

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

The reinsurance agreement may condition the payments upon written notice by the ceding insurer's domiciliary receiver to the assuming insurer of the pendency of a claim on the contract reinsured within a reasonable time after the claim is filed in the proceeding where the claim is to be adjudicated. During the pendency of such a claim, any assuming insurer may investigate the claim and interpose, at the assuming insurer's own expense, any defenses in the proceeding that the assuming insurer determines available to the ceding insurer or to the ceding insurer's receiver. The expenses may be filed as a claim against the insolvent ceding insurer to the extent of its proportionate share of the benefit that may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. When 2 or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to the claim, the expense must be apportioned in accordance with the terms of the reinsurance agreement as though the expense had been incurred by the ceding insurer.

**Sec. 8. 24-A MRSA §731-B, sub-§7**, as enacted by PL 1989, c. 846, Pt. E, §2 and affected by §4, is amended to read:

7. The superintendent may adopt rules, subject to Title 5, chapter 375, to implement this section. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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**CHAPTER 48**

**H.P. 152 - L.D. 163**

**An Act to Extend Workers' Compensation Twenty-four-hour Pilot Projects**

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

**Sec. 1. 39-A MRSA §403, sub-§2, ¶D**, as amended by PL 1995, c. 36, §1 and c. 277, §1, is repealed and the following enacted in its place:

D. Unless continued or modified by law, this subsection is repealed January 1, 2005.

**Sec. 2. Retroactivity.** This Act applies retroactively to January 1, 2001.

See title page for effective date.

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**CHAPTER 49**

**H.P. 155 - L.D. 166**

**An Act Concerning Commercial Shooting Areas**

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

**Whereas**, banding of game birds used in commercial shooting areas and used by game bird suppliers no longer serves an important purpose in managing the State's natural resources; and

**Whereas**, Hungarian partridge are highly sought after as a game species by the patrons of commercial shooting areas and appear to pose no threat of establishing a viable wild population outside of commercial shooting areas; and

**Whereas**, the current commercial shooting fee structure imposes an undesirable burden on the patrons of commercial shooting areas; 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 §7104**, as amended by PL 1997, c. 432, §19, is repealed.

**Sec. 2. 12 MRSA §7104-A, first ¶**, as enacted by PL 1993, c. 216, §1, is amended to read:

A person may not charge any fee for access to land if the fee is contingent upon the taking of game on that land or directly related to the taking of game on the land unless the land is an authorized commercial shooting area licensed under section ~~7104~~ 7105-A. This section does not apply to the following fees:

**Sec. 3. 12 MRSA §7105**, as amended by PL 1999, c. 790, Pt. A, §15, is repealed.

**Sec. 4. 12 MRSA §7105-A** is enacted to read:

**§7105-A. License to operate a commercial shooting area**

**1. Issuance.** The commissioner may issue licenses authorizing the establishment and operation of commercial shooting areas to qualified applicants. A commercial shooting area license authorizes the owner of a commercial shooting area to charge others for the