

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

insurance securitization are not deemed to be ~~conducting an insurance or reinsurance agency, brokerage, intermediary, advisory or consulting business acting as insurance or reinsurance producers, intermediaries or consultants~~ by virtue of their activities in connection with the special purpose reinsurance vehicle or with the insurance securitization.

Sec. 21. 24-A MRSA §796-A is enacted to read:

§796-A. Confidentiality of proprietary information

Any requirement established by this subchapter to file proprietary business information with the superintendent does not in and of itself make that information a public record. Information filed with the superintendent pursuant to this subchapter is entitled to any privileges and confidentiality protections that would apply if the special purpose reinsurance vehicle were a captive insurance company licensed by the superintendent pursuant to section 6702.

Sec. 22. 24-A MRSA §798, sub-§3 is enacted to read:

3. Variance. The superintendent may issue an order exempting a special purpose reinsurance vehicle or a protected cell from provisions of this subchapter upon a finding that the variance is necessary for conformance to the laws or regulatory requirements of a ceding insurer's state of domicile and that the variance is consistent with the purposes of this subchapter given the nature of the risks to be insured.

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

Effective June 21, 2007.

**CHAPTER 387
S.P. 162 - L.D. 475**

**An Act To Prevent Additional
Housing Charges for Persons
Requiring In-home Care**

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

Sec. 1. 22 MRSA §7309 is enacted to read:
§7309. In-home providers

A landlord may not charge a tenant additional rent or utilities for a person who provides in-home and community support services to the tenant. A landlord may request a letter from the Department of Health and Human Services to verify a tenant's eligibility for

the use of in-home or community support services. This section is repealed January 1, 2009.

See title page for effective date.

**CHAPTER 388
H.P. 212 - L.D. 256**

**An Act To Assist Maine
Military Families**

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

Sec. 1. 26 MRSA §814, sub-§1, ¶B, as enacted by PL 2005, c. 523, §2, is amended to read:

B. "Employee" means any person who may be permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment and who has been employed by the same employer for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the employee's family military leave. ~~"Employee" includes an independent contractor.~~

Sec. 2. 26 MRSA §814, sub-§2, as enacted by PL 2005, c. 523, §2, is repealed and the following enacted in its place:

2. Family military leave requirement. Subject to the requirements of subsection 3, an employer that employs 15 or more employees shall provide each eligible employee up to 15 days of family military leave per deployment, if requested by the employee. Family military leave under this subsection may be taken only during one or more of the following time frames:

- A. The 15 days immediately prior to deployment;
- B. Deployment, if the military member is granted leave; or
- C. The 15 days immediately following the period of deployment.

Family military leave granted under this section may consist of unpaid leave.

Sec. 3. 26 MRSA §843, sub-§4, ¶D, as amended by PL 2001, c. 684, §2, is further amended to read:

D. A child, parent or spouse with a serious health condition; ~~or~~

Sec. 4. 26 MRSA §843, sub-§4, ¶E, as enacted by PL 2001, c. 684, §3, is amended to read:

E. The donation of an organ of that employee for a human organ transplant; ~~or~~

Sec. 5. 26 MRSA §843, sub-§4, ¶F is enacted to read:

F. The death or serious health condition of the employee's spouse, domestic partner, parent or child if the spouse, domestic partner, parent or child as a member of the state military forces, as defined in Title 37-B, section 102, or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

See title page for effective date.

CHAPTER 389

H.P. 437 - L.D. 559

An Act Regarding the Valuation of Land within Buffer Areas Established under the Natural Resources Protection Laws

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

Sec. 1. 36 MRSA §701-A, first ¶, as amended by PL 1999, c. 478, §2, is further amended to read:

In the assessment of property, assessors in determining just value are to define this term in a manner that recognizes only that value arising from presently possible land use alternatives to which the particular parcel of land being valued may be put. In determining just value, assessors must consider all relevant factors, including without limitation, the effect upon value of any enforceable restrictions to which the use of the land may be subjected including the effect on value of designation of land as significant wildlife habitat under Title 38, section 480-BB, current use, physical depreciation, sales in the secondary market, functional obsolescence and economic obsolescence. Restrictions include but are not limited to zoning restrictions limiting the use of land, subdivision restrictions and any recorded contractual provisions limiting the use of lands. The just value of land is determined to arise from and is attributable to legally permissible use or uses only.

See title page for effective date.

CHAPTER 390

H.P. 1249 - L.D. 1787

An Act To Amend the Licensing of Landscape Architects

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

Sec. 1. 32 MRSA §220, sub-§2, as amended by PL 1991, c. 824, Pt. A, §64, is repealed and the following enacted in its place:

2. Landscape architects. Landscape architects are subject to the provisions of this section.

A. A person may not use the title "landscape architect" or profess to be a landscape architect or sign drawings or specifications as a landscape architect unless that person is duly licensed by the board. As used in this chapter, the practice of landscape architecture consists of rendering or offering to render services to clients by consultations, investigations, technical submissions and administration of construction contracts for the purposes of public land development and enhancement projects involving site vehicular access and circulation, multi-vehicle parking areas, grading and drainage of such ways and areas and site grading that results in drainage flows that exceed the previously existing drainage capacity, when such project submissions require the stamp or seal of a licensed professional for permit or approval by a municipal land ordinance, site plan ordinance, zoning ordinance or state land development law. These services must apply artistic and scientific principles to the research, planning, design and management of both natural and built environments.

Practitioners of landscape architecture may collaborate in the design of buildings, roads, bridges and other structures with respect to the functional and aesthetic requirements of the landscape in which they are to be placed.

The practice of landscape architecture does not include the practice of architecture as defined in this chapter. A licensed landscape architect may do such architectural work as is incidental to the landscape architect's work.

A person licensed as a landscape architect pursuant to this subsection is entitled to practice within the scope of that person's knowledge, skill and abilities. This subsection may not be construed to affect or prevent the practice of architecture, engineering or any other legally recognized profession.

B. A landscape architect must meet the qualifications established in this paragraph.

(1) To be qualified for admission to the examination to practice landscape architecture in this State, an applicant must submit evidence that:

(a) The applicant has completed a course of study in a school or college of land-