

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Sec. 1. 22 MRSA §8302, sub-§5 is enacted to read:

5. Rules regarding rabies vaccinations for pets. The commissioner shall adopt rules regarding rabies vaccinations for pets residing on the premises of licensed day care facilities and registered home babysitting services to ensure that pets have current and appropriate rabies vaccinations.

See title page for effective date.

CHAPTER 75

H.P. 194 - L.D. 253

An Act Concerning Municipal Shellfish Conservation Program Penalties

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

Sec. 1. 12 MRSA §6671, sub-§10, ¶A, as enacted by PL 1993, c. 281, §4, is amended to read:

A. For harvesting shellfish from a closed area or digging shellfish without a license:

- (1) For the first offense, a fine of not less than \$300 and not more than \$1,500; and
- (2) For subsequent offenses, a fine of not less than \$500 and not more than \$1,500.

The court may not suspend a fine imposed under this paragraph or impose a penalty other than the monetary payment of a fine as provided in this paragraph; or

See title page for effective date.

CHAPTER 76

H.P. 226 - L.D. 304

An Act Concerning the Offset of Workers' Compensation Benefits by Social Security Benefits

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

Sec. 1. 39-A MRSA §221, sub-§3, ¶A, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

A. The employer's obligation to pay or cause to be paid weekly benefits other than benefits under

section 212, subsection 2 or 3 is reduced by the following amounts:

(1) Fifty percent of the amount of the old-age insurance benefits received or being received under the United States Social Security Act. For injuries occurring on or after October 1, 1995, such a reduction may not be made if the old-age insurance benefits had started prior to the date of injury or if the benefits are spouse's benefits;

(2) The after-tax amount of the payments received or being received under a self-insurance plan or a wage continuation plan or under a disability insurance policy provided by the same employer from whom benefits under section 212 or 213 are received if the employee did not contribute directly to the plan or to the payment of premiums regarding the disability insurance policy. If the self-insurance plans, wage continuation plans or disability insurance policies are entitled to repayment in the event of a workers' compensation benefit recovery, the insurance carrier shall satisfy the repayment out of funds the insurance carrier has received through the coordination of benefits provided for under this section;

(3) The proportional amount, based on the ratio of the employer's contributions to the total insurance premiums for the policy period involved, of the after-tax amount of the payments received or being received by the employee pursuant to a disability insurance policy provided by the same employer from whom benefits under section 212 or 213 are received, if the employee did contribute directly to the payment of premiums regarding the disability insurance policy;

(4) The after-tax amount of the pension or retirement payments received or being received pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, if the employee did not contribute directly to the pension or retirement plan or program;

(5) The proportional amount, based on the ratio of the employer's contributions to the total contributions to the plan or program, of the after-tax amount of the pension or retirement payments received or being received by the employee pursuant to a plan or program established or maintained by the same employer from whom benefits under section 212 or 213 are received, if the

employee did contribute directly to the pension or retirement plan or program; and

(6) For those employers who do not provide a pension plan, the proportional amount, based on the ratio of the employer's contributions to the total contributions made to a qualified profit sharing plan under the United States Internal Revenue Code, Section 401(a) or any successor to the United States Internal Revenue Code, Section 401(a) covering a profit sharing plan that provides for the payment of benefits only upon retirement, disability, death, or other separation of employment to the extent that benefits are vested under the plan.

See title page for effective date.

CHAPTER 77

S.P. 154 - L.D. 340

An Act to Require Insurance Companies to Reenroll Individuals Who Return to an Insurance Group as Though No Break in Coverage Occurred

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

Sec. 1. 24 MRSA §2349, sub-§3, ¶A, as amended by PL 1993, c. 477, Pt. A, §2 and affected by Pt. F, §1, is further amended to read:

A. The request for enrollment is made within 30 days after termination of coverage under a prior contract or policy and the individual did not request coverage initially under the succeeding contract, or terminated coverage under the succeeding contract, because that individual was covered under a prior contract or policy and coverage under that contract or policy ceased due to termination of employment, termination of the group policy or group contract under which the individual was covered, death of a spouse or divorce;

Sec. 2. 24-A MRSA §2849-B, sub-§3, ¶A, as amended by PL 1993, c. 477, Pt. A, §10 and affected by Pt. F, §1, is further amended to read:

A. The request for enrollment is made within 30 days after termination of coverage under a prior contract or policy and the individual did not request coverage initially under the succeeding contract or policy, or terminated coverage under the succeeding contract, because that individual

was covered under a prior contract or policy and coverage under that contract or policy ceased due to termination of employment, termination of the group policy or group contract under which the individual was covered, death of a spouse or divorce;

See title page for effective date.

CHAPTER 78

H.P. 245 - L.D. 347

An Act to Clarify the Requirements for Truck Widths

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

Sec. 1. 29-A MRSA §2380, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

3. Width exclusions. A portion of a vehicle or load may not project beyond the side of that vehicle to make a total width greater than 102 inches, except as provided in this subsection and subsection 4. Reflecting mirrors and turn signal lamps are excluded from measurement of width. The following conditions and appurtenances attached to a commercial motor vehicle are excluded from the measurement of width provided that they do not extend more than 3 inches from the side of a vehicle:

A. Corner caps;

B. Rear and side door hinges and their protective hardware;

C. Rain gutters;

D. Side lamp markers;

E. Lift pads for piggyback trailers;

F. Hazardous materials placards;

G. Tarps and tarp hardware;

H. Tiedown assemblies on platform trailers;

I. Weevil pins and sockets on lowbed trailers;

J. Steps and handholds for entry and egress;

K. Flexible fender extensions;

L. Mud flaps and splash and spray suppressant devices;

M. Refrigeration units or air compressors;