

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

CHAPTER 235

H.P. 602 - L.D. 757

**An Act to Amend the Maine
Workers' Compensation Act of 1992
as it Relates to Medical Payment
Coverage**

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

Sec. 1. 39-A MRSA §102, sub-§17, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

17. Private employer. "Private employer" includes corporations, including professional corporations, partnerships and natural persons. Any agricultural employer otherwise included under this Act is not included when harvesting 150 cords of wood or less each year from farm wood lots, provided that, in order to qualify for this exemption, the employer must be covered by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than ~~\$1,000~~ \$5,000.

Sec. 2. 39-A MRSA §401, sub-§1, ¶B, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

B. Employers of employees engaged in agriculture or aquaculture as seasonal or casual laborers, if the employer maintains coverage by an employer's liability insurance policy with total limits of not less than \$25,000 and medical payment coverage of not less than ~~\$1,000~~ \$5,000.

(1) As used in this subsection, "casual" means occasional or incidental. "Seasonal" refers to laborers engaged in agricultural or aquacultural employment beginning at or after the commencement of the planting or seeding season and ending at or before the completion of the harvest season; and

Sec. 3. 39-A MRSA §401, sub-§1, ¶C, as repealed and replaced by PL 1999, c. 610, §1, is amended to read:

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~~ \$5,000.

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 236

S.P. 121 - L.D. 397

**An Act to Amend the Laws
Governing Small Brewery Licenses**

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

Sec. 1. 28-A MRSA §1355, sub-§1-A, ¶C, as amended by PL 1993, c. 542, §1, is further amended to read:

C. The holder of a brewery license may sell on the brewery premises during regular business hours to nonlicensees only a specialty package of malt liquor produced at the brewery. The volume of the specialty package may not exceed ~~5~~ liters 15.5 gallons and must be consumed off the premises. The sale of specialty packages described in this paragraph must comply with keg tagging requirements provided in section 714. The brewery shall submit a monthly report to its wholesaler detailing sales made directly from the brewery premises. The wholesaler shall calculate the fees for any bottle deposit and submit an invoice to the brewery for expenses associated with the requirements prescribed in Title 32, chapter 28 including the retailer handling fee, state container deposit and a mutually agreed-upon pick-up fee.

Sec. 2. 28-A MRSA §1355, sub-§2-A is enacted to read:

2-A. Small breweries that exceed production limit; license renewal. The bureau, upon application

by the holder of a small brewery license whose brewery has produced malt liquor in an amount that exceeds 50,000 gallons in one year, may renew that holder's small brewery license for only one additional year.

See title page for effective date.

CHAPTER 237

H.P. 1020 - L.D. 1369

**An Act to Amend the Laws
Regarding Investigations by the
Commission on Governmental Ethics
and Election Practices**

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

Sec. 1. 21-A MRSA §1003, sub-§2-A is enacted to read:

2-A. Confidentiality. The commission shall keep confidential a request for an investigation pursuant to subsection 2 that is filed within 10 business days immediately preceding the election. That request and any information it has relating to that request are confidential until the investigation is complete and the commission has made a final determination on the request.

See title page for effective date.

CHAPTER 238

H.P. 724 - L.D. 944

**An Act to Provide Equity in the
Payment of Excise Tax on Leased
Special Mobile Equipment**

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

Sec. 1. 36 MRSA §1482, sub-§7 is enacted to read:

7. Special mobile equipment; local option. A municipality may by ordinance refund a portion of the excise tax paid on leased special mobile equipment, as defined by Title 29-A, section 101, subsection 70, if the person who paid the excise tax provides evidence that the registration has been voluntarily surrendered and cancelled under Title 29-A, section 410. The amount of the refund must be the percentage of the excise tax paid that is equal to the percentage repre-

sented by the number of full months remaining in the year of the cancelled registration.

See title page for effective date.

CHAPTER 239

H.P. 1187 - L.D. 1610

**An Act to Clarify the Legal Status of
Employees of the Governor Baxter
School for the Deaf**

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

Whereas, this proposal clarifies the status, rights and benefits of employees of the Governor Baxter School for the Deaf; 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. 5 MRSA §285, sub-§1, ¶A-1 is enacted to read:

A-1. Any employee of the Governor Baxter School for the Deaf, unless a different health program is established by collective bargaining agreement or otherwise consistent with applicable law;

Sec. 2. 5 MRSA §17001, sub-§40, as amended by PL 1999, c. 152, Pt. E, §3, is further amended to read:

40. State employee. "State employee" means any regular classified or unclassified officer or employee in a department, any employee of the Maine Technical College System, except those who make the election provided under Title 20-A, section 12722, any employee of the Governor Baxter School for the Deaf, except as provided in Title 20-A, section 7407, subsection 3-A, any employee of the Northern New England Passenger Rail Authority and any employee transferred from the Division of Higher Education Services to the Finance Authority of Maine who elects to be treated as a state employee, but does not include:

A. A judge, as defined in Title 4, section 1201 or 1301, who is now or later may be entitled to retirement benefits under Title 4, chapter 27 or 29;