

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

CHAPTER 488

H.P. 1399 - L.D. 1838

An Act to Eliminate Unnecessary Filing Requirements for Water Utilities

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

Sec. 1. 35-A MRSA §6102, sub-§1, as repealed and replaced by PL 1991, c. 52, §1, is amended to read:

1. General requirements. Any water utility, before commencing construction of a new water system or a major addition to or alteration of an existing water system, shall file with the commission, in accordance with the commission's rules, plans and specifications for the construction, addition or alteration in order to obtain the advice of the commission as to cost, method of financing and adherence to proper engineering standards. If the water utility, in whole or in part in consequence of the requirements of the federal Safe Drinking Water Act, 42 United States Code, Sections 300f to 300j-11, will incur expenses in the construction, addition or alteration that are likely to result in increases in rates, tolls or charges totaling more than 50% of the utility's annual operating revenues, the utility shall publish in a newspaper of general circulation in the service territory of the water utility a notice to customers that information regarding the construction, addition or alteration is available for public review at a location and in a manner that is convenient to the water utility's ratepayers and provide to each of the water utility's customers a direct written notice of the availability of that information.

Sec. 2. 35-A MRSA §6102, sub-§2, as amended by PL 1993, c. 91, §9, is repealed.

See title page for effective date.

CHAPTER 489

S.P. 662 - L.D. 1853

An Act to Authorize the Formation of Regional County Corrections Authorities

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

Whereas, overcrowding in our county correctional facilities varies from county to county; and

Whereas, while counties are authorized to increase accommodations to house offenders, it is often too expensive for a single county to provide for expansions; and

Whereas, if 2 or more counties were authorized to form regional county correctional facilities, the entire State would benefit; and

Whereas, in order to help counties expedite the formation of regional county correctional facilities, it is necessary to begin planning by forming planning groups or authorities before the expiration of the 90-day period required; 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. 30-A MRSA §1658-A is enacted to read:

§1658-A. Regional county facilities

The county commissioners of 2 or more counties jointly may plan, finance, construct and operate regional correctional facilities. County commissions that jointly act pursuant to this section shall adhere to the provisions of chapter 115 to the extent those provisions are applicable.

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

Effective February 21, 2002.

CHAPTER 490

H.P. 1549 - L.D. 2052

An Act to Clarify the Application of Workers' Compensation Coverage Requirements to Wood Harvesters

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

Sec. 1. 39-A MRSA §102, sub-§11, ¶B-1, as enacted by PL 1999, c. 364, §2, is amended to read:

B-1. "Employee" includes any person engaged in harvesting forest products, except the following persons, ~~as long as they meet the criteria for obtaining a certificate of independent status or a~~

~~predetermination of independent contractor status:~~

(1) A person who contracts directly with the landowner if the person meets the criteria for obtaining a certificate of independent status or a predetermination of independent contractor status and:

- (a) Performs all of the wood harvesting alone;
- (b) Performs all of the wood harvesting alone or with the assistance of one or more of the following persons whose relationship with the person is that of spouse, parent, sibling, child, niece or nephew;
- (c) Performs all of the wood harvesting alone or with the assistance of one or more other persons all covered by workers' compensation insurance; or
- (d) Performs all of the wood harvesting alone or with the assistance of a partner when a legal partnership exists and neither partner acts as a supervisor of the other;

(2) A spouse, parent, sibling, child, niece or nephew of a person who contracts directly with the landowner to perform all of the wood harvesting alone or with the assistance of one or more of the following: the person's spouse, parent, sibling, child, niece or nephew; or

(3) A partner of a person who contracts directly with the landowner to perform all of the wood harvesting alone or with the assistance of a partner when a legal partnership exists and neither partner acts as a supervisor of the other.

Unless employed by a private employer, a person considered an employee under this paragraph shall obtain personal coverage in the same manner and under the same provisions as a person described in paragraph B who elects to be covered by this Title.

See title page for effective date.

CHAPTER 491

H.P. 1451 - L.D. 1948

An Act to Clarify the Method of Sale for Heating Oil and Retail Motor Fuels

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

Sec. 1. 10 MRSA §2623, as amended by PL 1977, c. 694, §183, is repealed and the following enacted in its place:

§2623. Method of sale

1. Sales of commodities. Except as otherwise provided by the State Sealer, sales of commodities must comply with the following:

A. Commodities in liquid form must be sold by liquid measure or by weight;

B. Commodities not in liquid form must be sold only by weight, by measure or by count; and

C. A seller selling commodities in liquid form and using temperature compensators must have the seller's entire fleet of vehicles equipped with temperature compensators or have prior approval by the State Sealer for regional use of temperature compensators, and must provide accurate and adequate quantity information that permits the buyer to make price and quantity comparisons. Such equipment must be sealed and in use throughout the year.

Sec. 2. 10 MRSA §2624, sub-§3, as enacted by PL 1973, c. 91, §10, is amended to read:

3. Quantity. The quantity delivered and the quantity upon which the price is based, if this differs from the delivered quantity, including when temperature-compensated sales are made, that fact must be stated;

See title page for effective date.

CHAPTER 492

H.P. 1514 - L.D. 2017

An Act to Increase the Licensing Fee Caps of the Board of Osteopathic Licensure

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