

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND TENTH LEGISLATURE

1981

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

24-A MRSA § 2916-B is enacted to read:

§ 2916-B. Exclusion of covered persons under personal automobile policy

In order to avoid cancellation or nonrenewal of an automobile insurance policy, and to allow an insurer to provide or to continue to provide coverage without an unreasonable risk, an insurer and the named insured may agree, by an endorsement to the policy signed by the interested parties, to exclude from coverage as operators of the insured vehicle or vehicles any covered person or persons who commit an act or acts for which the policy could be cancelled under section 2914, subsection 4, or for which the insurer could refuse to renew under section 2916-A subsections 1 and 2. Every endorsement under this section shall contain the following notice in conspicuous print:

**“NOTICE TO POLICYHOLDER
IF THE PERSON EXCLUDED FROM COVERAGE BY THIS ENDORSEMENT
IS UNDER THE AGE OF 18 YEARS, YOU CAN BE HELD LIABLE UNDER
STATE LAW FOR HIS OR HER NEGLIGENCE WHEN HE OR SHE OPERATES
YOUR VEHICLE WITH YOUR PERMISSION. YOUR POLICY DOES NOT
INSURE YOU AGAINST THIS LIABILITY.”**

Effective September 18, 1981

CHAPTER 70

S. P. 74 — L. D. 111

AN ACT to Exempt Certain Aquaculture Workers Under the Workers' Compensation Law.

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

Sec. 1. 39 MRSA § 2, sub-§ 11 is enacted to read:

11. Aquaculture. “Aquaculture” means the commercial culture or husbandry of oysters, clams, scallops, mussels, salmon or trout.

Sec. 2. 39 MRSA § 4, as amended by PL 1979, c. 663, § 243, is further amended to read:

§ 4. Applicability to certain actions and employers; exemptions

Section 3 shall not apply to actions to recover damages for the injuries

aforesaid, or for death resulting from such injuries, sustained by employees engaged in domestic service or in agriculture or aquaculture as seasonal or casual farm laborers, provided that in order to qualify for this exemption, an employer of an employee engaged in aquaculture must be covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than \$1,000. "Casual" is defined as occasional, irregular or incidental. "Seasonal" refers to farm laborers engaged in agricultural or aquacultural employment beginning at or after the commencement of the planting or seeding season and terminating at or before the completion of the harvest season. Section 3 shall not apply to actions to recover damages for the injuries aforesaid or for death resulting from such injuries, sustained by employees of an employer who has secured the payment of compensation in conformity with sections 21 to 27. Such employers shall be exempt from civil actions because of such injuries either at common law or under sections 141 to 148, under Title 14, sections 8101 to 8118 or under Title 18-A, section 2-804. This exemption from liability shall also extend to all employees, supervisors, officers and directors of the employer for any personal injury or occupational disease arising out of and in the course of employment. Section 3 shall not apply to actions to recover damages for the injuries aforesaid, or for death resulting from such injuries sustained by the farm or aquacultural laborers of an employer who is covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than \$1,000.

Sec. 3. 39 MRSA § 21, sub-§ 1, as last amended by PL 1975, c. 376, is repealed and the following enacted in its place:

1. Private employers. Every private employer shall be subject to this Act and shall secure the payment of compensation in conformity with this section and sections 22 to 27 with respect to all employees, subject to the provisions stated in this section.

Any private employer who has not secured the payment of compensation under this section and sections 22 to 27 shall not be entitled, in a civil action brought by an employee or his representative, for personal injuries or death arising out of and in the course of his employment, to the defense set forth in section 3. Further, the employee of any such employer may, in lieu of bringing such a civil action, claim compensation from such employer under this Act.

The following employers shall not be held liable under this section for securing the payment of compensation in conformity with this section and sections 22 to 27 with respect to the employees listed, nor deprived of the defenses listed in section 3:

- A. Employers of employees engaged in domestic service;
- B. Employers of employees engaged in agriculture as seasonal or casual farm laborers;
- C. Employers of 4 or fewer farm or aquaculture laborers, provided that the

employer maintains coverage by an employer's liability insurance policy as provided in section 4; or

D. Employers of employees engaged in aquaculture as seasonal or casual laborers, provided that the employer maintains coverage by an employer's liability insurance policy as provided in section 4.

Effective September 18, 1981

CHAPTER 71

H. P. 117 — L. D. 149

AN ACT to Increase the Rate of Tax and Amend the Membership Requirements of the Sardine Council under the Sardine Tax Law.

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

Sec. 1. 36 MRSA § 4693, first ¶, 3rd sentence is amended to read:

~~Such~~ The members shall be practical sardine packers, operating within the State, who shall have been actively engaged in packing sardines for not less than ~~5~~ 2 years and each shall be so actively engaged during his continuance in office.

Sec. 2. 36 MRSA § 4695, 2nd ¶ is amended to read:

An excise tax of ~~25¢~~ 40¢ per case, as defined in section 4692, subsections 1 to 3, is levied and imposed upon the privilege of packing sardines.

Sec. 3. 36 MRSA § 4697, first sentence, as amended by PL 1979, c. 378, § 34, is further amended to read:

Every packer shall, on or before the 10th day of each month, report to the State Tax Assessor the quantity of sardines packed by him during the preceding calendar month, on forms furnished by the State Tax Assessor, and pay to the State Tax Assessor the tax of ~~25¢~~ 40¢ per case on all sardines reported as packed.

Sec. 4. **Effective date.** This Act takes effect on November 1, 1981.

Effective November 1, 1981