

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Lewiston, Maine
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the subsidiary employer becomes authorized to self-insure under this section, the parent corporation assumes liability for all prior workers' compensation liabilities incurred by the subsidiary employer during the period of self-insurance prior to the date of authorization under this subsection, unless the subsidiary employer files an alternative plan approved by the superintendent. The parent corporation and the subsidiary employer must both be named on the certificate of authorization for self-insurance authority. Upon issuance of a certificate of authorization pursuant to this subsection, the following applies.

(1) The parent corporation is deemed to have submitted to the jurisdiction of the board and the courts of the State for the purposes of payment of workers' compensation claims of the subsidiary employer and is deemed to have submitted to the jurisdiction of the superintendent for purposes of implementation of this Act. The parent corporation, in all respects, is bound by and subject to all orders, findings, decisions or awards rendered against the subsidiary employer for payment of compensation and any penalties or forfeitures provided under this Act.

(2) A subsidiary employer authorized under this subsection and the parent corporation are considered one employer for the purposes of membership in the Maine Self-Insurance Guarantee Association. In the event of termination, transfer, insolvency, dissolution or bankruptcy of a subsidiary employer qualifying under this subsection, the parent corporation assumes all assessment obligations of the subsidiary employer for its period of self-insurance and is not considered a new member of the association.

(3) If the subsidiary employer fails for any reason to pay compensation and benefits as required under this Act, the parent corporation stands in the place of the subsidiary employer and is deemed to be the employer, subject to all requirements and provisions of this Act. For the purposes of payment of benefits and compensation under this Act, an employee of the subsidiary employer is deemed to be concurrently employed by both corporations. Concerning notification of injury to an employee of the subsidiary employer, notice to or knowledge of the occurrence of the injury on the part of the subsidiary employer is deemed notice or knowledge on the part of the parent corporation. The transfer, insolvency, dissolution or bankruptcy of a subsidiary employer qualifying under this subsection does not relieve the parent corporation from payment of compensa-

tion for injuries or death sustained by an employee during the time the subsidiary employer was approved for self-insurance authority under this subsection and the parent corporation continues to be deemed an employer until such time as all outstanding workers' compensation claims have been discharged.

(4) The transfer, insolvency, dissolution or bankruptcy of a parent corporation causes the termination of the subsidiary employer's authorization to self-insure and a termination plan must be filed pursuant to subsection 14.

H. Each individual self-insurer shall submit with its application, and not less frequently than annually thereafter, a financial statement of current origin that has been audited by a certified public accountant. When a self-insurer qualifies on the basis of a financial guarantee or on the basis of an irrevocable contract of assignment, the Superintendent of Insurance may accept an audited financial statement of the guarantor or parent corporation in satisfaction of this requirement and may also require combining statements provided in an array that is reconciled to the consolidated report.

See title page for effective date.

CHAPTER 76

H.P. 184 - L.D. 213

An Act To Establish an Airport Managers Training Program

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

Sec. 1. 6 MRSA §102, sub-§2, ¶C is enacted to read:

C. After December 31, 2008, the department may not issue an annual registration certificate under section 51 to any airport whose airport manager designated under paragraph A has not completed training under this paragraph. The department, in consultation with a Maine airport managers association, shall establish and provide a training program for all airport managers designated pursuant to paragraph A. The commissioner, in consultation with a Maine airport managers association, shall determine the level of training necessary for the airport manager designee. Levels of training are based upon the classification of airports pursuant to subsection 1. The commissioner may determine that training completed by an airport manager through a national association of airport executives satisfies the requirements under this paragraph.

Sec. 2. Establishment of training program.

The Department of Transportation shall establish a training program for all airport managers designated pursuant to the Maine Revised Statutes, Title 6, section 102, subsection 2, paragraph A within 90 days of the effective date of this Act.

See title page for effective date.

CHAPTER 77**H.P. 275 - L.D. 345**

**An Act To Clarify Recent
Changes to the Laws
Regulating Land Use
Ordinances**

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

Whereas, Public Law 2005, chapter 597 takes effect July 1, 2007, which is prior to the expiration of the 90-day period; and

Whereas, Public Law 2005, chapter 597 provides that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years; and

Whereas, the current language could be interpreted to mean all building permits, including permits for minor construction, and not just new residential dwellings; 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 §4360, sub-§3, ¶B, as enacted by PL 2005, c. 597, §3 and affected by §4, is amended to read:

B. The ordinance sets the number of building or development permits for new residential dwellings, not including permits for affordable housing, at 105% or more of the mean number of permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 10 years and then dividing by 10;

Sec. 2. 30-A MRSA §4360, sub-§3, ¶D, as enacted by PL 2005, c. 597, §3 and as affected by §4, is amended to read:

D. The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years.

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

Effective May 8, 2007.

CHAPTER 78**S.P. 16 - L.D. 41**

**An Act Regarding Final
Agency Action Subject to
Appeal Pursuant to the Maine
Workers' Compensation Act of
1992**

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

Sec. 1. 39-A MRSA §360, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

3. Appeal. ~~Imposition of a penalty.~~ A decision of the board under this section is deemed to be final agency action subject to appeal to the Superior Court, as provided in Title 5, chapter 375, subchapter ~~VII~~ 7. Notwithstanding Title 5, section 11004, execution of a penalty assessed under this section is stayed during the pendency of any appeal under this subsection. The Attorney General shall represent the board in any appeal under this subsection or the board may retain private counsel for that purpose.

See title page for effective date.

CHAPTER 79**S.P. 292 - L.D. 904**

**An Act To Make Technical and
Supervisory Amendments to
the Banking Laws**

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

Sec. 1. 9-B MRSA §212, sub-§1, ¶A, as amended by PL 1995, c. 502, Pt. H, §4, is further amended to read:

A. The superintendent may employ a deputy ~~superintendent~~ superintendents, subject to the com-