

# 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 526****S.P. 648 - L.D. 1676****An Act To Protect Maine  
Citizens' Credit****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 9-A MRSA §5-116-A** is enacted to read:**§5-116-A. Debts owed to health care providers**

**1. Definition of "health care provider."** For purposes of this section, "health care provider" means a physician, health care practitioner, hospital, clinic, clinical laboratory, health care facility or other person or facility that provides health care services and is licensed or registered by the State.

**2. Agreement by or on behalf of health care provider.** An agreement by a health care provider, or by a debt collector on behalf of a health care provider, to accept partial payments over time without assessment of interest from a consumer on a debt for health care services is not a consumer credit transaction as defined by section 1-301, subsection 12.

**3. Disclosure of available payment arrangements.** A health care provider shall notify a consumer of the availability of any payment arrangements offered by the health care provider to satisfy a debt for health care services.

**4. Rehabilitation of defaulted medical debt.** A payment arrangement offered by a health care provider must provide a consumer the opportunity to reasonably rehabilitate, cure or remedy a defaulted status of a debt for health care services under terms and conditions established by the health care provider, including, but not limited to, making payment in full or making 6 consecutive monthly payments in a timely manner.

See title page for effective date.

**CHAPTER 527****S.P. 657 - L.D. 1724****An Act To Create a  
Commercial Pelagic and  
Anadromous Fishing License  
and Establish the Pelagic and  
Anadromous Fisheries Fund****Be it enacted by the People of the State of  
Maine as follows:****Sec. 1. 12 MRSA §6041** is enacted to read:**§6041. Pelagic and Anadromous Fisheries Fund**

The Pelagic and Anadromous Fisheries Fund, referred to in this section as "the fund," is established within the department. Balances in the fund may not lapse and must be carried forward to the next fiscal year.

**1. Uses of fund.** The commissioner shall use the fund for research directly related to pelagic or anadromous fishery management and the processing of landings data. The commissioner may authorize the expenditure of money in the fund for research and development programs that address the restoration, development or conservation of pelagic or anadromous fish resources.

**2. Sources of revenue.** The fund is capitalized by surcharges assessed under section 6502-A, subsection 7. In addition to those revenues, the commissioner may accept and deposit in the fund money from any other source, public or private.

**Sec. 2. 12 MRSA §6502-A** is enacted to read:**§6502-A. Commercial pelagic and anadromous  
fishing license**

**1. Definition.** As used in this section, "pelagic or anadromous fish" means Atlantic herring, Atlantic menhaden, whiting, spiny dogfish, alewife, Atlantic mackerel, blueback herring, squid, butterfish, scup, black sea bass, smelt and shad.

**2. License required.** A person may not engage in the activities authorized under this section without a current:

A. Commercial pelagic and anadromous fishing license for a resident operator;

B. Commercial pelagic and anadromous fishing license for a resident operator and all crew members; or

C. Commercial pelagic and anadromous fishing license for a nonresident operator and all crew members.

**3. Licensed activity.** The holder of a commercial pelagic and anadromous fishing license may fish for or take or possess, ship, transport or sell pelagic or anadromous fish that the holder has taken. The commissioner shall determine by rule what crew members may fish under a commercial pelagic and anadromous fishing license that provides for crew members. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Exemption.** The licensing requirement under subsection 2 does not apply to a person who fishes for, takes, possesses or transports any pelagic or anadromous fish that have been taken by speargun, harpoon,

minnow trap or hook and line and are only for personal use.

**5. Eligibility.** A commercial pelagic and anadromous fishing license may be issued only to an individual.

**6. Fees.** Fees for commercial pelagic and anadromous fishing licenses are:

A. Forty-eight dollars for a resident operator;

B. One hundred twenty-eight dollars for a resident operator and all crew members; and

C. Five hundred dollars for a nonresident operator and all crew members.

**7. Surcharges.** The following surcharges are assessed on holders of commercial pelagic and anadromous fishing licenses issued by the department:

A. For a commercial pelagic and anadromous fishing license for a resident operator, \$50;

B. For a commercial pelagic and anadromous fishing license for a resident operator with crew, \$200; and

C. For a commercial pelagic and anadromous fishing license for a nonresident operator with crew, \$400.

The commissioner shall deposit surcharges collected pursuant to this subsection in the Pelagic and Anadromous Fisheries Fund established under section 6041.

**8. Violation.** A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

**Sec. 3. Appropriations and allocations.** The following appropriations and allocations are made.

#### **MARINE RESOURCES, DEPARTMENT OF**

##### **Bureau of Resource Management 0027**

Initiative: Establishes the Pelagic and Anadromous Fisheries Fund.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2009-10</b>	<b>2010-11</b>
All Other	\$0	\$38,800
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$38,800

See title page for effective date.

## **CHAPTER 528**

### **S.P. 611 - L.D. 1604**

#### **An Act To Clarify the Marine Resources Laws To Provide for the Protection of Public Safety and Welfare**

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

**Sec. 1. 12 MRSA §6171-A**, as amended by PL 1987, c. 100, §§1 to 3, is repealed and the following enacted in its place:

#### **§6171-A. Protection of public health and safety and prevention of gear conflicts**

**1. Commissioner's powers.** The commissioner may investigate conditions affecting public safety, public health or property and conflicts among harvesters of marine organisms. The commissioner, with the advice and consent of the Marine Resources Advisory Council, may adopt or amend such rules as the commissioner considers necessary to:

A. Protect public health;

B. Protect public safety;

C. Prevent property damage; or

D. Prevent gear conflicts and promote the optimum development of marine organisms.

Rules adopted in accordance with this subsection may include, but are not limited to, rules governing area closures when necessary to address conflicts among persons who fish commercially that may cause a threat of harm to a person.

**2. Limitations.** The limitations of section 6171, subsection 2 also apply to rules to prevent gear conflicts.

**3. Considerations.** In adopting rules to prevent gear conflicts, the commissioner shall consider:

A. Traditional uses of the marine organisms;

B. Total economic benefits to the area in which the organisms are harvested; and

C. Promotion of the optimum economic and biological management of marine resources.

In each case, the commissioner shall accommodate the needs of all interested parties to the maximum extent possible, through provisions for joint use, alternate use or other methods.

**4-A. Emergency rules.** The commissioner may adopt or amend rules on an emergency basis if immediate action is necessary to protect the public health or public safety or to prevent property damage or serious economic harm to the area in which marine resources are harvested.