

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

a shareholder of the professional corporation by which that person is employed and that this waiver was not a prerequisite condition to employment. For the purposes of this subparagraph, the term "professional corporation" has the same meaning as found in Title 13, section 703, subsection 1.

Any person may revoke or rescind ~~his~~ that person's waiver upon 30 days' written notice to the commission and ~~his~~ that person's employer. The parent, spouse or child of a person who has made a waiver under the previous sentence may state, in writing, that ~~he~~ the parent, spouse or child waives all the benefits and privileges provided by the workers' compensation laws if the commissioner finds that the waiver is not a prerequisite condition to employment and if the parent, spouse or child is employed by the same corporation which employs the person who has made the first waiver;

(5) The parent, spouse or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse or child of a partner who is employed by the partnership of that partner may state, in writing, that ~~he~~ the parent, spouse or child waives all the benefits and privileges provided by the workers' compensation laws if the commission finds that the waiver is not a prerequisite condition to employment;

(6) Employees of an agricultural employer when harvesting 150 cords of wood or less each year from farm wood lots, provided that the employer is covered under an employer's liability insurance policy as required in subsection 1-A;

(7) An independent contractor; or

(8) If a person employs an individual contractor, any employee of the independent contractor is not considered an employee of that person for the purposes of this Act. The person who employs an independent contractor is not responsible for providing workers' compensation insurance covering the payment of compensation and benefits to the employees of the independent contractor. No insurance company may charge a premium to any person for any employee excluded by this subparagraph.

See title page for effective date.

CHAPTER 676

H.P. 1630 - L.D. 2257

An Act to Amend the Law Concerning the Hunting of Coyote

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

12 MRSA §7108, sub-§3, as amended by PL 1987, c. 684, §2, is further amended to read:

3. Open season. Notwithstanding section 7406, subsection 5, ~~there shall be~~ an open season for hunting coyotes at night in all counties of the State from January 1st to April 30th ~~in 1989 and 1990 and January 1st to March 31st thereafter~~ is established. The commissioner may terminate this open season at any time in any area if, in ~~his~~ the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or illegal hunting activity.

See title page for effective date.

CHAPTER 677

S.P. 869 - L.D. 2229

An Act Concerning Retirees' Return to Employment

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

Sec. 1. 5 MRSA §17103, sub-§6, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

6. Rights, credits and privileges; decisions. The board shall in all cases make the final and determining administrative decision in all matters affecting the rights, credits and privileges of all members of the retirement system whether in participating local districts or in the state service.

Whenever the board finds that, because of an error or omission on the part of the employer of a member or retired member, a member or retired member is required to make a payment or payments to the retirement system, the board may waive payment of all or part of the amount due from the member or retired member.

Sec. 2. 5 MRSA §18252, sub-§6 is enacted to read:

6. Restoration to service. If any person who is the recipient of a service retirement benefit is covered by the United States Social Security Act upon being restored to service, continuation of that person's benefit is not subject to section 18457, but is governed by the following.