

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

**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**  
**2010**

**CHAPTER 497  
H.P. 1146 - L.D. 1618**

**An Act To Amend the Loan  
Originator Registration Laws**

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

**Sec. 1. 9-A MRSA §13-120**, as enacted by PL 2009, c. 362, Pt. B, §1, is amended to read:

**§13-120. Effective date**

This Article takes effect ~~July 31, 2010~~ January 1, 2011.

See title page for effective date.

**CHAPTER 498  
H.P. 1114 - L.D. 1576**

**An Act To Improve the Ability  
of the Commissioner of  
Corrections To Respond in  
Special Situations**

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

**Sec. 1. 34-A MRSA §3013** is enacted to read:

**§3013. Special response teams**

The commissioner may establish ongoing special response teams consisting of personnel from more than one facility or division of the department to assist, as determined by the commissioner, in responding to special situations anywhere in the department.

See title page for effective date.

**CHAPTER 499  
S.P. 597 - L.D. 1560**

**An Act To Eliminate the 3-trap  
Limit in the Waters of the State**

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

**Sec. 1. 12 MRSA §6439**, as amended by PL 2001, c. 272, §3, is repealed.

**Sec. 2. 12 MRSA §6447, sub-§5**, as amended by PL 1999, c. 187, §3, is further amended to read:

**5. Council authority.** Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, ~~pro-~~

~~vided~~ as long as the proposed limitations are equal to or stricter than the limitations under section 6431-A, ~~6439~~, 6439-A or 6440:

- A. The number of lobster traps fished and the time periods allowed for complying with that number;
- B. The number of lobster traps allowed on a trawl; and
- C. The time of day when lobster fishing may occur.

**Sec. 3. Effective date.** This Act takes effect January 1, 2011.

Effective January 1, 2011.

**CHAPTER 500  
H.P. 1147 - L.D. 1619**

**An Act To Facilitate  
Uniformity Regarding  
Exemption from Registration  
of Certain Securities Offerings**

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

**Sec. 1. 32 MRSA §16202, sub-§26**, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

**26. Nonpublic offerings under 4(2).** A security offered in a nonpublic offering under Section 4(2) of the federal Securities Act of 1933, 15 United States Code, Section 77d(2) if, no later than 15 days after the first sale in this State, a notice on "Form D," ~~including the Appendix~~, as promulgated by the Securities and Exchange Commission, is filed with the administrator together with a consent to service of process complying with section 16611, signed by the issuer, and the payment of a nonrefundable filing fee of \$300 for each type or class of security sold. If the Form D includes a consent to service of process, a separate document need not be filed for this purpose, and if the consent to service of process on the Form D is executed in a manner accepted by the Securities and Exchange Commission, it is deemed to comply with the requirement in this section and section 16611, subsection 1 that the consent be signed. An additional nonrefundable late filing fee of \$500 must be paid for a filing made between 16 and 30 days after the first sale in this State.

**Sec. 2. 32 MRSA §16302, sub-§3, ¶A**, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

- A. A notice on "Form D," ~~including the Appendix~~, as promulgated by the Securities and Exchange Commission;

**Sec. 3. 32 MRSA §16302, sub-§3, ¶B**, as enacted by PL 2005, c. 65, Pt. A, §2, is amended to read:

B. A consent to service of process complying with ~~Section~~ section 16611, signed by the issuer, except that if the Form D includes a consent to service of process, a separate document need not be filed for this purpose, and if the consent to service of process on the Form D is executed in a manner accepted by the Securities and Exchange Commission, it is deemed to comply with the requirement in this section and in section 16611, subsection 1 that the consent be signed; and

See title page for effective date.

**CHAPTER 501**

**S.P. 610 - L.D. 1603**

**An Act To Amend Laws Administered by the Department of Environmental Protection**

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

**Sec. 1. 23 MRSA §3105**, as repealed and replaced by PL 2009, c. 239, §4, is repealed.

**Sec. 2. 23 MRSA §3105-A** is enacted to read:

**§3105-A. Use of town equipment**

The inhabitants of any town or village corporation at a legal town or village corporation meeting may authorize the municipal officers of the town or assessors of the village corporation to use its highway equipment on private ways within such town or village corporation whenever such municipal officers or assessors consider it advisable in the best interest of the town or village corporation for fire and police protection.

**Sec. 3. 23 MRSA §3106, sub-§1**, as enacted by PL 2009, c. 225, §1, is amended to read:

**1. Repairs to a private road.** ~~A municipality may~~ For the purpose of protecting or restoring a great pond, as defined in Title 38, section 480-B, subsection 5, a municipality may appropriate funds to repair a private road, way or bridge to prevent storm water runoff pollution from reaching a great pond as defined in Title 38, section 480 B, subsection 5 through the expenditure of public funds if:

- A. The private road, way or bridge is within the watershed of the great pond;
- B. The great pond:
  - (1) Is listed on the Department of Environmental Protection's list of bodies of water

most at risk pursuant to Title 38, section 420-D, subsection 3;

(2) Has been listed as impaired in an integrated water quality monitoring and assessment report submitted by the Department of Environmental Protection to the United States Environmental Protection Agency pursuant to the federal Clean Water Act, 33 United States Code, Section 1315(b) at least once since 2002; or

(3) Is identified as having threats to water quality in a completed watershed survey that uses a protocol accepted by the Department of Environmental Protection;

C. The Department of Environmental Protection or the municipality determines that the private road, way or bridge is contributing to the degradation of the water quality of the great pond based upon an evaluation of the road, way or bridge using a protocol accepted by the department;

D. The repair complies with best management practices required by the Department of Environmental Protection; and

E. The private road, way or bridge is maintained by a road association organized under this subchapter or Title 13-B.

**Sec. 4. 38 MRSA §548, first ¶**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §114, is further amended to read:

Any person discharging or suffering the discharge of oil in the manner prohibited by section 543 shall immediately undertake to remove that discharge to the commissioner's satisfaction. Notwithstanding the above requirement, the commissioner may undertake the removal or cleanup of that discharge and may retain agents and contractors for those purposes who shall operate under the direction of the commissioner. The commissioner may implement remedies to restore or replace water supplies contaminated by a discharge of oil prohibited by section 543, including all discharges from interstate pipelines, using the most cost-effective alternative that is technologically feasible and reliable and ~~which~~ that effectively mitigates or minimizes damages to, and provides adequate protection of, the public health, welfare and the environment. The commissioner may investigate and sample sites where an oil discharge has or may have occurred to identify the source and extent of the discharge. During the course of the investigation, the commissioner may require submission of information or documents that relate or may relate to the discharge under investigation from any person who the commissioner has reason to believe may be a responsible party. If the commissioner finds, after investigation, that a discharge of oil has occurred and may create a threat to public health or the environment, the commissioner