

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

where the prisoner is incarcerated shall collect and disburse to the parent, legal guardian or legal custodian that portion of the prisoner's money to be paid for the support of that prisoner's dependent children. This section does not apply to any prisoner making payments for the support of a dependent child pursuant to a support order issued by a court or by the Department of Human Services.

**Sec. 5. PL 1997, c. 41** is repealed.

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

Effective May 31, 1997.

## CHAPTER 359

### H.P. 835 - L.D. 1140

#### **An Act to Clarify the Workers' Compensation Law Concerning Seasonal Agricultural Laborers**

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

**Whereas,** current law provides an exemption from the workers' compensation laws for employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers and a separate exemption for employers of 6 or fewer agricultural or aquacultural laborers; and

**Whereas,** a number of insurance agents servicing the State's farmers are under the mistaken impression that seasonal and casual laborers should be included when determining whether the employer has more than 6 agricultural laborers; and

**Whereas,** the issue needs to be clarified as soon as possible; 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 §401, sub-§1, ¶C,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

C. Employers of 6 or fewer agricultural or aquacultural laborers, if the employer maintains an

employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$1,000.

(1) In computing the number of agricultural or aquacultural laborers under this paragraph, immediate family members of unincorporated employers, immediate family members of bona fide owners of at least 20% of the outstanding voting stock of an incorporated agricultural employer and seasonal and casual workers are not included. For the purposes of this subparagraph, "immediate family members" means parents, spouse, brothers, sisters and children.

(2) This exemption does not apply if the employer has employed more than 6 agricultural or aquacultural laborers, not including seasonal or casual laborers, in regular and concurrent manner, as computed under subparagraph 4 (1), at any time during the 52 weeks immediately preceding the injury.

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

Effective May 31, 1997.

## CHAPTER 360

### H.P. 867 - L.D. 1184

#### **An Act Regarding Firearms Proficiency Testing for Private Investigators**

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

**Sec. 1. 25 MRSA §2001, sub-§5,** as amended by PL 1989, c. 917, §5, is repealed.

**Sec. 2. 25 MRSA §2002, sub-§9, ¶¶B and C,** as enacted by PL 1993, c. 524, §2, are amended to read:

B. To a resident of an unorganized territory:

(1) The Chief of the State Police; ~~and~~

C. To a nonresident:

(1) The Chief of the State Police; ~~and~~

**Sec. 3. 25 MRSA §2002, sub-§9, ¶D** is enacted to read: