

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.

Penmor Lithographers
Lewiston, Maine
2004

extent allowable under federal law in relation to required reporting or cooperating with the department in an investigation or other protective activity under this chapter. Information released to the department pursuant to this section must be kept confidential and may not be disclosed by the department except as provided in section 3474.

Sec. 17. 22 MRSA §3484, as enacted by PL 1981, c. 527, §2, is amended to read:

§3484. Payment for protective services

At the time the department makes an evaluation of the case reported, it ~~shall~~ must be determined, according to regulations set by the commissioner, whether the incapacitated or dependent adult is financially capable of paying for the essential services. To the extent that assets are available to the incapacitated or dependent ~~adults, or wards~~ adult, ward or protected person, the cost of services ~~shall~~ must be borne by the estate of ~~persons~~ the person receiving those services.

Sec. 18. 22 MRSA §3485, as amended by PL 1995, c. 183, §1, is further amended to read:

§3485. Reporting abuse

Upon finding evidence indicating that a person has abused ~~or~~ neglected or exploited an incapacitated or dependent adult, resulting in serious harm, ~~or has exploited an incapacitated or dependent adult~~, the department shall notify the district attorney or law enforcement agency.

Sec. 19. 22 MRSA c. 958-A, sub-c. 3, as enacted by PL 1983, c. 575, §1, is repealed.

Sec. 20. 22 MRSA c. 958-A, sub-c. 4 is enacted to read:

SUBCHAPTER 4

RULES

§3493. Rules

The department may adopt rules in accordance with Title 5, chapter 375, subchapter 2-A to carry out this chapter.

Sec. 21. 22 MRSA §5106, sub-§11-B, as enacted by PL 1989, c. 329, §16, is amended to read:

11-B. Adult protective services. Administer a program of protective services as provided in chapter 958-A designed to protect incapacitated and dependent adults, other than adults who are mentally retarded,

from abuse, neglect, exploitation and physical danger. The program is described in the Adult Protective Services Act, ~~sections 3471 to 3492;~~

See title page for effective date.

CHAPTER 654

S.P. 751 - L.D. 1910

**An Act To Implement the
Recommendations of the Committee
To Study the Revenue Sources of the
Office of Consumer Credit
Regulation**

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

Sec. 1. 9-A MRSA §6-203, sub-§3-B, as enacted by PL 1993, c. 268, §2, is repealed and the following enacted in its place:

3-B. Notwithstanding subsections 2 and 3, lenders regulated by the Office of Consumer Credit Regulation who are supervised lenders making loans secured by an interest in land shall pay a volume fee on the original unpaid balances arising from consumer credit transactions entered into in this State during the previous calendar year of:

A. Fifteen dollars for each \$100,000, or part thereof, if the fund balance of the Office of Consumer Credit Regulation as of October 1st of the previous calendar year exceeds 125% of the office's current annual budget; or

B. Twenty dollars for each \$100,000, or part thereof, if the fund balance of the Office of Consumer Credit Regulation as of October 1st of the previous calendar year does not exceed 125% of the office's current annual budget.

Sec. 2. 9-A MRSA §6-203, sub-§3-C is enacted to read:

3-C. The administrator may adjust the volume fees set out in subsections 2, 3 and 3-B by rule not more frequently than annually. In setting the fees, the administrator shall consider the reasonable costs of regulation of all aspects of such transactions and the staffing levels required to administer the responsibilities of the Office of Consumer Credit Regulation. The fee assessed pursuant to subsections 2 and 3 may not exceed \$25 per \$100,000, and the fee assessed pursuant to subsection 3-B may not exceed \$20 per \$100,000. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. Report. The Department of Professional and Financial Regulation, Office of Consumer Credit Regulation shall review the various license and registration fees assessed by the office and make recommendations on how to assess those fees in an equitable manner. The recommendations must be submitted to the joint standing committee of the Legislature having jurisdiction over insurance and financial services matters and the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on or before January 5, 2005. Nothing in this section prohibits the Director of the Office of Consumer Credit Regulation from adjusting volume fees pursuant to the Maine Revised Statutes, Title 9-A, section 6-203, subsection 3-C prior to a review under this section.

See title page for effective date.

CHAPTER 655

H.P. 1421 - L.D. 1920

An Act To Revise the Fish and Wildlife Laws To Complement the Recodification of Those Laws

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

Whereas, certain provisions of this Act need to take effect prior to 90 days after adjournment to further protect Maine's inland waters from invasive species; 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:

PART A

Sec. A-1. 12 MRSA §7794-C, as enacted by PL 2001, c. 434, Pt. A, §3, is amended to read:

§7794-C. Lake and river protection sticker required

Beginning January 1, 2002, a person may not operate or place a motorboat or personal watercraft on the inland waters of the State unless a valid lake and

river protection sticker issued annually under section 7794-B is affixed to both sides of the bow above the water line and approximately 3 inches behind the validation sticker required under section 7794.

Sec. A-2. Effective date. This Part takes effect when approved.

PART B

Sec. B-1. 12 MRSA §10001, sub-§3-A is enacted to read:

3-A. Aquarium. "Aquarium" means an enclosed container used in importing, possessing or displaying nonnative and exotic species of fish or other aquatic organisms that has a closed operating system, that is located within a home, exhibition building or other permanent all-season structure and that does not allow the discharge of water or aquatic organisms into the inland waters of the State.

Sec. B-2. 12 MRSA §10001, sub-§9, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

B. In Washington County: East Grand Lake; Mud Lake; St. Croix River; Spednic Lake; and Grand Falls flowage.

Sec. B-3. 12 MRSA §10001, sub-§10, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

Sec. B-4. 12 MRSA §10001, sub-§20, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

20. Exotic. "Exotic" means of foreign nature or character, not native, ~~introduced from abroad, and not fully naturalized or acclimatized.~~

Sec. B-5. 12 MRSA §10001, sub-§22, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

22. Fish, the noun. "Fish" means a cold-blooded, completely aquatic vertebrate characteristically having gills, fins and an elongated streamlined body usually covered with scales; and includes any physical part of a fish. The term refers to fish living predominantly in inland waters; and ~~anadromus to anadromous and catadromus catadromous~~ fish while in inland waters. Whenever the name of a fish, such as "bass" or "trout," is used, it means the named fish or any of its physical parts.

Sec. B-6. 12 MRSA §10001, sub-§27, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read: