

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

2-A. Wholesale seafood license with lobster permit. At the request of the applicant, the commissioner shall issue a wholesale seafood license with a lobster permit. A person holding a wholesale seafood license with a lobster permit may engage in all the activities in subsection 2 and may buy, sell, process, ship or transport lobster or properly permitted or lawfully imported lobster meat or parts anywhere within the state limits. A license under this subsection does not authorize a person to possess or transport lobster that person has taken unless that person is in possession of a license issued under section 6421, subsection 3-A, paragraph A, B, C or E. A license under this subsection does not authorize a person to remove lobster meat from the shell unless a permit under section 6857 is held.

Sec. 9. 12 MRSA §6851, sub-§4, as amended by PL 2001, c. 421, Pt. B, §53 and affected by Pt. C, §1, is further amended to read:

4. License limited. A license under this section authorizes activities at only one establishment or with only one vehicle, but not on a vessel rigged to fish, provided that this license also authorizes the sale and transportation of scallops from any vessel. The limitation in this subsection does not apply to holders of licenses issued under section 6421 when they are transporting lobsters on the vessel they have declared on their lobster license application.

Sec. 10. 12 MRSA §6862, sub-§§2 and 4, as amended by PL 2001, c. 421, Pt. B, §61 and affected by Pt. C, §1, are further amended to read:

2. Permitted activity. A lobster tail permit authorizes a wholesale seafood license holder to remove a lobster tail from a lobster and to process that whole lobster tail ~~or portions of that lobster tail~~ under the following conditions.

A. The lobster tail ~~or lobster tail portions~~ may be processed only at the establishment named in the permit.

B. The lobster tail ~~or lobster tail portions~~ may come from only a legal-sized lobster, as defined in section 6431.

C. All containers in which lobster tails ~~or lobster tail portions~~ are packed to be sold, shipped or transported must be clearly labeled with the name, address and permit number of the packer.

4. Rules. The commissioner, in accordance with Title 5, chapter 375, may adopt rules necessary for implementation and enforcement of this section. These rules may include provisions for determining that lobster tails ~~or lobster tail portions~~ processed by a wholesale seafood license holder under this section were removed by that wholesale seafood license

holder from legal-sized lobsters and other provisions as may be determined necessary.

Sec. 11. Retroactivity. That portion of this Act that enacts the Maine Revised Statutes, Title 12, section 6448, subsection 2, paragraph E applies retroactively to April 1, 2005. That portion of this Act that enacts Title 12, section 6448, subsection 2, paragraph F applies retroactively to October 1, 2004.

See title page for effective date.

CHAPTER 240

H.P. 441 - L.D. 608

An Act To Assist Municipal Implementation and Enforcement of Storm Water Management Programs

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

Sec. 1. 4 MRSA §152, sub-§6-A, ¶O, as enacted by PL 1989, c. 878, Pt. A, §7, is amended to read:

O. Local ordinances regarding air pollution control enacted pursuant to Title 38, section 597; ~~and~~

Sec. 2. 4 MRSA §152, sub-§6-A, ¶P, as amended by PL 1999, c. 731, Pt. ZZZ, §4 and affected by §42, is further amended to read;

P. The laws pertaining to harbors in Title 38, chapter 1, subchapter ~~1~~ 1; local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; ~~and~~

Sec. 3. 4 MRSA §152, sub-§6-A, ¶Q is enacted to read:

Q. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules;

Sec. 4. 30-A MRSA §4452, sub-§5, ¶Q, as amended by PL 1989, c. 287, §3, is further amended to read:

Q. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those ~~which that~~ were state-imposed; ~~and~~

Sec. 5. 30-A MRSA §4452, sub-§5, ¶R, as enacted by PL 1989, c. 287, §4, is amended to read:

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; and

Sec. 6. 30-A MRSA §4452, sub-§5, ¶S is enacted to read:

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules.

See title page for effective date.

CHAPTER 241

H.P. 355 - L.D. 480

An Act To Reduce Costs Caused by New Procedure Changes for Health Care Providers

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

Sec. 1. 22 MRSA §42, sub-§9 is enacted to read:

9. Effective date of newly adopted rules. Notwithstanding any other provision of law, when the department adopts a rule affecting a process or procedural change for licensed health care providers, the rule may not take effect for at least 30 days unless the department determines that an emergency rule is necessary pursuant to Title 5, section 8054 or unless the rule affects reimbursement rates applicable to those licensed health care providers. For the purposes of this subsection, "licensed health care provider" means a physician, clinic, hospital, health maintenance organization, home health agency, private clinical laboratory or other person who provides primary health care services and is registered or licensed by the State.

See title page for effective date.

CHAPTER 242

S.P. 509 - L.D. 1483

An Act To Amend the Laws Governing Reimbursement of Nursing Facilities and Nursing Home Admission Contracts

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

Sec. 1. 22 MRSA §1720 is enacted to read:

§1720. Nursing facility medical director reimbursement

The department shall include in its calculation of reimbursement for services provided by a nursing facility an allowance for the cost of a medical director in a base year amount not to exceed \$10,000, with that amount being subject to an annual cost-of-living adjustment.

See title page for effective date.

CHAPTER 243

S.P. 190 - L.D. 581

An Act Regarding Identity Theft Deterrence

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

Sec. 1. 10 MRSA §1312, sub-§6-B is enacted to read:

6-B. Identity theft. "Identity theft" means the unauthorized use of another person's personal identifying information to obtain credit, goods, services, money or property.

Sec. 2. 10 MRSA §1312, sub-§§10-B and 10-C are enacted to read:

10-B. Proper identification. "Proper identification" means that information generally considered sufficient to identify a person.

10-C. Security freeze or freeze. "Security freeze" or "freeze" means a notice placed in a consumer report at the request of the consumer pursuant to section 1313-C that prohibits a consumer reporting agency from releasing the consumer's report or any information in the report without that consumer's express authorization.

Sec. 3. 10 MRSA §§1313-C, 1313-D and 1313-E are enacted to read: