

# 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**  
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wishes to inspect absentee ballot applications and envelopes after the polls close, the warden shall allow the candidate to inspect the applications and envelopes of ballots that have not yet been deposited into the ballot box for 30 minutes after the polls close.

**Sec. 33. 21-A MRSA §762, sub-§2**, as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Signature.** The voter's signature; and

**Sec. 34. 21-A MRSA §762, sub-§3**, as enacted by PL 1985, c. 161, §6, is repealed.

**Sec. 35. 21-A MRSA §764**, as enacted by PL 1985, c. 161, §6, is amended to read:

**§764. Applications and envelopes as public records**

Absentee ballot applications and absentee ballot return envelopes are public records until the close of voting on election day. After that time, except as provided in section 759, subsection 8, the applications and envelopes are not public records and may be inspected only in accordance with this Title.

**Sec. 36. 21-A MRSA §791, sub-§1, ¶A**, as amended by PL 1985, c. 357, §§18 and 19, is repealed.

**Sec. 37. 21-A MRSA §1014, sub-§4**, as enacted by PL 1989, c. 504, §§6 and 31, is amended to read:

**4. Enforcement.** An expenditure, communication or broadcast made within 10 days before the election to which it relates that results in a violation of this section may result in a civil penalty of no more than \$200. An expenditure, communication or broadcast which made more than 10 days before the election that results in a violation of this section may result in a civil penalty of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation from the commission. Enforcement and collection procedures shall must be in accordance with section 1020.

See title page for effective date.

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## CHAPTER 467

H.P. 986 - L.D. 1431

### An Act to Allow Consumer-owned Water Utilities to Replace Malfunctioning Wastewater Disposal Systems under Certain Circumstances

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

**Sec. 1. 22 MRSA §2647**, as amended by PL 1983, c. 785, §6, is repealed.

**Sec. 2. 22 MRSA §2647-A** is enacted to read:

**§2647-A. Protection of public water source**

Any water utility or municipality and the department are authorized to take reasonable steps to protect a public water source from pollution.

**1. Right of entry for water utility.** Employees or agents of a water utility may enter upon land within 1,000 feet of a public water source or upon land used for commercial or industrial purposes having a facility, structure or system draining into or suspected of flowing or seeping into a public water source and inspect the facility, structure or system, including any building or structure on that land. Entry onto property under this subsection is not a trespass. The power of entry and inspection may be exercised only after the water utility has made a reasonable effort to obtain permission from the landowner for the inspection.

**2. Right of entry for department and consumer-owned water utility.** Employees or agents of the department or of a consumer-owned water utility as defined in Title 35-A, section 6101 may enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect a wastewater disposal system draining into or suspected of flowing or seeping into a public water source. Entry onto property under this subsection is not a trespass. An employee or agent of the department or consumer-owned utility may seek an administrative inspection warrant pursuant to the Maine Rules of Civil Procedure, Rule 80E to carry out the purposes of this subsection.

**3. Remedy.** In addition to rights granted to municipal officers under Title 30-A, section 3428, any local or state health inspector or officer may order the owner of any facility, structure or system flowing or seeping into and contaminating a public water source, if the contamination may result in risk to the public health, to remedy the situation. The order must be served in writing and state a time in which the order must be complied with. An order made pursuant to this subsection is not considered an adjudicatory proceeding within the meaning of the Maine Administrative Procedure Act. Any person aggrieved by an order may appeal to the Superior Court within 30 days.

**4. Court-ordered remedies.** The water utility, municipality or department may petition the Superior Court upon failure of the person named in an order served under subsection 3 to comply with that order. The court, after hearing, may order that appropriate measures be taken.

**5. Remedy ordered by water district or consumer-owned utility.** If the municipal officers have failed to act on a malfunctioning wastewater disposal unit under Title 30-A, section 3428 and have notified a consumer-owned

water utility as defined in Title 35-A, section 6101 in writing of their failure to do so, the consumer-owned water utility may assume the rights of municipal officers under Title 30-A, section 3428, except that it may not assess a special tax under Title 30-A, section 3428, subsection 4, paragraph B.

6. Effect on other law. Nothing in this section may be construed to limit in any way any private and special or other law granting a water utility or municipality greater controls for protecting its public water source than those set forth in this section.

See title page for effective date.

## CHAPTER 468

H.P. 704 - L.D. 1008

### An Act to Require that Employee Leasing Companies Register with the State and to Amend the Employment Security Law

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

Sec. 1. 24-A MRSA §2375 is enacted to read:

**§2375. Workers' compensation insurance; registration of employee leasing companies**

A corporation, partnership, sole proprietorship or other business entity that provides staff, personnel or employees to be employed in this State to other businesses pursuant to a lease arrangement or agreement must, before becoming eligible to be issued a policy of workers' compensation insurance, register with the superintendent pursuant to Title 32, chapter 125. Employee leasing companies are subject to rules applicable to workers' compensation insurance as adopted by the superintendent and to penalties as defined in Title 32, section 14058.

Sec. 2. 26 MRSA §1043, sub-§§6-A and 8-A are enacted to read:

6-A. Client company. "Client company" means a person, association, partnership, corporation or other entity that leases employees from an employee leasing company pursuant to contract.

8-A. Employee leasing company. "Employee leasing company" means a business entity that engages in the business of leasing employees to client companies without the client company severing an employer-employee relationship with the employees for services performed for the client company.

Sec. 3. 26 MRSA §1221-A is enacted to read:

**§1221-A. Employee leasing companies**

1. Joint and several liability. Unless an employee leasing company complies with subsection 5 in a timely manner, a client company is jointly and severally liable for any unpaid contributions, interest and penalties due under this chapter from the employee leasing company for wages paid to employees leased to the client company.

2. Liability for contributions. Notwithstanding any other provisions of this chapter, during the term of the employee leasing arrangement, an employee leasing company is liable for the payment of contributions, penalties and interest on wages paid to employees leased to a client company, except compensation paid to sole proprietors or partners in the client company.

3. Reporting requirements. The employee leasing company shall report and pay all contributions under its state employer identification number, using its contribution rate. The employee leasing company shall keep separate records and submit separate quarterly wage reports for each of its client companies to the bureau.

4. Administration of benefits. The employee leasing company is responsible for administration of claims for unemployment insurance benefits for the employees leased to each client company.

5. Surety bond securities. The following apply to the posting of a surety bond or depositing of securities.

A. To relieve client companies from the joint and several liability imposed under subsection 1, an employee leasing company may post and maintain a surety bond issued by a corporate surety authorized to do business in the State in the amount of \$100,000 to ensure prompt payment of the contributions, interest and penalties for which the employee leasing company is liable under this section. After 3 consecutive years throughout which the employee leasing company has paid in a timely manner all contributions due, the bond must be reduced to \$35,000 and remain at this amount as long as the employee leasing company continues to report and pay in a timely manner all contributions due. If an employee leasing company has paid in a timely manner all contributions due for 3 consecutive years upon the effective date of this subsection, its initial bond must be \$35,000 and remain at this amount as long as the employee leasing company continues to report and pay in a timely manner all contributions due.

B. In lieu of a surety bond, the employee leasing company may deposit securities with marketable value equivalent to the amount required for a surety bond in a depository designated by the commissioner. The commissioner may sell these securities for an amount sufficient to pay any contributions that the employee leasing company fails to promptly pay when due.

6. Limitation on application. This section does not apply to private employment agencies that provide their