

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

5. Transfer of more than 1/12 of annual capitated payments. An arrangement that transfers more than 1/12 of the annual capitated payments at one time to the downstream entity.

§4343. Rules

The superintendent may adopt rules establishing application procedures and specific standards for meeting the requirements pursuant to this subchapter. Rules adopted pursuant to this subchapter are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 21. Transition. Within 180 days after the effective date of this Act, all carriers with existing downstream risk arrangements shall file applications for waivers from licensure with the Superintendent of Insurance consistent with the requirements of this Act. The superintendent may grant waivers on a provisional basis, retroactive to the effective date of this Act, while a full review of the application is pending. Any arrangement in which the superintendent expressly approves the risk transfer before the effective date of this Act is deemed approved if the carrier files a plan for managing financial exposure within 180 days after the effective date of this Act. The superintendent may rescind or modify any waiver granted pursuant to this section if the downstream risk arrangement is not in compliance with the requirements of this Act or if the carrier does not provide the superintendent with the information necessary to determine whether the arrangement is in compliance with the requirements of this Act.

See title page for effective date.

CHAPTER 610

H.P. 1390 - L.D. 1995

An Act to Clarify the Workers' Compensation Laws Regarding the Agricultural Laborer Exemption

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

Sec. 1. 39-A MRSA §401, sub-§1, ¶C, as amended by PL 1997, c. 359, §1, is repealed and the following enacted in its place:

C. Employers of agricultural or aquacultural laborers, if:

(3) The employer has 6 or fewer agricultural or aquacultural laborers or the employer has more than 6 such laborers but the total number of hours worked by all such laborers in a week does not exceed

240 and has not exceeded 240 at any time during the 52 weeks immediately preceding the injury; and

(4) The employer maintains an employer's liability insurance policy with total limits of not less than \$100,000 multiplied by the number of full-time equivalent agricultural or aquacultural laborers employed by that employer and medical payment coverage of not less than \$1,000.

For purposes of this paragraph, seasonal and casual workers, immediate family members of unincorporated employers and immediate family members of bona fide owners of at least 20% of the voting stock of an incorporated employer are not considered agricultural or aquacultural laborers. "Immediate family members" means parents, spouses, brothers, sisters and children.

See title page for effective date.

CHAPTER 611

H.P. 1117 - L.D. 1576

An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles

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

Sec. 1. 29-A MRSA §514, as amended by PL 1997, c. 776, §17, is further amended to read:

§514. Evasion of registration fees and excise taxes

A person required to register a vehicle in this State who instead registers the vehicle in another state or province or who fails to register a vehicle in this State ~~within 30 days of establishing residency~~ is guilty of evasion of registration fees and excise taxes. Violation of this section is a traffic infraction punishable by a fine of not less than \$500 nor more than \$1,000.

The Secretary of State shall notify the State Tax Assessor upon receipt of the court abstract so that the State Tax Assessor may determine whether further investigation is necessary.

~~In enforcing this section, the Secretary of State may determine whether a minor child of a vehicle owner or person required to register a motor vehicle in the State is enrolled in a public school within the State or a vehicle owner or person required to register a motor vehicle in this State has declared Maine residency on a form, document or application.~~

For purposes of this section, a person is presumed to be a resident of the State if that person has:

1. Enrolled child in public school. Enrolled a minor child of whom that person has sole or primary custody in a public school within the State; or

2. Declared or indicated primary residence in State. Declared, indicated or stated that that person's primary residence is in the State on any form, document or application used by public and private entities or persons.

An oral statement by a person stating a Maine address as that person's primary residence is prima facie evidence of primary residence under this section.

See title page for effective date.

CHAPTER 612

H.P. 1735 - L.D. 2441

An Act to Provide Flexibility in the Distribution of Funds by the Department of Economic and Community Development

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

Sec. 1. 5 MRSA §13081, sub-§§8 and 9, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, are repealed.

Sec. 2. 5 MRSA §13082, sub-§1, as amended by PL 1999, c. 127, Pt. A, §11, is further amended to read:

1. Creation. The Community Industrial Buildings Fund is created as a nonlapsing revolving fund to be used by the department only for the purposes of this article. ~~There is created within the fund separate accounts for rural and urban areas, called the "rural account" or "urban account", which shall be separately charged and credited, as provided under this section, according to the location of each community industrial building in a rural or urban area.~~

~~A. Money in the fund that is not obligated on October 1, 1987 must be distributed between the 2 accounts, with 2/3 allocated to the rural account and 1/3 allocated to the urban account.~~

Sec. 3. 5 MRSA §13083, sub-§1, ¶B, as amended by PL 1989, c. 182, §1, is repealed.

Sec. 4. 5 MRSA §13083, sub-§4, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, is repealed.

See title page for effective date.

CHAPTER 613

H.P. 1712 - L.D. 2418

An Act Concerning Offensive Names

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

Sec. 1. 1 MRSA §1101, sub-§1, as enacted by PL 1977, c. 259, §1, is repealed and the following enacted in its place:

1. Offensive name. "Offensive name" means a name of a place that includes:

A. The designation "nigger" as a separate word or as part of a word; or

B. The designation "squaw" or "squa" as a separate word.

Sec. 2. 1 MRSA §1104, sub-§§1 and 2, as enacted by PL 1977, c. 259, §1, are amended to read:

1. Reasonable actions. They shall take whatever reasonable actions are required to complete a change in the offensive name. They may hold public hearings on selecting a new name; and

2. Notification. ~~They~~ Unless a court order is issued under Title 5, section 4632 specifying a different deadline, within 6 months of the determination that the place has an offensive name, they shall ~~notify~~ provide notice of the new name to the Commissioner of Conservation, the Secretary of the United States Department of the Interior and other public agencies, boards, committees or other groups responsible for changing names of places and for ensuring that such name changes appear on maps and other public documents.

See title page for effective date.

CHAPTER 614

H.P. 1704 - L.D. 2410

An Act to Amend Requirements for Maine Technical College System Employees Participating in a Defined Contribution Plan

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