

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

suant to ~~section 82, subsection 8~~ Title 4, section 955-C, subsection 3.

**Sec. 6. 5 MRSA §82-B, sub-§3, ¶B**, as enacted by PL 2007, c. 285, §2, is repealed.

**Sec. 7. 5 MRSA §82-B, sub-§7**, as enacted by PL 2007, c. 285, §2, is amended to read:

**7. Review of complaints.** The board shall review complaints against notaries public made pursuant to ~~section 82, subsection 8~~ Title 4, section 955-C, subsection 3 and make recommendations to the Secretary of State on the appropriate disposition of such complaints. The board may hold a hearing as part of its review to determine whether grounds exist for denial of commission, suspension of commission, revocation of commission or renewal of commission or other action necessary to the fulfillment of the Secretary of State's responsibility under the laws of this State. The board may recommend to the Secretary of State that the complaint be dismissed or that a notary public's commission be denied, suspended, revoked or not renewed or any other action that the board determines to be appropriate.

See title page for effective date.

## CHAPTER 75

### S.P. 112 - L.D. 348

#### **An Act To Facilitate the Removal of Dams That Pose a Hazard to Public Safety and the Installation and Repair of Fishways**

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

**Sec. 1. 38 MRSA §480-Q, sub-§25**, as amended by PL 2005, c. 330, §15, is further amended to read:

**25. Existing agricultural fields and pastures.** Maintenance, but not enlargement, of agricultural fields and pastures in existence on September 1, 2002 that are adjacent to a river, stream or brook not regulated by a municipality under chapter 3, subchapter 1, article 2-B; ~~and~~

**Sec. 2. 38 MRSA §480-Q, sub-§26**, as enacted by PL 2005, c. 330, §16, is amended to read:

**26. Overboard wastewater system.** Installation, maintenance or removal of a licensed overboard discharge treatment system, including the outfall pipe, if:

- A. Erosion control measures are taken to prevent sedimentation of the water;
- B. Effects of construction activity on the protected natural resource are minimized; and

C. The activity is approved by the department as provided in the department's rules concerning overboard discharges adopted pursuant to section 414-A; ~~;~~

**Sec. 3. 38 MRSA §480-Q, sub-§27** is enacted to read:

**27. Fishways.** Erection, maintenance, repair or alteration of a fishway in a dam or other artificial obstruction when required by the Commissioner of Inland Fisheries and Wildlife pursuant to Title 12, section 12760 or by the Commissioner of Marine Resources pursuant to Title 12, section 6121;

**Sec. 4. 38 MRSA §480-Q, sub-§28** is enacted to read:

**28. Release of water from dam after petition by owner for release from dam ownership or water level maintenance.** Activity associated with the release of water from a dam pursuant to an order issued by the department pursuant to section 905; and

**Sec. 5. 38 MRSA §480-Q, sub-§29** is enacted to read:

**29. Dam safety order.** Activity associated with the breach or removal of a dam pursuant to an order issued by the Commissioner of Defense, Veterans and Emergency Management under Title 37-B, chapter 24.

See title page for effective date.

## CHAPTER 76

### S.P. 57 - L.D. 171

#### **An Act To Extend the Season for Training Hunting Dogs**

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

**Whereas**, it is vital to the management of game species that adequate opportunity exist for hunters to properly train their hunting dogs; and

**Whereas**, hunting dog training season begins on July 1, 2009; 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:**

**Sec. 1. 12 MRSA §12051, sub-§1-A** is enacted to read:

**1-A. Open training season 2009-2010.** Notwithstanding subsection 1, beginning July 1, 2009 and ending June 30, 2010, unless otherwise provided in this Part, a person may not:

A. Engage in activities authorized under this subsection unless that person possesses a valid hunting license issued under section 11109; and

B. Train dogs on wild birds and wild animals except as specified in this paragraph.

(1) A person may train dogs on foxes, rabbits and raccoons from July 1st through the following March 31st, including Sundays.

(2) A person may train sporting dogs on wild birds at any time, including Sundays.

(3) A resident may train up to 6 dogs at any one time on bear from July 1st to the first day of the open season on hunting bear, except in those portions of Washington County and Hancock County that are situated south of Route 9.

A person who violates this subsection commits a Class E crime.

This subsection is repealed on June 30, 2010.

**Emergency clause.** In view of the emergency cited in the preamble, this legislation takes effect July 1, 2009.

Effective July 1, 2009.

## CHAPTER 77

### S.P. 263 - L.D. 688

#### **An Act To Equalize Annuity and Structured Settlement Annuity Benefits with Life Insurance under the Maine Life and Health Insurance Guaranty Association**

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

**Whereas,** current financial and economic conditions have raised concerns about the financial health of certain insurance companies; and

**Whereas,** if an insolvency occurs, the maximum amount of funds invested in annuity accounts and protected through the Maine Life and Health Insurance Guaranty Association is only \$100,000; and

**Whereas,** the maximum benefit amount is increased in this Act from \$100,000 to \$250,000 for the

protection of those Maine residents with investments in annuity accounts; and

**Whereas,** immediate enactment is necessary to provide the maximum protection granted in this Act in the event of an insolvency; 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:**

**Sec. 1. 24-A MRSA §4603, sub-§3, ¶B,** as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

B. With respect to one life, regardless of the number of policies or contracts:

(1) Three hundred thousand dollars in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(2) The following limits for health insurance benefits:

(a) Three hundred thousand dollars for coverages not defined as disability insurance or basic hospital, medical and surgical insurance or major medical insurance, including any net cash surrender and net cash withdrawal values;

(b) Three hundred thousand dollars for disability and long-term care insurance; or

(c) Five hundred thousand dollars for basic hospital, medical and surgical insurance or major medical insurance; or

(3) ~~One hundred~~ Two hundred fifty thousand dollars in the present value of annuity benefits, including net cash surrender and net cash withdrawal values; or

**Sec. 2. 24-A MRSA §4603, sub-§3, ¶C,** as enacted by PL 2005, c. 346, §2 and affected by §16, is amended to read:

C. With respect to each payee of a structured settlement annuity, or beneficiary or beneficiaries of the payee if deceased, ~~\$100,000~~ \$250,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values.

**Sec. 3. Applicability.** This Act applies to an insolvency of an insurance company who is a member of the Maine Life and Health Insurance Guaranty As-