

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

mination of its policies, the carrying out of its duties, or the formulation of its land use standards or rules ~~and regulations.~~

The commission ~~shall~~ may not adopt ~~no~~ a plan or portion of a plan, unless:

A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days, ~~and;~~

B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; ~~and~~

C. The commission has considered all such comments.

Upon adoption of the official land use plan by the commission, ~~the commission~~ shall submit the plan to the Governor for approval. The Governor shall approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt. If the Governor fails to act, the plan ~~shall be~~ is deemed approved. This subsection ~~shall~~ also apply ~~applies~~ to any alteration in the comprehensive plan.

**Sec. 2. Presentation of the comprehensive land use plan for areas within the jurisdiction of the Maine Land Use Regulation Commission.** At least 30 days prior to a scheduled vote by the commission on final adoption, but in no case later than December 3, 2007, the Maine Land Use Regulation Commission shall submit to the Joint Standing Committee on Agriculture, Conservation and Forestry the most recent draft of the tentative comprehensive land use plan developed pursuant to the Maine Revised Statutes, Title 12, section 685-C, subsection 1. In addition to the draft plan, the commission shall provide an accompanying report that includes:

1. The reasons for periodic revisions to the comprehensive land use plan, both general and specific to the 2007 revisions;

2. A summary of public hearings held in accordance with the Maine Revised Statutes, Title 12, section 685-C, subsection 1, including dates, locations, number of people attending and information received;

3. The dates that the tentative plan was or is expected to be submitted to regional planning commissions, agencies and the Executive Department, State Planning Office in accordance with Title 12, section 685-C, subsection 1, paragraphs A and B; and, if already submitted, a summary of comments and recommendations received; and

4. The anticipated date for a vote on adoption of the plan by the commission.

The commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. If changes are made to the plan subsequent to the initial draft and report submitted under this section, the Maine Land Use Regulation Commission shall submit the revised plan to the Joint Standing Committee on Agriculture, Conservation and Forestry with clearly identified changes a minimum of 30 days prior to the commission's final vote on the plan.

See title page for effective date.

---

---

**CHAPTER 265**

**S.P. 359 - L.D. 1107**

**An Act To Promote  
Compliance with the Workers'  
Compensation Laws**

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

**Sec. 1. 39-A MRSA §324, sub-§2,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Failure to pay within time limits.** An employer or insurance carrier who fails to pay compensation, as provided in this section, is penalized as follows.

A. Except as otherwise provided by section 205, if an employer or insurance carrier fails to pay compensation as provided in this section, the board ~~shall~~ may assess against the employer or insurance carrier a ~~forfeiture fine~~ fine of up to \$200 for each day of noncompliance. If the board finds that the employer or insurance carrier was prevented from complying with this section because of circumstances beyond its control, ~~no forfeiture~~ a fine may ~~not~~ not be assessed.

(1) The ~~forfeiture fine~~ fine for each day of noncompliance must be divided as follows: Of each day's ~~forfeiture fine~~ fine amount, the first \$50 is paid to the employee to whom compensation is due and the remainder must be paid to the board and be credited to the Workers' Compensation Board Administrative Fund.

(2) If a ~~forfeiture fine~~ fine is assessed against any employer or insurance carrier under this subsection on petition by an employee, the employer or insurance carrier shall pay reasonable costs and attorney's fees related to the ~~forfeiture fine~~ fine, as determined by the board, to the employee.

(3) ~~Forfeitures~~ Fines assessed under this subsection may be enforced by the Superior Court in the same manner as provided in section 323.

B. Payment of ~~any forfeiture~~ a fine assessed under this subsection is not considered an element of loss for the purpose of establishing rates for workers' compensation insurance.

**Sec. 2. 39-A MRSA §359, sub-§2**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Penalty.** In addition to any other penalty assessment permitted under this Act, the board may assess civil penalties not to exceed ~~\$10,000~~ \$25,000 upon finding, after hearing, that an employer, insurer or 3rd-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims. The board shall certify its findings to the Superintendent of Insurance, who shall take appropriate action so as to bring any such practices to a halt. This certification by the board is exempt from the provisions of the Maine Administrative Procedure Act. The amount of any penalty assessed pursuant to this subsection must be directly related to the severity of the pattern of questionable claims-handling techniques or repeated unreasonably contested claims. All penalties collected pursuant to this subsection must be deposited in the General Fund. An insurance carrier's payment of any penalty assessed under this section may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance.

See title page for effective date.

---

---

**CHAPTER 266**

**S.P. 542 - L.D. 1519**

**An Act To Amend the Membership and Reporting Requirements for the Citizen Trade Policy Commission**

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

**Sec. 1. 10 MRSA §11, sub-§4, ¶B**, as enacted by PL 2003, c. 699, §2, is amended to read:

B. The following ~~§ 4~~ 4 commissioners or the commissioners' designees of the following ~~§ 4~~ 4 departments and the president or the president's designee of the Maine International Trade Center who serve as ex officio, nonvoting members:

- (1) Department of Labor;
- ~~(2) Department of Economic and Community Development;~~

(3) Department of Environmental Protection;

(4) Department of Agriculture, Food and Rural Resources; and

(5) Department of Human Services.

**Sec. 2. 10 MRSA §11, sub-§9, ¶C**, as enacted by PL 2003, c. 699, §2, is amended to read:

C. Shall every 2 years conduct an ~~annual~~ assessment of the impacts of international trade agreements on Maine's state laws, municipal laws, working conditions and business environment. The assessment must be submitted and made available to the public as provided for in the annual report in paragraph D;

**Sec. 3. 10 MRSA §11, sub-§9, ¶D**, as enacted by PL 2003, c. 699, §2, is amended to read:

D. Shall maintain active communications with and submit an annual report to the Governor, the Legislature, the Attorney General, municipalities, Maine's congressional delegation, the Maine International Trade Center, the Maine Municipal Association, the United States Trade Representative's Office, the National Conference of State Legislatures and the National Association of Attorneys General or the successor organization of any of these groups. The commission shall make the report easily accessible to the public by way of a publicly accessible site on the Internet maintained by the State. The report must contain information acquired pursuant to activities under ~~paragraphs~~ paragraph B and may contain information acquired pursuant to activities under paragraph C;

**Sec. 4. 10 MRSA §12** is enacted to read:

**§12. Quorum**

For purposes of holding a meeting, a quorum is 11 members. A quorum must be present to start a meeting but not to continue or adjourn a meeting. For purposes of voting, a quorum is 9 voting members.

See title page for effective date.

---

---

**CHAPTER 267**

**H.P. 1247 - L.D. 1785**

**An Act To Permit Automated External Defibrillators in Kindergarten to Grade 12 Schools**

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

**Sec. 1. 20-A MRSA §6304** is enacted to read: