

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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
1993

Whereas, the orderly operation of liquor stores within the State requires that these seasonal stores be eliminated; 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. 28-A MRSA §401-A, sub-§6, as enacted by PL 1991, c. 591, Pt. Z, §2, is repealed.

Sec. 2. 28-A MRSA §451, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§451. Agency liquor stores

The ~~commission~~ Bureau of Liquor Enforcement may license and regulate persons as agency liquor stores on an annual, ~~seasonal~~ or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages to be consumed off the premises.

Sec. 3. 28-A MRSA §453-A, sub-§1, as enacted by PL 1991, c. 622, Pt. K, §6, is amended to read:

1. Bidding to replace state liquor stores. The ~~commission~~ Bureau of Liquor Enforcement shall solicit bids from the general public for each agency liquor store license to be issued. For ~~licenses an~~ agency license to replace an existing state store, the ~~commission~~ Bureau of Liquor Enforcement may not accept a bid lower than 1% of the taxable retail sales of the store being replaced, determined for the fiscal year that ended immediately before the closure of the store.

Sec. 4. 28-A MRSA §453-A, sub-§1-A is enacted to read:

1-A. Bidding to establish or replace agency liquor stores. The Bureau of Liquor Enforcement shall solicit bids from the general public for each agency liquor store license to be issued. For licenses to establish an agency liquor store or replace an existing agency liquor store, the Bureau of Liquor Enforcement may not accept a bid lower than \$2,000.

Sec. 5. 28-A MRSA §453-B, as enacted by PL 1991, c. 622, Pt. K, §6, is repealed and the following enacted in its place:

§453-B. Annual license fee

The annual license fee for an agency liquor store is \$300. The fee must be paid on renewal of the license.

Sec. 6. 28-A MRSA §456-A, as amended by PL 1991, c. 622, Pt. K, §7, is repealed.

Sec. 7. Transition provisions; application to seasonal store licensees.

1. Seasonal agency liquor stores. A location previously licensed to operate a seasonal agency liquor store may convert a past seasonal agency license to a year-round agency license notwithstanding the location requirements of the Maine Revised Statutes, Title 28-A, section 453. A current operator of a location previously licensed to operate as a seasonal agency liquor store has until June 30, 1994 to indicate in writing to the Bureau of Liquor Enforcement the operator's intent to convert to a year-round agency liquor store. A \$2,000 fee must also be submitted to the Bureau of Liquor Enforcement with the operator's written intent. The Bureau of Liquor Enforcement shall issue year-round licenses to those who choose to convert to year-round operation. If the operator of a location previously licensed to operate a seasonal agency liquor store fails to provide timely written notification of intent to convert to year-round operation and to submit the \$2,000 fee, the option to operate a year-round agency liquor store terminates.

2. Transfer of ownership. If a location previously licensed as a seasonal agency liquor store opts to become a year-round agency liquor store and subsequently transfers ownership, the agency license becomes void, and the provisions in Title 28-A, sections 457 and 453-A apply.

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

Effective March 9, 1994.

CHAPTER 510

H.P. 1206 - L.D. 1614

An Act to Amend the Workers' Compensation Laws By Allowing Guarantors of Self-Insurers to Utilize Approved Letters of Credit

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

Whereas, individual self-insurers, with the approval of the Superintendent of Insurance, have a range of options to satisfy the self-insurer's responsibility to post the security required by the superintendent; and

Whereas, there are employers that qualify for self-insurance with the assistance of a parent guarantor; and

Whereas, the cost of workers' compensation remains a significant cost of doing business; and

Whereas, the cost of providing workers' compensation coverage could be substantially lower if the same security options available to individual self-insurers were available to employers that utilize guarantees of a parent corporation; and

Whereas, these options should be available to employers renewing their self-insurer status prior to the expiration of the 90-day period; 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. 39-A MRSA §403, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended by amending the next to the last paragraph to read:

As a further alternative to the methods described in this subsection, an employer is eligible for approved self-insurance status pursuant to this Act if the employer submits a written guarantee of the obligations incurred pursuant to this Act, the guarantee to be issued by a United States or Canadian corporation that is a member of an affiliated group of which the employer is a member, and which corporation is solvent and demonstrates an ability to pay the compensation and benefits, and the guarantee is in a form acceptable to the superintendent. The guarantor shall provide quarterly financial statements, audited annual financial statements and such other information as the superintendent may require, and the employer shall provide a cash deposit, satisfactory securities, irrevocable standby letters of credit issued by a qualified financial institution, or a surety bond as otherwise required by this Act in an amount not less than ~~\$1,000,000~~ \$100,000. Any such guarantor is deemed to have submitted to the jurisdiction of the board and the courts of this State for purposes of enforcing any such guarantee. The guarantor, in all respects, is bound by and subject to the orders, findings, decisions

or awards rendered against the employer for payment of compensation and any penalties or forfeitures provided under this Act. The superintendent, following hearing, may revoke the self-insured status of the employer if at any time the assets of the guarantor become impaired, encumbered or are otherwise found to be inadequate to support the guarantee.

Sec. 2. 39-A MRSA §403, sub-§7, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

7. Self-insurance. "Self-insurance," as used in this section, means the system of securing compensation as provided in subsections ~~2~~ 3 to 16.

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

Effective March 10, 1994.

CHAPTER 511

S.P. 557 - L.D. 1593

An Act to Amend the Conditions of Probation

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

Sec. 1. 17-A MRSA §1204, sub-§1-B, as enacted by PL 1991, c. 783, §1, is amended to read:

1-B. Upon the request of the Department of Corrections, the court shall attach as a condition of probation or intensive supervision that the convicted person pay an electronic monitoring fee, a substance testing fee or both, as determined by the court, for the term of probation or intensive supervision unless the court determines that the convicted person does not have the financial resources to pay these fees. Funds received from probationers or those sentenced to intensive supervision must be deposited into the department's Correctional Program Improvement Fund, except that where authorized by the Department of Corrections, a person on probation or sentenced to intensive supervision may be required to pay fees directly to a provider of electronic monitoring, drug testing or other services. ~~These funds~~ Funds from this account, which may not lapse, must be used to defray costs associated with the purchase and operation of electronic monitoring and substance testing programs, including costs associated with those programs for people who do not have the financial resources to pay the fees.