

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.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 2. 23 MRSA §1914, sub-§11-A, ¶B, as amended by PL 2005, c. 482, §3, is further amended to read:

B. The display on each side of a changeable sign:

(1) May be changed no more than once every 20 minutes, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance;

(2) Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing or blending, unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance. Notwithstanding this subparagraph, a municipality may not adopt an ordinance that allows the sign to flash or display continuous streaming of information or video animation; and

(3) May consist ~~only~~ of alphabetic or numeric text on a plain or colored background and may ~~not~~ include ~~any~~ graphic, pictorial or photographic images unless the municipality in which the sign is located adopts an ordinance to the contrary and notifies the Department of Transportation in writing of that ordinance. If a municipal ordinance is adopted, the municipality is responsible for the administration of that ordinance.

Sec. 3. Application; existing ordinance. If an ordinance regulating changeable signs is in effect on the effective date of this Act, that ordinance continues in effect and is not superseded by the changes made in this Act.

See title page for effective date.

CHAPTER 125

H.P. 639 - L.D. 840

**An Act To Update the
Authority of the Maine
Employers' Mutual Insurance
Company To Better Serve the
Needs of Maine Employers**

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

Sec. 1. 24-A MRSA §3703, sub-§1, as amended by PL 1997, c. 661, §3, is further amended to read:

1. Workers' compensation. The company shall provide workers' compensation insurance and employers' liability insurance incidental to and written in connection with workers' compensation coverage to employers in this State. The company may provide employment practices liability insurance incidental to and written in connection with workers' compensation coverage for employers with an average of 100 or fewer employees if the employment practices liability insurance is provided as an endorsement to workers' compensation coverage approved by the superintendent and is provided under terms and conditions, including reinsurance protection, approved by the superintendent. Rates for employment practices liability insurance are subject to chapter 25. The company may not write other lines of insurance. The company may reinsure workers' compensation and employers' liability insurance written by other insurers that are covering out-of-state employees of Maine-based employers that are insured by the company. For the purpose of providing insurance to Maine-based employers operating in other states, the company may apply to appropriate regulatory authorities in those states for authority to write workers' compensation ~~and~~ employers' liability ~~and~~ employment practices liability insurance for Maine-based employers' operations in those states. The company may form or acquire subsidiary insurers in other states that are authorized to write only workers' compensation insurance and employers' liability insurance and employment practices liability insurance as long as such coverage is incidental to and written in connection with workers' compensation coverage. The superintendent may authorize a subsidiary insurer formed or acquired by the company to write workers' compensation, employers' liability and employment practices liability insurance in this State as long as such coverage is incidental to and written in connection with coverage in the state in which the insured's principal place of business is located. The superintendent may not authorize a subsidiary insurer formed or acquired by the company to write any other line of insurance in this State.

Sec. 2. Report. On or before March 1, 2008, the Superintendent of Insurance shall submit a report to the Joint Standing Committee on Insurance and Financial Services on whether the superintendent has approved the sale of employment practices liability insurance as an endorsement to workers' compensation insurance policies by the Maine Employers' Mutual Insurance Company pursuant to the Maine Revised Statutes, Title 24-A, section 3703, subsection 1. The report must include, at a minimum, information on the terms and conditions of the approval and the number of employers who have chosen to purchase

coverage for employment practices liability insurance. The report may include recommendations for any necessary legislation. The Joint Standing Committee on Insurance and Financial Services may submit legislation based on the superintendent's report to the Second Regular Session of the 123rd Legislature.

See title page for effective date.

CHAPTER 126
H.P. 643 - L.D. 844

**An Act To Change the Name of
the Division of Labor Market
Information Services to the
Center for Workforce
Research and Information**

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

Sec. 1. 26 MRSA §1401-A, sub-§2, ¶F, as enacted by PL 1995, c. 560, Pt. G, §15, is amended to read:

F. ~~The Division of Labor Market Information Services~~ Center for Workforce Research and Information;

Sec. 2. 26 MRSA §2031, sub-§3, as enacted by PL 1995, c. 665, Pt. DD, §5 and affected by §12, is amended to read:

3. Interdepartmental review team. An application for funding under the program must be reviewed by an interdepartmental review team. The review team consists of 2 representatives from the Department of Labor, one of whom must be from the ~~Division of Labor Market Information Services~~ Center for Workforce Research and Information, and 2 representatives from the Department of Economic and Community Development.

See title page for effective date.

CHAPTER 127
H.P. 844 - L.D. 1151

**An Act To Streamline the
Review of Minor Tariff Filings
of Consumer-owned Water
Utilities**

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

Sec. 1. 35-A MRSA §310, sub-§3, as amended by PL 1999, c. 398, Pt. A, §14 and affected by §§104 and 105, is further amended to read:

3. Exception: Municipal and quasi-municipal water utilities and consumer-owned transmission and distribution utilities. This section does not apply to:

A. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that elect to proceed pursuant to the terms of section 6104, unless by the express terms of section 6104 the provisions of this section are made applicable to those corporations; or

A-1. Municipal or quasi-municipal corporations that are water utilities within the definition of section 102, any provisions in any charter notwithstanding, and that file a change in a schedule pursuant to section 307 that changes rates, tolls or charges for service other than the provision of water, only if the cumulative revenue impact of all such changes that become effective within any consecutive 12-month period does not exceed 1% of the utility's total annual revenue; or

B. Consumer-owned transmission and distribution utilities organized in accordance with chapter 35, unless by the express terms of chapter 35 the provisions of this section are made applicable to those districts.

See title page for effective date.

CHAPTER 128
H.P. 731 - L.D. 971

**An Act To Amend Certain
Animal Health Laws**

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

Sec. 1. 7 MRSA §1809, as amended by PL 2005, c. 397, Pt. B, §3, is further amended to read:

§1809. Permits for state entry

1. Permit required. The commissioner may require a person who imports animals or avian hatching eggs into the State to obtain a permit before the time of entry. When a permit is required, the permit or permit number must accompany the shipment. The commissioner may refuse to grant a permit or may issue one subject to quarantine at destination if the animals or avian hatching eggs do not meet importation requirements or do not comply with the inland fisheries and wildlife laws and rules adopted by the Commissioner of Inland Fisheries and Wildlife under Title 12, chapter 915, subchapter 15 or Title 12, section 12102 or 12704. The commissioner may require the owner to have those animals or avian hatching eggs tested or examined by a veterinarian at the