

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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A license holder who is granted a waiver under this subsection and does not comply with the conditions of the waiver is required to pay the entire assessment under subsection 3-A for that year. In addition, the commissioner may not grant a waiver for the next year to that license holder. The commissioner may revoke the license as provided in the Maine Administrative Procedure Act if a license holder is granted a waiver but does not comply with the conditions of the waiver and does not pay the assessment. Failure to pay the annual waiver fee or the assessment under subsection 3-A is a civil violation.

On or before January 1, 1993 the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the number of waivers granted and the compliance record of licensed overboard discharges operating under waivers in comparison with the compliance record of other licensed overboard discharges. The commissioner shall also report on the adequacy of the annual waiver fee to support the department's efforts to monitor the compliance of licensed overboard discharges that receive waivers under this subsection.

**Sec. 3. Allocation.** The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$36,540)	(\$36,540)
Provides for the deallocation of general operating funds due to a reduction in dedicated revenue.		

See title page for effective date.

## CHAPTER 295

H.P. 800 - L.D. 1146

### An Act to Increase the Collection of Child Support Payments

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

**Whereas,** delinquent payments for child support endanger the health and welfare of Maine children; 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 legisla-

tion 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. 8 MRSA §378,** as enacted by PL 1987, c. 505, §2, is amended to read:

**§378. Assignment of prizes**

No right of any person to a prize drawn may be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order or an administrative order relating to child support may be paid the prize to which the winner is entitled. The bureau ~~shall be~~ is discharged of all further liability upon payment of a prize pursuant to this section.

**Sec. 2. 8 MRSA §416, sub-§1,** as enacted by PL 1983, c. 732, §1, is amended to read:

**1. Prizes over \$5,000; certified list.** All prizes over \$5,000 ~~shall be~~ are awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each such prize. Upon delivery of the certified list and voucher of the commission, moneys sufficient for the payment of those prizes may be withdrawn from the prize account established in section 415, subsection 2. The commission shall each month provide each party state with a record of all such withdrawals. Payment of prizes ~~shall be~~ is made by the commission, or its designee, to holders of the tickets to which prizes are awarded, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person, pursuant to an appropriate judicial order or an administrative order relating to child support, may be paid the prize to which the winner is entitled. The commission, and its officers, agents and employees ~~shall be~~ are discharged of all further liability upon payment of a prize pursuant to this section.

Prior to paying any winnings that must be paid directly by the commission, the commission shall determine whether the lottery winner is on a list, provided by any of the party states, of persons who owe to that state a child support debt that has been liquidated by judicial or administrative action. If the winner is on a list of persons who owe child support debts, the commission shall suspend payment of winnings and notify the winner of its intention to offset the winner's child support debt against the winnings. The commission shall notify the winner of the winner's right to request a hearing before the creditor agency in the party state within 15 days of the winner's receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected

the winner's liability. The decision of the agency as to the existence of a liquidated debt constitutes final agency action. If, within 90 days of the notice of intended setoff to the winner, the creditor agency of the party state requesting setoff certifies to the commission that the winner did not make a timely request for hearing or that a hearing was held and the debt was upheld, the commission shall offset the liquidated debt against the winnings due to the winner. Any remaining winnings are paid to the winner. If the commission does not hear from the creditor agency of the party state within 90 days of the notice of intended setoff to the winner, the commission shall release all winnings to the winner.

**Sec. 3. 19 MRSA §504-B** is enacted to read:

**§504-B. Setoff of debts against lottery winnings**

**1. Notice to Bureau of Lottery.** The department shall periodically notify the Department of Finance, Bureau of Lottery of all persons who owe the department a child support debt that has been liquidated by judicial or administrative action. Prior to paying any state lottery winnings that must be paid directly by the bureau, the bureau shall determine whether the lottery winner is on the list of persons who owe a child support debt to that state that has been liquidated by judicial or administrative action. If the winner is on a list of persons who owe child support debts, the bureau shall suspend payment of winnings and notify the winner of its intention to offset the winner's child support debt against the winnings. The bureau shall notify the winner of the winner's right to request a hearing before the department within 15 days of the winner's receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected the winner's liability. The decision of the department as to the existence of a liquidated debt constitutes final agency action. If, within 90 days of the notice of intended setoff to the winner, the department certifies to the bureau that the winner did not make a timely request for hearing or that a hearing was held and the debt was upheld, the bureau shall offset the liquidated debt against the winnings due to the winner. Any remaining winnings are paid to the winner. If the bureau does not hear from the department within 90 days of the notice of intended setoff to the winner, the bureau shall release all winnings to the winner.

**2. Notice to Tri-state Lotto Commission.** The department shall periodically notify the Tri-state Lotto Commission of all persons who owe the department a child support debt that has been liquidated by judicial or administrative action.

**Sec. 4. Effective date.** Section 2 of this Act and that part of this Act that enacts the Maine Revised Statutes, Title 19, section 504-B, subsection 2 take effect upon enactment of legislation by the other party states to the Tri-state Lotto Compact that is concurrent with section 2 of this Act. The State's representative to the Tri-state Lotto Commission shall encourage the other

party states to enact the necessary concurrent legislation.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 17, 1991, unless otherwise indicated.

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## CHAPTER 296

H.P. 764 - L.D. 1098

### An Act to Protect the Rights of Independent Sales Representatives after Termination of Their Contracts

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

10 MRSA c. 210-A is enacted to read:

#### CHAPTER 210-A

#### SALES REPRESENTATIVE COMMISSION CONTRACTS

##### §1341. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Commissions.** "Commissions" means compensation accruing to a sales representative for payment by a principal, the rate of which is expressed as a percentage of the amount of orders or sales.

**2. Principal.** "Principal" means a person, partnership, corporation or other business entity that does not have a permanent or fixed place of business in this State and that:

A. Manufactures, produces, imports or distributes a product for wholesale;

B. Contracts with sales representatives to solicit orders for the product; and

C. Compensates the sales representative, in whole or in part, by commission.

**3. Sales representative.** "Sales representative" means a person who:

A. Contracts with a principal to solicit orders for the purchase at wholesale of the principal's product;

B. Is compensated, in whole or in part, by commission; and