

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

**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**  
**1999**

issuance of the last permit. This limitation does not apply to subpermittees.

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

Effective May 25, 1999.

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## CHAPTER 325

H.P. 561 - L.D. 782

### An Act to Amend the Laws Governing Commercial Shooting Area Hunting Licenses

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

**Whereas,** commercial shooting areas are heavily used throughout the summer months; and

**Whereas,** this legislation allows for reduced fees for one-day and 3-day licenses that could be used throughout the summer months; 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**Sec. 1. 12 MRSA §7105, sub-§2,** as amended by PL 1993, c. 574, §10, is repealed.

**Sec. 2. 12 MRSA §7105, sub-§2-A** is enacted to read:

**2-A. Fees.** The fees for special commercial shooting area hunting licenses are as follows:

A. The fee for a 24-hour license is \$5.00. This amount must be credited against the annual fee if the licensee applies for an annual license in the same year; and

B. The fee for an annual special commercial shooting area hunting license is \$19.

The commissioner may waive the requirement for a special commercial shooting area hunting license for a person who completes a safe hunter course.

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

Effective May 25, 1999.

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## CHAPTER 326

S.P. 406 - L.D. 1195

### An Act to Create Accountability in the Management of Trout and Salmon in Maine

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

**Sec. 1. 12 MRSA §7035, sub-§19** is enacted to read:

**19. Management of brook trout and landlocked salmon.** Notwithstanding any other provision of chapters 701 to 721, any rule that includes a proposal to establish or amend the time, place or manner in which a person may fish for brook trout or landlocked salmon on inland waters is a routine technical rule as defined in Title 5, chapter 375, subchapter II-A. The department shall provide the following information to any person upon request and at all hearings or meetings that relate to the time, place or manner in which a person may fish for brook trout or landlocked salmon on inland waters:

A. Information and interpretation leading to rule proposals including alternative proposals that staff have considered but not proposed;

B. An assessment of the biological potential of the waters affected and management goals for those waters, including the best scientific judgment of the probable outcome and the probability of success of the plan relating to the management of brook trout and landlocked salmon; and

C. A realistic assessment of the ability of fisheries staff to evaluate success of the management through future surveys.

See title page for effective date.

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## CHAPTER 327

H.P. 787 - L.D. 1110

### An Act Regarding the Calculation of Child Support When the Child Receives Disability Benefits

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

**Sec. 1. 19-A MRSA §2107**, as reallocated by RR 1997, c. 1, §16, is repealed and the following enacted in its place:

**§2107. Credit for dependent benefits**

If a child receives dependent benefits as a result of the obligor parent's disability, any tribunal establishing, reviewing or modifying the child support obligation or debt shall give the obligor parent credit for the dependent benefits paid to the child.

**1. Calculation of child support obligation; order.** The tribunal shall calculate the obligor's child support obligation and issue a child support order pursuant to the child support guidelines in chapter 63. The obligation may not be reduced by the dependent benefits paid to the child.

**2. Findings; credit for benefits paid.** The tribunal shall make the following findings:

A. That the child currently receives dependent benefits as a result of the obligor parent's disability;

B. That the receipt of these benefits satisfied part or all of the obligation; and

C. That the obligor must receive credit against the established obligation for the benefits received. Credit may not exceed the amount of the current obligation for the period for which the benefits are paid. Credit may not be given toward a past or future obligation for dependent benefits that exceed the current obligation.

See title page for effective date.

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**CHAPTER 328**

**H.P. 1068 - L.D. 1499**

**An Act Concerning the Regulation of Certain Commercial Contracts of Insurance**

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

**Sec. 1. 24-A MRSA §2412-A** is enacted to read:

**§2412-A. Large commercial contracts**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Contract of insurance" means a contract of insurance, as defined in section 3, that provides for property or casualty insurance coverages or a combination of property or casualty insurance, excluding workers' compensation, medical malpractice, life, health and disability insurance.

B. "Large commercial policyholder" means an insurance contract holder that is a corporation, partnership, trust, sole proprietorship or other business or public entity and that has certified that it meets:

(1) At least 2 of the following 3 criteria:

(a) A net worth of \$10,000,000 as certified by a certified public accountant or public accountant authorized to do business in this State;

(b) Net revenue or sales of \$5,000,000 as certified by a certified public accountant or public accountant authorized to do business in this State; or

(c) A total of more than 25 employees per individual company or more than 50 employees per holding company; and

(2) The following criteria:

(a) The use of an employed or retained risk manager to procure insurance. For purposes of this division, "risk manager" means a chartered property and casualty underwriter, an associate in risk management, a certified risk manager or a licensed insurance consultant; and

(b) Aggregate property and casualty insurance premiums, excluding workers' compensation, medical malpractice, life, health and disability insurance premiums as follows:

(i) Until December 31, 2000, \$90,000;

(ii) From January 1, 2001 until December 31, 2001, \$75,000;

(iii) From January 1, 2002 until December 31, 2002, \$60,000; and

(iv) From January 1, 2003 until December 31, 2003, \$50,000.