feet above ground level of 12.0 or more inches has a point value of 8.

(b) In applying this point system:

(i) The ~~25-foot by 25-foot square~~ 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but may not overlap, a previous plot;

(iii) Any plot not containing the required points may have no vegetation removed except as otherwise allowed by this subsection; ~~and~~

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this subsection; and

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

(c) For the purposes of this subparagraph, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot;

(3) In addition to the requirements of subparagraph (2), no more than 40% of the total volume of trees ~~4 4.0 inches or more in diameter, measured 4 1/2 feet above ground level, is selectively cut in any 10-year period;~~

~~(4) In order to protect water quality and wildlife habitat, existing vegetation under 3 feet in height and other ground cover is not removed except for construction of a footpath as provided in subparagraph (1);~~

(5) Tree branches are not pruned except on the bottom 1/3 of the tree as long as tree vitality will not be adversely affected; and

(6) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings are replanted with native tree species unless there is existing new tree growth.

~~Cleared openings legally in existence on September 1, 2002 may be maintained but may not be enlarged.~~

Cleared openings legally in existence on September 1, 2002 may be maintained but may not be enlarged.

This subsection applies to an area with vegetation composed primarily of shrubs, trees or other woody vegetation without regard to whether the area was previously cut or cleared;

**Sec. 2. Rulemaking.** Notwithstanding Resolve 1999, chapter 116, rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

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## CHAPTER 638

H.P. 1390 - L.D. 1870

### An Act To Prohibit the Sale of Gasoline Containing MTBE

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

**Sec. 1. 10 MRSA §2302, sub-§4-A** is enacted to read: